



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2003/L.65
15 April 2003

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Agenda item 14 (c)

**SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES
AND DISPLACED PERSONS**

**Austria, Canada, Cyprus*, Finland*, Germany, Greece*, Iceland*, Italy*,
Liechtenstein*, Malta*, Netherlands*, New Zealand*, Norway*, Slovenia*,
South Africa, Spain*, Switzerland* and United Kingdom of Great Britain
and Northern Ireland: draft resolution**

2003/... Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions on this subject, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized, inter alia, that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to the mass exodus and displacement of people,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also relevant human rights standards, including article 14 of the Universal Declaration of Human Rights and the principles of international protection for refugees, including the General Conclusions on international protection of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Mindful of the three reports of the Secretary-General on the protection of civilians in armed conflict (S/1999/957, S/2000/331 and E/2002/1300), and the recommendations made therein, as well as Security Council resolutions and 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 and the aide mémoire adopted on 15 March 2002 (S/PRST/2002/6, annex) on that subject,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and displacements and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, inter alia the denial of full, safe and unimpeded access to displaced persons,

Reaffirming the primary responsibility of States to ensure the protection within their own territories of refugees, as well as internally displaced persons,

Recognizing that acts of deportation or forcible transfer of populations which, inter alia, lead to or result from mass exoduses and displacements, are included as crimes against humanity in the Rome Statute of the International Criminal Court, and recognizing also the importance of ending impunity for perpetrators of such crimes,

Recognizing also that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Recognizing further the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Office for the Coordination of Humanitarian Affairs, the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for Children and Armed Conflict, and that cooperation between them, in accordance with their respective mandates, and coordination between the human rights, political

and security components of United Nations operations make important contributions to the promotion and protection of human rights of persons forced into mass exodus and displacement,

Welcoming the process of the Global Consultations on International Protection launched by the United National High Commissioner for Refugees in 2001 and the “Agenda for Protection” adopted by Member States as a result, and noting in this context, the discussions which took place on the protection of refugees in mass influx situations, including those relating to the problem of insecurity in refugee camps and the importance of refugee registration,

1. *Calls upon* all States to promote human rights and fundamental freedoms without discrimination, to refrain from denying these to individuals in their population because of nationality, ethnicity, race, gender, age, religion, political or other opinion, or language and, in so doing, to make a substantial contribution to addressing human rights situations that lead to or result from mass exoduses and displacements;

2. *Takes note with interest* of the report of the United Nations High Commissioner for Human Rights on human rights and mass exoduses (E/CN.4/2003/84);

3. *Reaffirms* the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance to address human rights situations that lead to, as well as the serious protection problems that result from, mass exoduses of refugees and displaced persons;

4. *Emphasizes* the responsibility of all States and international organizations to cooperate with those countries, particularly developing countries, affected by mass exoduses of refugees and displaced persons, and calls upon Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, other relevant parts of the United Nations system and other humanitarian and development organizations to continue to respond to the assistance and protection needs which exist in countries hosting large numbers of refugees and displaced persons until durable solutions are found;

5. *Encourages* States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as far as possible without reservations, and to relevant regional instruments concerning refugees, as applicable, and other relevant international instruments of human rights and humanitarian law, and to take

appropriate measures to disseminate and implement those instruments domestically in order to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee;

6. *Calls upon* States to ensure effective protection of refugees by, inter alia, respecting the principle of non-refoulement and urges all States to promote and protect the human rights and fundamental freedoms of refugees and asylum-seekers;

7. *Also calls upon* States to ensure effective protection of, and assistance to, refugees and internally displaced persons, consistent with international law, including by ensuring full, safe and unhindered access by humanitarian workers to displaced populations and ensuring the security and civilian and humanitarian nature of camps and settlements for refugees and internally displaced persons;

8. *Urges* States to uphold the civilian and humanitarian character of asylum consistent with international law, inter alia through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees at safe locations and to afford prompt, safe and unhindered access to them by humanitarian workers, and notes in this regard Conclusion No. 94 (LIII) adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees;

9. *Recognizes* that, in addition to the problems refugee and displaced women and girls share with all refugees and displaced persons, they are vulnerable to persecution, gender-based discrimination and gender-specific violations of human rights, and calls upon States to protect and promote and respect the human rights of refugee and displaced women and children, to ensure that their particular needs are met, and to ensure that women are full and equal participants in the planning, design, implementation, monitoring and evaluation of all projects and programmes;

10. *Expresses its grave concern* at allegations of sexual exploitation of and violence against refugees and internally displaced persons, condemns all instances of abuse and exploitation of such persons, and calls on all relevant agencies to ensure the effective implementation and monitoring of the United Nations Inter-Agency Standing Committee Plan of Action on “Protection from Sexual Exploitation and Abuse in Humanitarian Crises” and other relevant codes of conduct;

11. *Underscores* the importance of addressing protracted refugee situations and so-called forgotten emergencies and calls upon all States to promote conditions conducive to the voluntary return of refugees in safety and with dignity and to support the other two durable solutions of local integration or resettlement where appropriate;

12. *Welcomes* the efforts of the High Commissioner for Human Rights to contribute to the creation of an environment for a viable and sustainable return of refugees and displaced persons in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of independent national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation, and calls on the Office of the High Commissioner to strengthen its efforts in these areas;

13. *Encourages* the High Commissioner for Human Rights, the High Commissioner for Refugees, other relevant components of the United Nations system, other humanitarian organizations and regional organizations to continue to cooperate within their respective mandates and in accordance with international law in the creation of an environment for a viable and sustainable return of refugees and displaced persons in post-conflict societies;

14. *Requests* the High Commissioner for Human Rights, in the exercise of his mandate and in cooperation with the High Commissioner for Refugees and the Representative of the Secretary-General on internally displaced persons, to pay particular attention to human rights situations which cause, threaten to cause or affect mass exoduses of populations and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information-sharing, technical advice and expertise and cooperation in countries of origin and host countries;

15. *Encourages* all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and the specialized agencies, as well as governmental, intergovernmental and non-governmental organizations, and the special representatives, special rapporteurs and working groups of the Commission to pay particular attention to, to exchange information on and to provide the High Commissioner for Human Rights with all relevant information in their possession on human rights situations that create or affect refugees and

displaced persons, for appropriate action in fulfilment of his mandate, in consultation with the High Commissioner for Refugees and the Representative of the Secretary-General on internally displaced persons;

16. *Welcomes with appreciation* the ongoing contributions of the High Commissioner for Human Rights, the High Commissioner for Refugees and the Representative of the Secretary-General on internally displaced persons to the deliberations of the Commission on Human Rights and to other international human rights bodies and mechanisms, invites them to exchange relevant information on mass exoduses and displacements with all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and invites the High Commissioner for Refugees to address the Commission at each of its future sessions;

17. *Requests* the High Commissioner for Human Rights to prepare and submit to the Commission at its sixty-first session an analytical report on measures taken to implement the present resolution and obstacles to its implementation, including information on measures taken by the Office of the High Commissioner for Human Rights and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, specialized agencies and non-governmental organizations;

18. *Requests* the High Commissioner for Human Rights to include in his report, as an annex, a thematic compilation on the protection of the human rights of refugees and asylum-seekers, based on the various references to these populations in the reports and resolutions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights;

19. *Decides* to continue its consideration of this question at its sixty-first session under the sub-item "Mass exoduses and displaced persons" of the agenda item entitled "Specific groups and individuals".
