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COMMISSION ON HUMAN RIGHTS
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Agenda item 14

SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

**Argentina, Australia, Austria*, Belgium*, Canada, Czech Republic*, Eritrea,
Ireland, Italy, Japan, Liechtenstein*, Luxembourg*, Mexico, Netherlands,
New Zealand*, Norway*, Slovenia*, South Africa, Spain* and Switzerland*:
draft resolution**

2005/... Human rights and mass exodus

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,

* 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 four reports of the Secretary-General on the protection of civilians in armed conflict (S/1999/957, S/2000/331, S/2002/1300 and S/2004/431) and the recommendations made therein, as well as Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 and the updated aide-mémoire adopted by the Council on 15 December 2003 on that subject (S/PRST/2003/27, annex),

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

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 and the human rights treaty bodies, has important capabilities for addressing human rights violations that 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 human rights of 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 Agenda for Protection, emanating from the Office of the United Nations High Commissioner for Refugees Global Consultations on International Protection, which was endorsed by the Executive Committee of the High Commissioner's Programme and welcomed by the General Assembly and noting in this context the elements that relate to 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 of any kind, such as on the basis of national or social origin, ethnicity, race, gender, age, religion, political or other opinion, language, birth or other status, 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. *Welcomes* the report of the United Nations High Commissioner for Human Rights on human rights and mass exoduses (E/CN.4/2005/80) and the addendum thereto (E/CN.4/2005/80/Add.1), and stresses that the themes identified in the addendum reflect those issues that continue to require particular attention by States in references to mass exodus situations;

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 that exist in countries hosting large numbers of refugees and displaced persons until durable solutions are found, and notes in this regard conclusion No. 100 adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees;

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 also encourages States to consider lifting reservations that they may have made to such instruments 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. *Welcomes* the fact that the Guiding Principles on Internal Displacement have served as a basis for new laws or policies on internally displaced persons in a number of countries, and also the fact that an increasing number of States, United Nations agencies, humanitarian and human rights agencies, as well as regional and non-governmental organizations are applying them as a standard and using them in the course of their work, and encourages States to continue to make use of these principles in designing and implementing their policies on internal displacement;

7. *Calls upon* States to ensure effective protection of refugees by, inter alia, respecting the right under the Universal Declaration of Human Rights to seek and enjoy asylum and the principle of non-refoulement, and urges all States to promote and protect the human rights and fundamental freedoms of refugees and asylum-seekers;

8. *Also calls upon* States to ensure effective protection of, and assistance to, refugees and internally displaced persons at all stages of the displacement cycle, 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;

9. *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;

10. *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;

11. *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 Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crises drawn up by the Inter-Agency Standing Committee, other relevant codes of conduct and the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13);

12. *Calls upon* States to combat impunity for human rights violations, recognizing that addressing impunity is a crucial factor in the prevention of mass exoduses and in the

creation of conditions conducive to the sustainable return of refugees and internally displaced persons in safety and dignity, as is strengthening the capacity of national human rights institutions;

13. *Underscores* the importance of addressing protracted refugee situations and so-called forgotten emergencies, recognizing the severe and long-lasting physical and psychosocial impacts of prolonged displacement, 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;

14. *Welcomes* the efforts of the United Nations 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, including mechanisms for restoration of property and compensation and reparations as appropriate, the creation of independent national institutions capable of defending human rights, 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 United Nations High Commissioner for Human Rights to strengthen its efforts in these areas;

15. *Encourages* the United Nations High Commissioner for Human Rights, the United Nations 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;

16. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of her mandate and in cooperation with the United Nations High Commissioner for Refugees, the Representative of the Secretary-General on the human rights of internally displaced persons and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to pay particular attention to human rights situations that 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;

17. *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 procedures of the Commission to pay particular attention to, to exchange information on and to provide the United Nations 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 her mandate, in consultation with the United Nations High Commissioner for Refugees and the Representative of the Secretary-General on human rights of internally displaced persons;

18. *Welcomes with appreciation* the ongoing contributions of the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and the Representative of the Secretary-General on human rights of internally displaced persons to the work of the Commission, its special procedures and to other international human rights bodies and mechanisms, and 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 United Nations High Commissioner for Refugees to address the Commission at each of its future sessions;

19. *Requests* the United Nations High Commissioner for Human Rights to prepare and submit to the Commission at its sixty-third 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 and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, human rights treaty bodies, specialized agencies, and non-governmental organizations;

20. *Also requests* the High Commissioner to include in her report, as an annex, an update of the thematic compilation of relevant reports and resolutions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights, and relevant material from the human rights treaty bodies and regional human rights bodies;

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