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COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Item 14 (c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS:
MASS EXODUSES AND DISPLACED PERSONS

Joint written statement* submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status, Amnesty International and Human Rights Watch, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 December 2002]

Human Rights and Refugees

The UN Commission on Human Rights (Commission) and the Sub-Commission on the Promotion and Protection of Human Rights (Sub-Commission) have addressed the issue of 'people on the move' for some time. These bodies have examined issues relating to Internally Displaced Persons (IDPs), migrants, forced population transfer, mass exodus and detention of asylum-seekers, amongst others. In addition, Palestinian refugee issues, which are specifically excluded from the mandate of the Office of the UN High Commissioner for Refugees, have been considered by the Commission. It is clear, therefore, that the global refugee problem

and the human rights of refugees and asylum seekers do not fall exclusively within UNHCR's mandate, but also come within the remit of the UN's human rights bodies.

In fact, issues relating to the human rights of refugees and asylum-seekers have come up repeatedly within the Commission and the Sub-Commission over the last few years, but only as aspects of broader human rights themes, such as arbitrary detention or the arbitrary deprivation of nationality. A specific focus on refugee protection as a human rights issue and of refugees and asylum seekers as part of the larger group of non-nationals protected by human rights standards has been notably absent.

Amnesty International, Friends World Committee for Consultation (Quakers) and Human Rights Watch believe that a report which brought together and analysed these disparate strands in a manner which places refugees at the centre of the debate, would help to develop the identification and understanding of how human rights issues impact on refugees' lives. We therefore call for a specific resolution requesting the High Commissioner for Human Rights to produce such a report.

Background:

A preliminary assessment shows that over the last five years, the Commission and Sub-Commission have raised refugee or refugee-related issues in several contexts. Thus the Commission and Sub-Commission have considered these issues from a variety of different perspectives, ranging from the question of 'human rights and mass exodus' to 'the right to seek and enjoy asylum' and that of 'violence against women migrant workers'. In addition, reference to issues relating to refugees have been made on several occasions by the Special Procedures of the Commission, including *inter alia* in the context of the Working Group on Arbitrary Detention. (See Annex for a full listing of refugee-related resolutions and references contained within the work of the Special Procedures).

In addition to the above, and more generally, the human rights of refugees and asylum-seekers have received greater attention in international fora. Indeed, the recent UNHCR Global Consultations on International Protection gave considerable attention to this fact, recognising explicitly that the protection of refugees is based on principles of human rights, see for example the Declaration adopted at the Ministerial Meeting last December on the 50th Anniversary of the 1951 Convention Relating to the Status of Refugees. At the same time, the work of the UN Working Group on Arbitrary Detention and other Special Procedures of the Commission show that refugee protection is also a part of the human rights framework and comes within the work of the Commission and the Office of the UN High Commissioner for Human Rights. The global nature of this issue can be demonstrated by the fact that a host of country-specific resolutions within the Commission have referred to the need to ensure the safety and protection of refugees. At its 58th Session, for instance, Commission resolutions on the Occupied Palestinian Territories, Burundi, South-East Europe, Democratic Republic of the Congo, Sudan, Afghanistan and Myanmar included mention of refugee issues.

Recommendation:

Since the Commission and Sub-Commission are already raising refugee and refugee-related issues through country and thematic resolutions and reports of Special Procedures, it would be useful to bring these together into one document. Such a compilation should include an analysis of the different issues raised and how they have been addressed in the past as well as recommendations for future action.

Amnesty International, Friends World Committee for Consultation (Quakers) and Human Rights Watch urge the UN Commission on Human Rights to adopt a resolution:

1. recalling that everyone is entitled to human rights and fundamental freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status and, because of their particular need for international protection, refugees and asylum seekers enjoy certain additional and specific rights;
2. calling on Special Procedures (as appropriate) to give specific attention to the human rights of refugees and asylum seekers; and
3. requesting the UN High Commissioner for Human Rights to prepare an analytical report on the protection of

the human rights of refugees and asylum-seekers (including rejected asylum-seekers), based on the various references to refugees and asylum-seekers in Commission and Sub-Commission resolutions and reports, and to submit it to the 60th session of the Commission.

Annex
Commission on Human Rights Resolutions:

54th Session (1998):

- á 1998/15. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- á 1998/16. Migrants and Human Rights
- á 1998/17. Violence against Women Migrant Workers
- á 1998/30. Traffic in Women and Girls
- á 1998/41. Question of Arbitrary Detention
- á 1998/47. Human Rights and Terrorism
- á 1998/48. Human Rights and Arbitrary Deprivation of Nationality
- á 1998/49. Human Rights and Mass Exodus
- á 1998/50. Internally Displaced Persons
- á 1998/76. Rights of the Child

55th Session (1999):

- á 1999/48. Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities
- á 1999/27. Human Rights and Terrorism
- á 1999/28. Human Rights and Arbitrary Deprivation of Nationality
- á 1999/37. Question of Arbitrary Detention
- á 1999/40. Traffic in Women and Girls
- á 1999/44. Human Rights of Migrants
- á 1999/45. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- á 1999/47. Internally Displaced Persons
- á 1999/80. Rights of the Child

56th Session (2000):

- á 2000/55. Human Rights and Mass Exoduses
- á 2000/14. Racism, Racial Discrimination, Xenophobia and Related Intolerance
- á 2000/30. Human Rights and Terrorism
- á 2000/36. Question of Arbitrary Detention
- á 2000/44. Traffic in Women and Girls
- á 2000/48. Human Rights of Migrants
- á 2000/49. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- á 2000/53. Internally Displaced Persons
- á 2000/54. Violence Against Women Migrant Workers
- á 2000/85. Rights of the Child

57th Session (2001):

- á 2001/5. Racism, Racial Discrimination, Xenophobia and Related Intolerance
- á 2001/37. Human Rights and Terrorism
- á 2001/40. Question of Arbitrary Detention
- á 2001/48. Traffic in Women and Girls
- á 2001/52. Human Rights of Migrants
- á 2001/53. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- á 2001/56. Protection of Migrants and their Families

á 2001/75. Rights of the Child

58th Session (2002):

- á 2002/35. Human Rights and Terrorism
- á 2002/42. Question of Arbitrary Detention
- á 2002/51. Traffic in Women and Girls
- á 2002/54. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- á 2002/56. Internally Displaced Persons
- á 2002/58. Violence Against Women Migrant Workers
- á 2002/59. Protection of Migrants and their Families
- á 2002/62. Human Rights of Migrants
- á 2002/68. Racism, Racial Discrimination, Xenophobia and Related Intolerance
- á 2002/92. Rights of the Child

Sub-Commission on the Promotion and Protection of Human Rights Resolutions:

50th Session (1998):

- á 1998/10. Situation of Migrant Workers and Members of their Family
- á 1998/26. Housing and Property Restitution in the Context of Refugees and Internally Displaced Persons
- á 1998/27. Forced Population Transfer
- á 1998/29. Human Rights and Terrorism

51st Session (1999):

- á 1999/26. Terrorism and Human Rights

52nd Session (2000):

- á 2000/20. The Right to Seek and Enjoy Asylum
- á 2000/21. Detention of Asylum Seekers
- á 2000/3. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
- á 2000/2. World Conference against Racism, Racial Discrimination and Related Intolerance and Migrant Workers

53rd Session (2001):

- á 2001/16. International Protection for Refugees and Displaced Persons
- á 2001/11. World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance
- á 2001/18. Terrorism and Human Rights

54th Session (2002):

- á 2002/23. International Protection for Refugees
- á 2002/18. The Rights of Non-Citizens
- á 2002/24. Terrorism and Human Rights
- á 2002/30. The Right to Return of Refugees and Displaced Persons
- á 2002/7. Housing and Property Restitution in the Context of Refugees and other Displaced Persons

Special Procedures of the Commission:

- á Working Group on Arbitrary Detention (visits to Australia, Nepal, Romania, United Kingdom, Bhutan and others)
- á Special Envoy of the High Commissioner for Human Rights (visit to Australia)
- á Special Rapporteur on the Human Rights of Migrants
- á Special Rapporteur on Violence Against Women
- á Representative of the Secretary General on Internally Displaced Persons

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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