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SPECIFIC GROUPS AND INDIVIDUALS

MASS EXODUSES AND DISPLACED PERSONS

Afghanistan*, Albania*, Andorra*, Argentina, Armenia, Australia, Austria*, Belgium*, Bosnia and Herzegovina*, Bulgaria*, Cameroon*, Canada, Congo, Croatia*, Cyprus*, Czech Republic*, Democratic Republic of the Congo*, Denmark*, Djibouti*, Ecuador, Eritrea, Estonia*, Ethiopia, Finland, France, Germany*, Greece*, Guatemala, Honduras, Hungary, Iraq*, Ireland, Italy, Japan, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Mexico, Netherlands, Nigeria, Norway*, Poland*, Portugal*, Republic of Korea, Romania, Serbia and Montenegro*, Slovakia*, Slovenia*, South Africa, Spain*, Swaziland*, Sweden*, Switzerland*, Thailand*, The former Yugoslav Republic of Macedonia*, United Kingdom of Great Britain and Northern Ireland, Zimbabwe: draft resolution

2005/... Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers throughout the world of persons who have been forced or obliged to flee or leave their homes or places of habitual residence and who have not crossed an internationally recognized State border, for reasons including armed conflict, violations of human rights and natural or human-made disasters,

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

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, who often do not receive adequate protection and assistance, and aware of the serious challenge this is creating for the international community and of the responsibility of States and the international community to strengthen methods and means to better address the specific protection and assistance needs of internally displaced persons,

Emphasizing the primary responsibility of national authorities to provide protection and assistance to internally displaced persons within their jurisdiction during all stages of the displacement cycle, as well as to address the root causes of their displacement in appropriate cooperation with the international community,

Noting the resolve of the international community to find durable solutions for all internally displaced persons and to strengthen international cooperation in order to help them return voluntarily to their homes in safety and with dignity or, based on their free choice, to resettle in another part of their country, and to be smoothly reintegrated into their societies,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,

Bearing in mind the relevant provisions of, inter alia, the United Nations Millennium Declaration, the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1),

Noting that the Rome Statute of the International Criminal Court defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population as well as ordering the displacement of the civilian population as war crimes,

Taking note with appreciation of the convening of regional seminars on internal displacement, in particular the Regional Seminar on Internal Displacement in the Americas, held in Mexico City from 18 to 20 February 2004, as well as the Supplementary Human Dimension Meeting on Internally Displaced Persons convened by the Organization for Security and Co-operation in Europe in Vienna on 4 and 5 November 2004,

Recalling its previous relevant resolutions, in particular resolution 2004/55 of 20 April 2004, and taking note of Economic and Social Council decision 2004/263 of 22 July 2004 and General Assembly resolution 58/177 of 22 December 2003,

Recalling also the request to the Secretary-General to review the new mechanism's performance and effectiveness two years after its inception and to submit a report thereon, as well as on the details of the mechanism, to the Commission at its sixty-second session,

Recognizing that significant progress has been made in defining and raising awareness of the problem of internal displacement, developing normative and institutional frameworks for the protection of, and assistance to, internally displaced persons, in particular the compilation and analysis of legal norms (E/CN.4/1996/52/Add.2) and the development of the Guiding Principles on Internal Displacement, undertaking country missions to engage in dialogue with Governments and other pertinent actors, conducting policy-oriented research into various dimensions of the displacement crisis and issuing reports, together with proposals for preventive or remedial measures,

Noting nonetheless that the magnitude of the problem of internal displacement remains serious and that the human rights needs of internally displaced persons, in particular for protection, are a matter of concern and require greater attention,

1. *Welcomes* the appointment of the new Representative of the Secretary-General on human rights of internally displaced persons;

2. *Also welcomes* the report of the Representative of the Secretary-General (E/CN.4/2005/84 and Add.1), in particular his observations on the need to reinforce the protection of the human rights of internally displaced persons and the capacity of States in this regard;

3. *Expresses concern* at the persistent problems of large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socio-economic exclusion, their limited access to humanitarian assistance, vulnerability to human rights violations, as well as difficulties resulting from their specific situation, such as lack of food, medication or shelter and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

4. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and notes the need to pay more systematic and in-depth attention to their special assistance, protection and development needs, as well as those of other groups with special needs among the internally displaced, such as older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

5. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and in reintegration and rehabilitation processes;

6. *Welcomes* the cooperation established between the new Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular his participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies as well as the Memorandum of Understanding with the Inter-Agency Internal Displacement Division and the Global IDP Project;

7. *Expresses its appreciation of* the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

8. *Welcomes* the dissemination, promotion and application of the Guiding Principles and the fact that the Representative of the Secretary-General has used them in his dialogues with Governments, intergovernmental and non-governmental organizations and other pertinent actors,

and encourages the continued dissemination and promotion of the Guiding Principles, inter alia through supporting and initiating their publication and translation, undertaking training programmes, holding consultations with Governments, regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, convening national, regional and international seminars on displacement, and providing support for efforts to promote capacity-building and the use of the Guiding Principles as well as the development of domestic legislation and policies;

9. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations that have provided assistance and protection to internally displaced persons, developed policies to address their plight and supported the work of the Representative of the Secretary-General;

10. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, to develop national policies aimed at addressing their plight, as well as to ensure that they benefit from public services, in particular basic social services such as health services and education, based on the principle of non-discrimination, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by improving access to internally displaced persons;

11. *Urges* all those concerned, as set forth in international humanitarian law, including the Geneva Conventions, of 12 August 1949, and the Additional Protocols of 1977 thereto and the Regulations of 18 October 1907 annexed to the Hague Convention IV concerning the Laws and Customs of War on Land, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and the United Nations and its associated personnel and their assets;

12. *Encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate United Nations activities and to respond favourably to requests for visits as well as for information, and urges Governments as well

as the relevant parts of the United Nations system, also at the country level, to follow up effectively on United Nations recommendations and to make available information on measures taken in this regard;

13. *Stresses* the need to strengthen further inter-agency arrangements and the capacities of United Nations agencies and other relevant actors to meet the immense humanitarian challenge of internal displacement, and calls upon States to provide adequate resources for programmes to assist and protect internally displaced persons with a view to enhancing the capacities of countries with situations of internal displacement, and of the relevant intergovernmental and non-governmental organizations, to meet the needs of internally displaced persons;

14. *Notes with appreciation* the activities aimed at addressing the plight of internally displaced persons undertaken by all relevant humanitarian assistance, human rights and development agencies and organizations, including non-governmental organizations, and encourages them to enhance further their collaboration and coordination with regard to internally displaced persons, especially through the Inter-Agency Standing Committee;

15. *Encourages* the Emergency Relief Coordinator, in his capacity as head of the Office for the Coordination of Humanitarian Affairs, to lead the efforts aimed at promoting an effective, predictable and collaborative response among all relevant international agencies and bodies with regard to protecting and assisting internally displaced persons, at headquarters as well as in countries with situations of internal displacement, making use of the work of the Inter-Agency Internal Displacement Division and bearing in mind the central role of resident or humanitarian coordinators and the need to continue to enhance their capacity;

16. *Notes with appreciation* the increased attention paid to internally displaced persons in the United Nations consolidated appeals process and encourages further efforts in this regard, in particular the inclusion of activities to address protection issues, including the protection of the human rights of internally displaced persons;

17. *Acknowledges with appreciation* the work of the International Committee of the Red Cross and the other components of the International Red Cross and Red Crescent Movement in protecting and assisting internally displaced persons;

18. *Notes with appreciation* the efforts of non-governmental organizations and the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

19. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the assistance, protection and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities in this regard;

20. *Also welcomes* the attention paid by relevant special rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations that have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports;

21. *Calls upon* the United Nations High Commissioner for Human Rights, in cooperation with Governments and national human rights institutions, and with other relevant parts of the United Nations system, to continue to promote the human rights of internally displaced persons, to enhance their protection on the ground and to develop projects to address their plight as part of the programme of advisory services and technical cooperation, including in the areas of human rights education, training and assistance in legislative and policy development, and to provide information thereon;

22. *Recognizes* the importance of the global database on internally displaced persons, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

23. *Requests* the Representative of the Secretary-General to address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system;

24. *Recommends* that the Representative of the Secretary-General work towards strengthening the international response to the complex problem of situations of internal displacement and engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogues with Governments, as well as non-governmental organizations and other relevant actors;

25. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance and adequate staffing to carry out his mandate effectively and to ensure that the mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights, from within its existing resources, and in close cooperation with the Emergency Relief Coordinator and, in particular, the Inter-Agency Internal Displacement Division and the United Nations High Commissioner for Refugees;

26. *Encourages* States as well as relevant organizations and institutions to consider making voluntary contributions;

27. *Invites* the Representative of the Secretary-General to submit annual reports on his activities to the Commission and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons and engaging in an interactive dialogue thereon;

28. *Decides* to continue its consideration of the question of internal displacement at its sixty-second session.
