



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/Sub.2/1995/L.18  
11 August 1995

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention  
of Discrimination and  
Protection of Minorities  
Forty-seventh session  
Agenda item 18

FREEDOM OF MOVEMENT

Mr. Eide, Mr. El-Hajjé, Ms. Palley, Ms. Warzazi and  
Mr. Yimer: draft resolution

The right to freedom of movement

The Sub-Commission on Prevention of Discrimination and Protection of  
Minorities,

Reaffirming the right of everyone lawfully within the territory of a  
State to liberty of movement and freedom to choose his residence and the  
prohibition of arbitrary deprivation of the right to enter one's own country  
as set out in article 12 of the International Covenant on Civil and Political  
Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsions and  
deportations, population transfer, "ethnic cleansing" and other forms of  
forcible displacement of populations within a country or across borders  
deprive the affected populations of their right to freedom of movement,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) which reaffirmed that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Recalling also its resolution 1994/24 of 26 August 1994, in which it decided to include under the agenda item entitled "Freedom of movement" a sub-item relating to questions of displacement entitled "Population displacement" and to keep under constant review respect for the right to freedom of movement, including the right to remain and to return,

Noting with great interest Commission on Human Rights resolution 1995/88 of 8 March 1995 entitled "Human rights and mass exoduses" in which the Commission strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities,

Taking note of Commission on Human Rights resolution 1995/24 of 3 March 1995 entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities" in which the Commission decided to authorize the Sub-Commission to establish an inter-sessional working group on minorities,

Noting that policies of forcible displacement are one of the major causes of flows of refugees and internally displaced persons,

Concerned that growing numbers of refugees and even larger and growing numbers of internally displaced persons exist worldwide,

1. Affirms the right of persons to remain in peace in their own homes, on their own lands and in their own countries;
2. Also affirms the right of refugees and displaced persons to return, in safety and dignity, to their country of origin and/or within it, to the place of origin or choice;
3. Urges Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international legal standards;
4. Also urges all Governments to safeguard and give effect to the right to seek and to enjoy in other countries asylum from persecution;

5. Strongly encourages all Governments and other actors involved, including intergovernmental and humanitarian organizations concerned, to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from forced displacements and the causes of such displacements;

6. Requests the inter-session working group on minorities of the Sub-Commission to examine, inter alia, as part of its mandate concerning examination of possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced;

7. Decides to continue its consideration of the question of population displacement under the agenda item entitled "Freedom of movement" and to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return.

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