



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/80/Add.1
31 January 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 14 (c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS

MASS EXODUSES AND DISPLACED PERSONS

**Report of the High Commissioner for Human Rights on human
rights and mass exoduses**

Addendum

**Thematic compilation of relevant reports and resolutions of the
Commission on Human Rights and the Sub-Commission on the
Promotion and Protection of Human Rights**

Summary

In resolution 2003/52, the Commission on Human Rights requested that the High Commissioner for Human Rights prepare a thematic compilation of relevant reports and resolutions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights as an annex to the analytical report on “Human rights and mass exodus” to be submitted at its sixty-first session. The present compilation is submitted in response to that request. It covers resolutions and reports over a 10-year period (1994-2004) that specifically refer to refugees and/or internally displaced persons and is divided into 20 themes derived from the major issues raised in the resolutions and reports themselves.

Guide to accessing the information contained in this compilation

The references in the present document were compiled on the basis of an analysis of resolutions and reports of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights. All the material is available on the web site of the Office of the High Commissioner for Human Rights (www.ohchr.org). To access the documents on the web site, click on “Search” and then “Categorized Search” and then enter the symbol (without paragraph citations) in the field for “Symbol Number” and press enter. To facilitate ease of electronic reference, the same symbols are used in the present document as are used on the web site. These are explained below.

Symbols

E/CN.4/RES/(resolution number)	Resolutions of the Commission
E/CN.4/SUB.2/RES/(resolution number)	Resolutions of the Sub-Commission
E/CN.4/(year)/(document number)	Reports submitted to the Commission
E/CN.4/SUB.2/(year)/(document number)	Reports submitted to the Sub-Commission

Paragraph citations

Paragraph-specific citations are provided only where specific portions of a resolution or report are considered particularly relevant, using the following abbreviations.

For resolutions:	p.p.	Preambular paragraph
	o.p.	Operative paragraph
For reports:	¶	Paragraph
	¶¶	Paragraphs

To access the resolutions electronically on the official documents system of the United Nations (ODS) (<http://documents.un.org>), it is necessary to consult the annual reports of the respective sessions of the Commission and Sub-Commission. The document symbol of the former is E/(year of the session)/23; for the latter, it is E/CN.4/(year following the session)/2. The reports may be accessed using the symbols contained in the compilation.

Neither the OHCHR web site nor the ODS requires the search to be case-specific.

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Introduction

1. In resolution 2003/52, the Commission on Human Rights requested that the High Commissioner for Human Rights prepare a thematic compilation of relevant reports and resolutions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights as an annex to the analytical report on “Human rights and mass exodus” to be submitted at its sixty-first session. The present compilation is submitted in response to that request.
2. Resolution 2003/52 did not specify a time period for the compilation. Inasmuch as this is the first time such a task has been requested, the High Commissioner deemed it worthwhile to provide some historical depth. Accordingly, this document covers reports and resolutions of the last 10 years (1994-2004), with a few older references where particularly relevant. It includes only reports and resolutions specifically referring to the situations of refugees and internally displaced persons (IDPs). It is divided into 20 themes derived from the major issues raised by the reports and resolutions themselves.

I. STATE RESPONSIBILITY

3. The Commission has repeatedly reaffirmed the primary responsibility of States to protect refugees and to protect and assist IDPs (E/CN.4/RES/2004/55, p.p. 3; E/CN.4/RES/2003/52, p.p. 6; E/CN.4/RES/2000/55, p.p. 6; E/CN.4/RES/2000/53, p.p. 10; see also E/CN.4/RES/1996/1, p.p. 10).
4. At the same time, the Commission and Sub-Commission have called on all States and international organizations to cooperate in addressing the human rights situations leading to displacement and in addressing assistance and protection problems that result from mass exoduses of refugees and displaced persons (E/CN.4/RES/2003/52, o.p. 3; E/CN.4/RES/2000/55, o.p. 3; E/CN.4/RES/1998/49, o.p. 3; E/CN.4/RES/1997/75, o.p. 6; E/CN.4/RES/1996/51, o.p. 5; E/CN.4/RES/1995/88, o.p. 4; E/CN.4/RES/1994/66, o.p. 1; E/CN.4/SUB.2/RES/2002/23, o.p. 5; E/CN.4/SUB.2/RES/2001/16, o.p. 4).
5. The Representative of the Secretary-General on internally displaced persons has often emphasized that sovereignty entails responsibility, arguing that where a State is unable itself to meet the protection and assistance needs of displaced persons, it has a duty to request or at least facilitate outside actors in doing so (E/CN.4/2004/77, ¶¶ 61-63; E/CN.4/2003/86, ¶ 7; E/CN.4/2002/95, ¶ 100; E/CN.4/2001/5, ¶ 113; E/CN.4/1998/53, ¶ 4; E/CN.4/1996/52, ¶ 34; E/CN.4/1995/50, ¶ 38; E/CN.4/1994/44, ¶ 44).
6. The Representative also noted that many displaced persons are found in areas under the control of non-State actors and that work was needed to find the means to hold these actors accountable as well (E/CN.4/2001/5, ¶ 101; E/CN.4/2000/83, ¶ 68; E/CN.4/1999/79, ¶ 23).

II. THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

7. At the request of the Commission, the Representative of the Secretary-General on internally displaced persons produced a series of studies on international norms applicable to internally displaced persons (E/CN.4/1993/35 annex; E/CN.4/1996/52/Add.2; E/CN.4/1998/53/Add.1), and recommended that a framework be developed compiling and clarifying existing standards in a single document (E/CN.4/1996/52, ¶¶ 12-13). The Commission called upon him to develop such a framework (E/CN.4/RES/1996/52, o.p. 9). Accordingly, the Representative developed the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), which he presented to the Commission in 1998. The Guiding Principles reflect and are consistent with international human rights law and international humanitarian law relevant to the various stages of displacement (E/CN.4/1998/53/Add.2, ¶ 9).

8. Since their introduction, the Commission has repeatedly expressed its appreciation for the Guiding Principles as an important tool, welcomed the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encouraged all relevant actors to make use of them when dealing with situations of internal displacement (E/CN.4/RES/2004/55, o.p. 6; E/CN.4/RES/2003/51, o.p. 7; E/CN.4/RES/2002/56, o.p. 12; E/CN.4/RES/2001/54, o.p. 8; E/CN.4/RES/1999/47, o.p. 6). It has also commended the Representative for his use of the Guiding Principles in his dialogues with Governments and expressed its appreciation for efforts to disseminate and promote them (E/CN.4/RES/2004/55, o.p. 7; E/CN.4/RES/2003/51, o.p. 8; E/CN.4/RES/2002/56, o.p. 13; E/CN.4/RES/2001/54, o.p. 6; E/CN.4/RES/2000/53, o.p. 6; E/CN.4/RES/1999/47, o.p. 5).

III. THE PROHIBITION OF FORCIBLE DISPLACEMENT

9. The Commission has noted that acts of “deportation” and “transfer” are included as crimes against humanity in the Rome Statute of the International Criminal Court and has recognized the importance of ending impunity for perpetrators of such crimes (E/CN.4/RES/2003/52, p.p. 7; E/CN.4/RES/2000/55, p.p. 8). It has called on States to promote human rights and fundamental freedoms without discrimination “and in so doing to make a substantial contribution to addressing human rights situations that lead to ... mass exoduses and displacements” (E/CN.4/RES/2003/52, o.p. 1; see also E/CN.4/RES/2000/55, o.p. 1). It has also condemned acts of forcible displacement in many country resolutions and called upon Governments and other parties to act to prevent them (e.g. Burundi (E/CN.4/RES/1997/77, o.p. 7); the Democratic Republic of the Congo (E/CN.4/RES/2004/84, o.p. 4 (e)); Iraq (E/CN.4/RES/2002/15, o.p. 4 (i)); Myanmar (E/CN.4/RES/2004/61, o.p. 5 (i)); Somalia (E/CN.4/RES/2004/80, o.p. 9 (c)); the Sudan (E/CN.4/RES/2002/16, o.p. 2 (b) (i)); the Occupied Syrian Golan (E/CN.4/RES/2004/8, o.p. 2); Turkmenistan (E/CN.4/RES/2004/12, o.p. 3 (c)); and the former Yugoslavia (E/CN.4/RES/1995/89, o.p. 8)).

10. The Sub-Commission has recognized that “practices of forcible exile, mass expulsion and deportation, forced population transfer, forcible population exchange, unlawful evacuation, eviction and forcible relocation, ‘ethnic cleansing’ and other forms of forcible displacement of populations within a country or across borders not only deprive the affected populations of their rights to freedom of movement but also threaten the peace and security of States” (E/CN.4/SUB.2/RES/1998/27, p.p. 2). It has thus affirmed the “right of persons to be protected

from forcible displacement ... and urged Governments and other entities involved to do everything possible to stop and prevent all practices of forced displacement, population transfer and 'ethnic cleansing' in violation of international law" (E/CN.4/SUB.2/RES/1997/29, o.p. 3, 5; E/CN.4/SUB.2/RES/1995/13, o.p. 1, 3; E/CN.4/SUB.2/RES/1994/24, o.p. 1, 3).

11. In 1998, the Representative of the Secretary-General on internally displaced persons presented the Commission with a comprehensive study of existing norms related to the prohibition of displacement (E/CN.4/1998/53/Add.1). He further addressed the question in a number of his country mission reports including his report on Burundi (E/CN.4/2001/5/Add.1) in which he focused on the issue of "*regroupement*" or involuntary relocation of villages by government officials.

12. The Commission and Sub-Commission have also asserted the prohibition of forced eviction. As recently stated by the Commission, "the practice of forced eviction that is contrary to laws that are in conformity of international human rights standards constitutes a gross violation of human rights, in particular the right to adequate housing" (E/CN.4/RES/2004/28, o.p. 1; see also E/CN.4/RES/2004/21, o.p. 3 (c); E/CN.4/RES/1993/77, o.p. 1; E/CN.4/SUB.2/RES/1996/27, o.p. 1; E/CN.4/SUB.2/RES/1995/29, o.p. 1; E/CN.4/SUB.2/RES/1994/39, o.p. 1). They have also strongly urged Governments to "undertake immediately measures at all levels aimed at eliminating the practice of forced eviction" *inter alia*, by "repealing existing plans involving arbitrary forced evictions and legislation allowing arbitrary forced evictions, and by adopting and implementing legislation ensuring the right to security of tenure for all residents" (E/CN.4/RES/2004/26, o.p. 2; see also E/CN.4/RES/1998/9, o.p. 2; E/CN.4/SUB.2/RES/1997/6, o.p. 2; E/CN.4/SUB.2/RES/1996/27, o.p. 2).

13. The Secretary-General scrutinized the practice and norms concerning forced evictions in an analytical report to the Commission in 1994 (E/CN.4/1994/20, ¶ 18), concluding, *inter alia*, that forced evictions frequently result in the internal displacement of persons and that the two issues cannot be treated separately.

14. In his 2004 report to the Commission (E/CN.4/2004/48), the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living examined the normative framework and practice concerning forced evictions. He recommended that an expert panel be convened to develop clear standards on forcible evictions at the international level. The Commission noted his recommendation (E/CN.4/RES/2004/21, o.p. 10). Both he and the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples have also highlighted the impact of forced evictions due to development projects, particularly on indigenous peoples (E/CN.4/2004/48, ¶¶ 62-63; E/CN.4/2003/90).

IV. NON-REFOULEMENT

15. The Commission has called on all States to ensure effective protection of refugees by, *inter alia*, respecting the principle of non-refoulement (E/CN.4/RES/2003/52, o.p. 6; E/CN.4/RES/2000/55, o.p. 7; E/CN.4/RES/1998/49, o.p. 7; E/CN.4/RES/1997/75, o.p. 17).

16. Likewise, the Sub-Commission has "reaffirmed the fundamental principle of non-refoulement as enshrined in international law" and "[e]xpress[ed] its concern over the fate of

persons who have risked their lives fleeing from their homes to escape persecution, often aggravated by other factors such as starvation and destitution, motivated in part by unfair international economic relations, and reaffirm[ed] that their human rights should be protected in accordance with international human rights instruments”, in particular the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (E/CN.4/SUB.2/RES/2002/23, o.p. 1, 2; see also E/CN.4/SUB.2/RES/2001/16, o.p. 1, 2; E/CN.4/SUB.2/RES/2000/20, o.p. 1; E/CN.4/SUB.2/RES/1997/29, o.p. 6; E/CN.4/SUB.2/RES/1996/9, o.p. 4).

17. The Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2004/7, ¶¶ 64-65) and the Special Rapporteur on the human rights of migrants (E/CN.4/2003/85, ¶¶ 22-25) have expressed general concerns about violations of the right of non-refoulement. In addition, the Special Rapporteur on the human rights of migrants has reported on individual communications concerning instances of alleged refoulement of asylum-seekers, as well as Governments’ responses (E/CN.4/2004/76/Add.1, ¶¶ 1-9, 89-91, 123-135; E/CN.4/2003/85/Add.1, ¶¶ 1-4, 39-45; E/CN.4/2001/83, ¶¶ 77-78). Likewise, the Special Rapporteur on the question of torture has expressed concern about fears of refoulement and of torture upon the forcible return of numerous individual asylum-seekers (E/CN.4/2004/56; E/CN.4/2003/68/Add.1; E/CN.4/2002/76/Add.1; E/CN.4/2001/66; E/CN.4/2000/9; E/CN.4/1999/61; E/CN.4/1998/38/Add.1; E/CN.4/1997/7/Add.1; E/CN.4/1996/35/Add.1; E/CN.4/1995/34; E/CN.4/1994/31).

V. THE RIGHT TO SEEK ASYLUM

18. The Sub-Commission has urged States to “give effect to the right of everyone to seek and enjoy in other countries asylum from persecution and to take practical measures to ensure that refugees and asylum-seekers are treated with dignity and with full respect for their fundamental human rights” (E/CN.4/SUB.2/RES/2000/20, o.p. 1; see also E/CN.4/SUB.2/RES/1995/13, o.p. 4). Similarly, it has “reaffirm[ed] ... the prohibition of arbitrary deprivation of the right to leave any country, including one’s own, and to return to one’s 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” (E/CN.4/SUB.2/RES/1997/30, p.p. 2; E/CN.4/SUB.2/RES/1997/29, p.p. 1).

19. The Sub-Commission has also expressed its deep concern about restrictive asylum policies in some States (E/CN.4/SUB.2/RES/2000/20, p.p. 7) and has urged the international community to make greater efforts to ensure access to fair and efficient asylum procedures or, where they do not exist, to facilitate access by the Office of the United Nations High Commissioner for Refugees (UNHCR) (E/CN.4/SUB.2/RES/2002/23, o.p. 5; see also E/CN.4/SUB.2/RES/2001/16, o.p. 4).

20. The Sub-Commission called for and received a working paper on the issue of “the right of everyone to leave any country, including his own, and to return to his country, to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum” (E/CN.4/SUB.2/RES/1997/30, o.p. 4; E/CN.4/SUB.2/RES/1996/9, o.p. 4). The paper (E/CN.4/SUB.2/1997/22) concluded that violation of these rights were rife.

21. The Special Rapporteur on the human rights of migrants has commented on issues concerning the right to seek asylum in her reports on country missions to Spain (E/CN.4/2004/76/Add.2, ¶ 33) and Morocco (E/CN.4/2004/76/Add.3, ¶ 61).

VI. PHYSICAL SECURITY

22. The Commission has affirmed “the obligation of States to protect the inherent right to life of all persons under their jurisdiction and called upon concerned States to investigate promptly and thoroughly all killings ... committed for any discriminatory reason, including killings of refugees and of internally displaced persons, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel” (E/CN.4/RES/2004/37, o.p. 6; E/CN.4/RES/2003/53, o.p. 5). Thus, after receiving reports of massacres of refugees and IDPs in the Democratic Republic of the Congo (E/CN.4/1998/64; E/CN.4/1997/6/Add.2), and attacks on refugees in Rwanda (E/CN.4/1995/12), the Commission condemned such acts (E/CN.4/RES/1995/91, o.p. 12), and called for formal investigation and State action to stop the violence (E/CN.4/RES/2001/19, o.p. 3 (i); E/CN.4/RES/1999/56, o.p. 8 (i); E/CN.4/RES/1995/91, o.p. 12). It has similarly emphasized the security of displaced persons in other country resolutions (e.g. concerning Afghanistan (E/CN.4/RES/2003/77, o.p. 8) and Burundi (E/CN.4/RES/1997/77, o.p. 6, 10)).

23. In a number of his mission reports, the Representative of the Secretary-General on internally displaced persons made specific pleas to Governments to ensure the physical protection of IDPs. These include his reports on missions to the Sudan (E/CN.4/2005/8, ¶ 41), Uganda (E/CN.4/2004/77/Add.1, ¶ 57), the Russian Federation (E/CN.4/2004/77/Add.2, ¶¶ 55-57) Indonesia (E/CN.4/2002/95/Add.2, ¶ 53), Armenia (E/CN.4/2001/5/Add.3, ¶¶ 55-57), Angola (E/CN.4/2001/5/Add.5, ¶ 116), Colombia (E/CN.4/2000/83/Add.1, ¶ 118), East Timor (E/CN.4/2000/83/Add.3, ¶¶ 59-60) and Rwanda (E/CN.4/1995/50/Add.4, ¶ 18).

24. The Special Rapporteur on extrajudicial, summary or arbitrary executions has noted that extrajudicial killings of refugees and IDPs are an increasing concern, including attacks in the context of armed conflict as well as after refoulement (E/CN.4/2004/7, ¶¶ 64-65; E/CN.4/2003/3, ¶¶ 55-57; see also E/CN.4/2002/74, ¶¶ 53-54; E/CN.4/2001/9, ¶¶ 42-44; E/CN.4/2000/3, ¶¶ 43-44; E/CN.4/1999/39, ¶ 39; E/CN.4/1998/68, ¶¶ 44-45; E/CN.4/1996/4, ¶¶ 598-601; E/CN.4/1995/61, ¶¶ 426-429; E/CN.4/1994/7). The Special Rapporteur gathered information about a substantial number of extrajudicial killings of refugees and/or IDPs by military and/or insurgent forces in country visits to the Sudan (E/CN.4/2005/7/Add.2), the Democratic Republic of the Congo (E/CN.4/2003/3/Add.3, ¶ 8), The former Yugoslav Republic of Macedonia and Albania (E/CN.4/2000/3/Add.2), and noted that large-scale killings had caused displacement in Colombia (E/CN.4/1995/111, ¶ 65). Country rapporteurs for Myanmar (E/CN.4/1998/70, ¶ 26; E/CN.4/1997/64, ¶¶ 88-90; E/CN.4/1996/65, ¶ 88), the Sudan (E/CN.4/1998/6, ¶ 10; E/CN.4/1997/58, ¶ 39) and Zaire (E/CN.4/1997/6/Add.2) have similarly reported on killings of refugees and displaced persons.

25. In several of its annual and country mission reports to the Commission since 1994, the Working Group on Enforced or Involuntary Disappearances has noted cases of IDPs and refugees who have disappeared (E/CN.4/2004/58; E/CN.4/2003/70; E/CN.4/2002/79; E/CN.4/2000/64; E/CN.4/2000/64/Add.1; E/CN.4/1996/38; E/CN.4/1995/36), or who have suffered other attacks on their physical security (E/CN.4/2000/64, ¶ 36; E/CN.4/1997/55, ¶ 107).

26. The Special Rapporteur on the question of torture, similarly reported on numerous allegations of torture of refugees, asylum-seekers and IDPs as well as responses of States to those allegations (E/CN.4/2004/56; E/CN.4/2003/68/Add.1; E/CN.4/2002/76/Add.1; E/CN.4/2001/66; E/CN.4/2000/9; E/CN.4/1999/61; E/CN.4/1998/38/Add.1; E/CN.4/1997/7/Add.1; E/CN.4/1996/35/Add.1; E/CN.4/1995/34; E/CN.4/1994/31).

VII. THE BASIC NECESSITIES OF LIFE

27. The Commission has expressed its concern about “the risk of extreme poverty and socio-economic exclusion” suffered by internally displaced persons “as well as difficulties resulting from their specific situation, such as lack of food, medication or shelter” (E/CN.4/RES/2004/55, o.p. 2; E/CN.4/RES/2003/51, o.p. 2). It has called upon States to “ensure effective ... assistance to ... refugees and internally displaced persons” (E/CN.4/RES/2003/52, o.p. 6; E/CN.4/RES/2000/55, o.p. 7). It has frequently raised the living conditions of displaced persons in its country-specific resolutions (e.g. on Burundi (E/CN.4/RES/2001/21, o.p. 11) and Iraq (E/CN.4/RES/2002/15, o.p. 4 (l)).

28. The Representative of the Secretary-General on internally displaced persons has raised the issue of access to food, shelter, clothing, water and sanitation in many of his country visits, including to the Russian Federation (E/CN.4/2004/77/Add.2, ¶ 20), the Sudan (E/CN.4/2003/86/Add.1, ¶ 9; E/CN.4/2002/95/Add.1, ¶ 12), the Philippines (E/CN.4/2003/86/Add.4, ¶ 30), Indonesia (E/CN.4/2002/95/Add.2, ¶ 24), Armenia (E/CN.4/2001/5/Add.3, ¶¶ 20, 26), Georgia (E/CN.4/2001/5/Add.4, ¶ 130), Angola (E/CN.4/2001/5/Add.5, ¶ 23), East Timor (E/CN.4/2000/83/Add.3, ¶¶ 50, 52), Azerbaijan (E/CN.4/1999/79/Add.1, ¶¶ 61-86), Mozambique (E/CN.4/1997/43/Add.1, ¶ 49), Peru (E/CN.4/1996/52/Add.1, ¶ 75), Colombia (E/CN.4/1995/50/Add.1, ¶¶ 71-73), Burundi (E/CN.4/1995/50/Add.2, ¶ 62) and Rwanda (E/CN.4/1995/50/Add.4, ¶ 10).

29. The Special Rapporteur on the right to food has noted that refugees and IDPs are particularly vulnerable to violations of the right to food (E/CN.4/2001/53, ¶ 80), and has reported on several instances of such violations (E/CN.4/2002/58, ¶¶ 58, 98, 102). The High Commissioner for Human Rights has similarly reported on access to food by displaced persons in Liberia (E/CN.4/2004/5, ¶ 19); the Special Rapporteur on the situation of human rights in Afghanistan has raised issues of adequate food and shelter for IDPs in Afghanistan (E/CN.4/2001/43, ¶¶ 23, 27-29) and the Secretary-General has raised the issue of adequate food for IDPs in the Republic of Chechnya of the Russian Federation (E/CN.4/1996/13, ¶¶ 18, 38, 68).

30. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has reported on housing and related needs of refugees and IDPs (E/CN.4/2004/48, ¶ 65; E/CN.4/2003/5, ¶¶ 20, 33; E/CN.4/2002/59, ¶¶ 44, 85, 99), including in

his reports on country missions to Afghanistan (E/CN.4/2004/48/Add.2, ¶¶ 74-78), Peru (E/CN.4/2004/48/Add.1, ¶ 6), Mexico (E/CN.4/2003/5/Add.3, ¶¶ 18, 40), and the Occupied Palestinian Territory (E/CN.4/2003/5/Add.1, ¶¶ 62-64).

VIII. HUMANITARIAN ACCESS

31. The Commission has expressed its deep concern about violations of human rights, humanitarian and refugee law, including the denial of humanitarian access to displaced persons (E/CN.4/RES/2003/52, p.p. 5; E/CN.4/RES/2000/55, p.p. 5; see also E/CN.4/RES/2004/55, o.p. 2; E/CN.4/RES/2003/51, o.p. 2, 8). The Commission has accordingly called upon States to ensure “full, safe and unhindered access by humanitarian workers to displaced populations and ensure the security and civilian and humanitarian nature of camps and settlements for refugees and internally displaced persons” (E/CN.4/RES/2003/52, o.p. 7; E/CN.4/RES/2000/55, o.p. 7; see also E/CN.4/RES/2001/54, o.p. 12; E/CN.4/RES/2000/53, o.p. 11; and country resolutions on Afghanistan (E/CN.4/RES/2002/19, p.p. 10), the Democratic Republic of the Congo (E/CN.4/RES/2001/19, o.p. 3 (h)); and Rwanda (E/CN.4/RES/1995/91, o.p. 13)).

32. As an element of ensuring humanitarian access, the Commission has called upon States to ensure the safety of humanitarian personnel and assets (E/CN.4/RES/2004/55, o.p. 10; E/CN.4/2003/51, o.p. 7) and condemned attacks on humanitarian workers (E/CN.4/RES/2003/16, o.p. 16; E/CN.4/RES/1997/77, o.p. 9-10; E/CN.4/RES/1996/57, p.p. 9).

33. The Representative of the Secretary-General on internally displaced persons addressed the issue of access to humanitarian assistance in his reports of country visits to the Russian Federation (E/CN.4/2004/77/Add.2, ¶ 20), Mexico (E/CN.4/2003/86/Add.3, ¶ 26), the Philippines (E/CN.4/2003/86/Add.4, ¶ 28), Indonesia (E/CN.4/2002/95/Add.2, ¶ 28), Angola (E/CN.4/2001/5/Add.5, ¶ 14), and East Timor (E/CN.4/2000/83/Add.3, ¶ 28). Similarly, the Special Rapporteur on the right to food raised the issue of obstruction of the delivery of humanitarian aid to Palestinian refugee camps in Gaza and the West Bank (E/CN.4/2004/10/Add.2, ¶ 10).

IX. ARBITRARY DETENTION

34. The Sub-Commission has expressed its deep concern that certain detention practices and policies may deter persons from seeking refuge from persecution and violate human rights principles, standards and norms (E/CN.4/SUB.2/RES/2000/21, p.p. 2, 3). It has also welcomed Deliberation 5 of the Working Group on Arbitrary Detention (described below) as well as UNHCR’s Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers, which it urged States to observe along with their international human rights and refugee law commitments (E/CN.4/SUB.2/RES/2000/21, o.p. 3-9).

35. The Sub-Commission has further stressed that the detention of asylum-seekers and refugees is “an exceptional measure and should only be applied in the individual case where it has been determined by the appropriate authority to be necessary in line with international refugee and human rights law, and encourage[d] States to explore alternatives to detention and to ensure that children under 18 are not detained” (E/CN.4/SUB.2/RES/2002/23, o.p. 4).

36. In 1994, the Working Group on Arbitrary Detention affirmed that the proliferation of mass, unjust and arbitrary detentions is a cause of mass exoduses (E/CN.4/1994/27, ¶ 44; see also E/CN.4/1995/31/Add.3, ¶ 18; E/CN.4/1996/40/Add.1, ¶ 17). In 1996, the Working Group noted that it had not received particular complaints of arbitrary detention from displaced persons, but expressed its concern about detention of asylum-seekers (E/CN.4/1996/40, ¶¶ 60-62).

37. In 1997, the Commission expressly mandated the Working Group on Arbitrary Detention to “devote all necessary attention to reports concerning the situation of immigrants and asylum-seekers who are allegedly being held in prolonged administrative custody without the possibility of administrative or judicial remedy” (E/CN.4/RES/1997/50, o.p. 4). Since then, the Commission has restated its interest in this issue annually in its resolutions on arbitrary detention (E/CN.4/RES/2004/39, p.p. 5; E/CN.4/RES/2003/31, p.p. 4; E/CN.4/RES/2002/42, p.p. 4; E/CN.4/RES/2001/40, o.p. 2; E/CN.4/RES/2000/36, o.p. 1 (c), 2; E/CN.4/RES/1999/37, o.p. 1 (c), 2; E/CN.4/RES/1998/41, o.p. 1 (c), 4).

38. Since 1997, the Working Group has addressed issues of detention of asylum-seekers in many of its annual reports (E/CN.4/2004/3, ¶¶ 45-46; E/CN.4/2003/8, ¶¶ 41, 42, 64; E/CN.4/2001/14, Opinion No. 28/1999 (United Kingdom), ¶ 7, Opinion 24/2000 (Lithuania), ¶¶ 1-23; E/CN.4/1998/44, ¶¶ 28-42) and in reports on country visits to Argentina (E/CN.4/2004/3/Add.3, ¶ 58), Mexico (E/CN.4/2003/8/Add.3, ¶¶ 33-36), Australia (E/CN.4/2003/8/Add.2, ¶¶ 1-65), Peru (E/CN.4/1999/63/Add.2, ¶ 166), Romania (E/CN.4/1999/63/Add.4, ¶¶ 1-54) and the United Kingdom of Great Britain and Northern Ireland (E/CN.4/1999/63/Add.3, ¶¶ 1-40). The Working Group has also addressed instances of detention of refugees (after the grant of asylum) and IDPs (E/CN.4/1997/4/Add.1, Decision No. 18/1996 (Israel), ¶ 6 (c); E/CN.4/1999/63/Add.1, Decision No. 10/1998 (Israel), ¶ 7 and Decision No. 11/1998 (Israel), ¶¶ 5-6; E/CN.4/1999/63/Add.2, ¶ 166; E/CN.4/2000/14/Add.1, Opinion No. 3/1999 (United States of America), ¶ 5; E/CN.4/2003/8/Add.1, Opinion No.12/2002 (Syrian Arab Republic), ¶ 5; E/CN.4/2004/3/Add.1, Opinion No. 10/2003 (China), ¶ 5).

39. In 1999, the Working Group adopted Deliberation No. 5, in which it set forth criteria for determining the arbitrariness of detention of asylum-seekers and immigrants (E/CN.4/2000/4, annex II). The Commission took note of the Deliberation and has annually recalled it in its resolutions (E/CN.4/RES/2004/39, p.p. 5; E/CN.4/RES/2003/31, p.p. 4; E/CN.4/RES/2002/42, p.p. 4; E/CN.4/RES/2001/40, o.p. 2; E/CN.4/RES/2000/36, o.p. 1 (c), 2).

40. The Special Rapporteur on the question of torture and the Sub-Commission’s Special Rapporteur on the rights of non-citizens have encouraged States to avoid holding asylum-seekers and refugees in custody, where possible (E/CN.4/2004/56, ¶ 49; E/CN.4/SUB.2/2003/23, ¶ 13). The Special Rapporteur on the human rights of migrants has noted that the legislation of a number of countries allowed for extended detention of asylum-seekers without access to judicial remedies (E/CN.4/2003/85, ¶ 25). She also raised issues of detention of asylum-seekers in her reports on country missions to Ecuador (E/CN.4/2002/94/Add.1, ¶ 60) and Canada (E/CN.4/2001/83, ¶ 49). The Special Rapporteur on violence against women, its causes and consequences raised issues of restraint of female asylum-seekers with regard to her mission to the United States of America (E/CN.4/1999/68/Add.2, ¶¶ 188-204).

X. TERRORISM AND FORCIBLE DISPLACEMENT

41. In the aftermath of the terrorist attacks of 11 September 2001, the Commission has affirmed that “States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law” (E/CN.4/RES/2004/87, o.p. 1; E/CN.4/RES/2003/68, o.p. 3). At the same time, the Commission has expressed its concern about the potential for abuse of asylum protections by terrorists and has called upon States to “take appropriate measures in conformity with the relevant provisions of national and international law, including international human rights standards” to guard against this danger (E/CN.4/RES/2003/37, o.p. 8; E/CN.4/RES/2002/35, o.p. 8; E/CN.4/RES/2001/37, o.p. 8; E/CN.4/RES/2000/30, o.p. 8; see also E/CN.4/RES/2004/44, o.p. 11).

42. The Sub-Commission has expressed its concern at the measures adopted by States concerning asylum-seekers after 11 September 2001, “in particular the derogations from the right of non-refoulement” (E/CN.4/SUB.2/RES/2003/15, p.p. 8). In 2004, the Sub-Commission’s Special Rapporteur on terrorism and human rights presented a set of draft principles for the promotion and protection of human rights in the context of the fight against terrorism, noting that national policies involving asylum and extradition must conform to international and national law, including regard for the right of non-refoulement (E/CN.4/SUB.2/2004/47, ¶ 17).

43. In his report submitted pursuant to General Assembly resolution 48/141 entitled “Human rights: a unifying framework”, the High Commissioner for Human Rights expressed his special concern about the effect of counter-terrorism measures on refugees and other migrants, noting that while States have the right and even the duty to ensure that their territory does not become a safe haven for terrorists, asylum-seekers themselves are fleeing violence and terrorism (E/CN.4/2002/18, ¶ 19; see also E/CN.4/1998/48, pages 6-7). In a similar vein, the Representative of the Secretary-General on internally displaced persons noted new waves of internal displacement following ongoing counter-terrorism operations during his visit to the Philippines (E/CN.4/2003/86/Add.4, ¶ 14).

XI. DISPLACED WOMEN AND CHILDREN

44. The Commission has noted that a high proportion of the world’s refugees and IDPs are women and children (E/CN.4/RES/2003/52, p.p. 1; E/CN.4/RES/2000/55, o.p. 8). Moreover, it has recognized 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 call[ed] 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” (E/CN.4/RES/2003/52, o.p. 9; E/CN.4/RES/2000/55, o.p. 8; see also E/CN.4/RES/1998/49, o.p. 8; E/CN.4/RES/1997/75, p.p. 12; E/CN.4/RES/1996/51, p.p. 11; E/CN.4/RES/1995/88, p.p. 8; E/CN.4/RES/1994/66, p.p. 8). The Commission has expressed similar concerns in its recent resolutions on IDPs (E/CN.4/RES/2004/55, o.p. 3; E/CN.4/RES/2003/51, o.p. 3) and on “women’s equal ownership, access to and control over land and the equal rights to own property and to adequate housing” (E/CN.4/RES/2003/22, p.p. 7, o.p. 7; E/CN.4/RES/2002/49, p.p. 5; E/CN.4/RES/2001/34, p.p. 5).

45. In its resolutions on the rights of the child, the Commission has called on “all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations” (E/CN.4/RES/2004/48, o.p. 32; E/CN.4/RES/2003/86, o.p. 32; E/CN.4/RES/2002/92, o.p. 28; E/CN.4/RES/2001/75, o.p. 25; see also E/CN.4/RES/2000/85, o.p. 32; E/CN.4/RES/1999/80, o.p. 21; E/CN.4/RES/1998/76, o.p. 17; E/CN.4/RES/1997/78, o.p. 16; E/CN.4/RES/1996/85, o.p. 46).

46. The Commission has specifically highlighted the concerns of displaced women and children in Myanmar (E/CN.4/RES/2002/67, o.p. 5 (e)), Sierra Leone (E/CN.4/RES/2001/20, o.p. 9 (d)) and the Sudan (E/CN.4/RES/2001/18, o.p. 2 (a) (iii)), among other places.

47. The Commission has also focused on the specific issue of abduction of displaced children in Africa, calling on African States to “pay particular attention to the protection of refugee children, especially unaccompanied refugee minors, and internally displaced children who are exposed to the risk of being abducted or becoming involved in armed conflicts; to take extra measures to protect refugee children and internally displaced children, particularly girls, from being abducted by guerrilla groups” (E/CN.4/RES/2004/47, o.p. 5 (a) and (b); E/CN.4/RES/2003/85, o.p. 5 (a) and (b)). It has likewise requested “States, relevant United Nations bodies and donors to provide African States and African regional mechanisms with the necessary assistance, including technical assistance, in order, first, to devise appropriate programmes to combat cross-border abduction of children and protect refugee children, especially unaccompanied minors and internally displaced children in African countries, who are exposed to the risk of being abducted, and, secondly, to develop and implement programmes for the reintegration of children in the peace process and in the post-conflict recovery and reconstruction phase” (E/CN.4/RES/2004/47, o.p. 10).

48. The Sub-Commission has expressed its concern over the particular risks faced by displaced women and girl refugees and called for urgent attention by States and the international community (E/CN.4/SUB.2/RES/2002/23, p.p. 8, o.p. 3; E/CN.4/SUB.2/RES/2001/16, p.p. 8, o.p. 3). In particular, it has reminded States of the special needs of women and children in the context of return, “including effective and equitable access to means of survival and basic services, including education, and the effective implementation of the right of women to full equality with respect to housing and property restitution, in particular in terms of access, control, ownership, possessory and inheritance rights” (E/CN.4/SUB.2/RES/2002/30, o.p. 10).

49. The Representative of the Secretary-General on internally displaced persons has discussed the particular needs of displaced women and children in each of his reports (collected below in section XIX). Similarly, the Special Representative of the Secretary-General for Children and Armed Conflict (E/CN.4/2004/70; E/CN.4/2003/77, ¶¶ 17-20; E/CN.4/2002/85, ¶¶ 29, 32; E/CN.4/2001/76, ¶¶ 28, 58; E/CN.4/2000/71; E/CN.4/1998/119, ¶¶ 2, 20 (c)), the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living (E/CN.4/2003/55), the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2000/68/Add.5, ¶ 52) and the Special Rapporteur on the former Yugoslavia (E/CN.4/1994/110, ¶¶ 248-262) have highlighted the vulnerabilities of

displaced women and children. The Secretary-General reported on the issue in 1996 in the context of a study of the effects of armed conflict on children (E/CN.4/1996/110) and the High Commissioner for Human Rights did so with regard to Liberia (E/CN.4/2004/5, ¶ 17), Sierra Leone (E/CN.4/2003/35, ¶¶ 14, 17; E/CN.4/2002/37, ¶ 27) and the Republic of Chechnya of the Russian Federation (E/CN.4/2002/38, ¶¶ 74 (a), 89).

XII. SEXUAL AND GENDER-BASED VIOLENCE AND EXPLOITATION

50. The Commission has expressed its deep concern that refugee and internally displaced women are often especially targeted or vulnerable to violence (E/CN.4/RES/2004/46, p.p. 8; E/CN.4/RES/2003/45, p.p. 1; E/CN.4/RES/2002/52, p.p. 9; see also E/CN.4/RES/2001/49, p.p. 10; E/CN.4/RES/2000/45, p.p. 7; E/CN.4/RES/1999/42, p.p. 8; E/CN.4/RES/1997/44, p.p. 5; E/CN.4/RES/1996/49, p.p. 7; E/CN.4/RES/1995/85, p.p. 7) and in country resolutions on Sierra Leone (E/CN.4/RES/2002/80, p.p. 8) and Somalia (E/CN.4/RES/2004/80, o.p. 7), and that internally displaced women and children are also subject to sexual exploitation, forced recruitment and abduction (E/CN.4/RES/2004/55, o.p. 3). It has stressed the affirmative duty of States to exercise due diligence to prevent such abuse (E/CN.4/RES/1998/52, o.p. 9) and called upon them to provide systematic, in-depth attention to displaced women's and children's protection needs (E/CN.4/RES/2004/55, o.p. 3; E/CN.4/RES/2003/51, o.p. 3).

51. As one aspect of such attention, it has urged States "to mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the consideration of steps to recognize gender-related persecution and violence when assessing grounds for granting refugee status and asylum" (E/CN.4/RES/2004/46, o.p. 21; E/CN.4/RES/2003/45, o.p. 22; E/CN.4/RES/2002/52, o.p. 22; E/CN.4/RES/2001/49, o.p. 19; see also E/CN.4/RES/2000/45, o.p. 10; E/CN.4/RES/1998/52, o.p. 9 (i)). As another aspect, it has called upon "all parties to armed conflict to respect the civilian and humanitarian character of camps and settlements for refugees and internally displaced persons and to improve and strengthen the capacity of women affected by situations of armed conflict, including women refugees and displaced women, by, inter alia, involving them in the design and management of humanitarian activities so that they benefit from these activities on an equal basis with men" (E/CN.4/RES/2001/49, ¶ 18).

52. The Commission has further expressed "its grave concern at allegations of sexual exploitation of and violence against refugees and internally displaced persons, condemned all instances of abuse and exploitation of such persons, and called 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" (E/CN.4/RES/2003/52, o.p. 10).

53. The Sub-Commission has also noted its particular concern about "the plight of women and girl refugees, who may face the added risk of gender-related violence during the process of fleeing their home country and during the process of resettlement, as well as in the situation they face when they return to their home country" and has urged "States and both [UNHCR] and [OHCHR] to intensify their efforts to provide women and girl refugees with adequate protection in accordance with international human rights instruments" (E/CN.4/SUB.2/RES/2002/23, p.p. 7, o.p. 3; see also E/CN.4/SUB.2/RES/2001/16, p.p. 8, o.p. 3).

54. In her comprehensive report on international, regional and national developments in the area of violence against women from 1994 to 2003, the Special Rapporteur on violence against women, its causes and consequences noted that violence against refugee and displaced women is of particular concern (E/CN.4/2003/75/Add.1, ¶ 111) and analysed a number of country situations where the issue has arisen. She also included a thorough discussion of violence against refugee and internally displaced women in her 1998 (E/CN.4/1998/54, ¶¶ 160-230) and 1995 (E/CN.4/1995/42, ¶¶ 293-313) reports. The Special Rapporteur has noted that it is “abundantly clear” that internally displaced women and children are particularly vulnerable to violence (E/CN.4/2001/73, ¶ 54) and that violence and rape frequently accompany forced evictions, either as an engine of attack by those seeking to evict or as a result of the trauma inflicted on evicted families (E/CN.4/2000/68/Add.5, ¶¶ 52-55).

55. Violence against refugee and internally displaced women was an important focus of the Special Rapporteur’s reports on country visits to Colombia (E/CN.4/2002/83/Add.3), Sierra Leone (E/CN.4/2002/83/Add.2), Afghanistan and Pakistan (E/CN.4/2000/68/Add.4) and Rwanda (E/CN.4/1998/54/Add.1, ¶¶ 109-112) and is also raised in other reports (E/CN.4/2003/75/Add.2, ¶ 24; E/CN.4/2001/73/Add.1, ¶ 46; E/CN.4/2000/68/Add.1, ¶ 132). The Special Rapporteur has further reported on the issues of women seeking asylum due to sexual and gender-based violence (E/CN.4/2002/83/Add.1, ¶¶ 1, 7; E/CN.4/2001/73/Add.1, ¶¶ 11-14; E/CN.4/2000/68/Add.1, ¶¶ 8-18; E/CN.4/1999/68, ¶ 15; E/CN.4/1995/53, ¶ 61).

56. The Representative of the Secretary-General on internally displaced persons has also noted that internally displaced persons face a higher risk of sexual assault (E/CN.4/2003/86, ¶ 5), and has highlighted sexual and gender-based violence in his reports on country visits to Uganda (E/CN.4/2004/77/Add.1, ¶ 32), Angola (E/CN.4/2001/5/Add.5, ¶ 85), Colombia (E/CN.4/2000/83/Add.1, ¶ 94), East Timor (E/CN.4/2000/83/Add.3, ¶ 18), Mozambique (E/CN.4/1997/43/Add.1, ¶ 88), Peru (E/CN.4/1996/52/Add.1, ¶ 71) and Burundi (E/CN.4/1995/50/Add.2, ¶ 73). Violence against women was also a frequent topic in the regional and national seminars organized by the Representative (E/CN.4/2004/77/Add.4, ¶ 43; E/CN.4/2003/86/Add.6, ¶ 39; E/CN.4/1999/79/Add.2, ¶ 45).

57. Other relevant reports include those of the Special Rapporteur on the sale of children, child prostitution and child pornography concerning allegations of sexual abuse of refugee children in detention centres in Australia (E/CN.4/2001/78, ¶ 20), as well as reports by the Secretary-General on rape and abuse of women in the territory of the former Yugoslavia, which placed particular focus on displaced and refugee women (e.g. E/CN.4/1994/5), the Special Rapporteur on the situation of human rights in Burundi, who noted the rape of Burundian refugee women and girls in the United Republic of Tanzania (E/CN.4/2002/49, ¶ 39), and the independent expert on the situation of human rights in Somalia, who noted that the incidence of sexual violence was especially elevated for displaced women (E/CN.4/1996/14, ¶ 17 (f)). Likewise, the High Commissioner’s 2004 report on systematic rape, sexual and slavery-like practices during armed conflicts compiled the findings of the Commission and its mechanisms regarding sexual assault on refugee and internally displaced women (E/CN.4/SUB.2/2004/35, ¶¶ 31-35).

XIII. TRAFFICKING AND DISPLACED PERSONS

58. The Sub-Commission's Working Group on Contemporary Forms of Slavery has recognized that refugee women and children are particularly vulnerable to trafficking (E/CN.4/SUB.2/1999/17, page 25, p.p. 13). Yet it has also expressed its concern that some States have used trafficking as a pretext to limit asylum, and has called upon States to ensure that anti-trafficking measures do not negatively impact the rights of regular migrants and refugees (E/CN.4/SUB.2/2004/36, page 15, ¶ 21, page 16, ¶ 28 (d); E/CN.4/SUB.2/2003/31, page 17, ¶ 9, page 20, ¶ 6 (g)). It has also expressed its concern at allegations of trafficking against United Nations peacekeepers and humanitarian staff (E/CN.4/SUB.2/2002/33, page 17, ¶ 2).

59. The Secretary-General noted in his 2003 report on traffic in women and girls that trafficking is of growing concern to UNHCR, inasmuch as refugees are considered highly vulnerable to trafficking and because some trafficked persons, particularly women and young girls, may in fact be considered refugees under the definition of the Convention relating to the Status of Refugees of 1951, as a result of their trafficking experience and the inability or unwillingness of their country of origin to afford them effective protection against such harm (E/CN.4/2003/74, ¶¶ 29-30; see also E/CN.4/2002/80, ¶ 25; E/CN.4/SUB.2/AC.2/2002/4, page 19, ¶ 1; E/CN.4/2001/72, ¶ 22).

60. The Special Rapporteur on violence against women, its causes and consequences has noted the link between mass exoduses and trafficking in Kosovo (E/CN.4/2000/68, ¶ 59), and South Africa (E/CN.4/1997/47, ¶ 87). The Special Rapporteur on the sale of children, child prostitution and child pornography has similarly noted the link between asylum and trafficking in France (E/CN.4/2004/9/Add.1, ¶¶ 11, 26, 42; E/CN.4/1994/84, ¶ 48), the Netherlands (E/CN.4/2003/79, ¶ 58), Belgium (E/CN.4/2000/73/Add.1, ¶¶ 14, 18-27), Kenya (E/CN.4/1998/101/Add.2, ¶ 32), and South Africa (E/CN.4/1994/84, ¶ 165). She has further noted that children in refugee camps are particularly vulnerable to trafficking (E/CN.4/1999/71, ¶ 49), as she found to be the case in Nepal (E/CN.4/1994/84/Add.1, ¶ 55).

XIV. ACCESS TO EDUCATION

61. The Commission has urged States to take all appropriate measures to eliminate obstacles to effective access to education by refugee and internally displaced children (E/CN.4/RES/2004/25, o.p. 6 (b); E/CN.4/RES/2003/19, o.p. 6 (b); E/CN.4/RES/2002/23, o.p. 4 (b); E/CN.4/RES/2001/29, o.p. 3 (b)). The Commission also called upon Governments to ensure that internally displaced persons benefit from basic social services, including education, based on the principle of non-discrimination, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects (E/CN.4/RES/2004/55, o.p. 9; E/CN.4/RES/2003/51, o.p. 10; E/CN.4/RES/2002/56, o.p. 10).

62. The Representative of the Secretary-General on internally displaced persons has addressed the issue of access to education by IDPs in his reports on visits to the Philippines (E/CN.4/2003/86/Add.4, ¶ 31), Mexico (E/CN.4/2003/86/Add.3, ¶ 29), the Sudan (E/CN.4/2002/95/Add.1, ¶ 19), Armenia (E/CN.4/2001/5/Add.3, ¶¶ 28-29), Georgia (E/CN.4/2001/5/Add.4), Angola (E/CN.4/2001/5/Add.5, ¶ 63), Colombia,

(E/CN.4/2000/83/Add.1, ¶ 91), Azerbaijan (E/CN.4/1999/79/Add.1, ¶¶ 87-92), Mozambique (E/CN.4/1997/43/Add.1, ¶ 47), Burundi (E/CN.4/1995/50/Add.2, ¶ 107) and Sri Lanka (E/CN.4/1994/44/Add.1, ¶ 62).

63. The Special Rapporteur on the right to education raised the issue of the difficulty of access to education for displaced children and the discrimination towards them during two country visits he undertook to Colombia (E/CN.4/2004/45/Add.2, ¶ 29) and Indonesia (E/CN.4/2003/9/Add.1, ¶¶ 37-38). She has noted that refugee children are among those most likely to be excluded from education (E/CN.4/2003/9, ¶ 4); (see also E/CN.4/2004/45, ¶ 4 (b); E/CN.4/1999/49, ¶ 58). She therefore decided to undertake an in-depth study of the problem (E/CN.4/2002/60, ¶ 25). The Special Rapporteur on the situation of human rights in Burundi noted that displaced children were particularly likely to drop out of school for lack of money and supplies (E/CN.4/2003/45, ¶ 66).

XV. MINORITIES AND INDIGENOUS PEOPLES

64. The Commission has acknowledged “the frequency and severity of disputes and conflicts involving minorities in many countries, and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately the effects of conflict resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation” (E/CN.4/RES/2004/51, p.p. 6; E/CN.4/RES/2003/50, p.p. 6; E/CN.4/RES/2002/57, p.p. 6; E/CN.4/RES/2001/55, p.p. 5; E/CN.4/RES/2000/52, p.p. 5; E/CN.4/RES/1999/48, p.p. 5; E/CN.4/RES/1997/16, p.p. 3; see also E/CN.4/RES/1998/19, p.p. 3; E/CN.4/RES/1996/20, p.p. 6). Indeed, it has cited ethnic conflict as one of the major sources of mass displacement and has urged States to take all necessary steps to ensure the rights of minorities (E/CN.4/RES/1996/51, o.p. 3; E/CN.4/RES/1995/88, o.p. 3; E/CN.4/RES/1994/66, o.p. 3).

65. The Sub-Commission’s Working Group on Minorities has examined the displacement of minority groups in various parts of the world (E/CN.4/SUB.2/2004/29, ¶¶ 17-18, 22, 27-28; E/CN.4/SUB.2/2003/19, ¶¶ 12, 22, 31; E/CN.4/SUB.2/2002/19, ¶ 15; E/CN.4/SUB.2/2001/22, ¶¶ 47, 97, 111, 113, 131; E/CN.4/SUB.2/2000/27, ¶¶ 32, 44, 59, 104; E/CN.4/SUB.2/1999/21, ¶¶ 53, 59, 87; E/CN.4/SUB.2/1998/18, ¶¶ 96, 99, 106; E/CN.4/SUB.2/1997/18, ¶¶ 24, 79, 92, 124; E/CN.4/SUB.2/1996/28, ¶¶ 97, 107-111, 182; E/CN.4/SUB.2/1996/2, ¶¶ 50, 53, 61), and its Working Group on Indigenous Populations has similarly addressed the displacement of indigenous peoples (E/CN.4/SUB.2/2004/28, ¶¶ 31, 35; E/CN.4/SUB.2/AC.4/2004/3, ¶¶ 6, 14; E/CN.4/SUB.2/2003/22, ¶¶ 22, 29, 41, 101; E/CN.4/SUB.2/AC.4/2003/2, ¶¶ 8, 24; E/CN.4/SUB.2/AC.4/2002/4, ¶¶ 29, 40, 56; E/CN.4/SUB.2/2001/17, ¶¶ 56, 60, 87, 130; E/CN.4/SUB.2/2000/24, ¶¶ 74, 97, 100, 124, 148, 172; E/CN.4/SUB.2/1999/19, ¶¶ 53, 66, 72; E/CN.4/SUB.2/1998/16, ¶¶ 27, 40, 96; E/CN.4/SUB.2/1997/14, ¶¶ 50, 65, 69, E/CN.4/SUB.2/1996/21, ¶¶ 53, 65, 94; E/CN.4/SUB.2/1995/24, ¶¶ 61, 88-99; E/CN.4/SUB.2/1994/30, ¶ 55), including in a country visit to Mexico (E/CN.4/SUB.2/2000/40, ¶¶ 2, 23).

66. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has addressed the link between indigenous status and displacement (E/CN.4/2004/80/Add.1, ¶ 28; E/CN.4/2004/80/Add.4, ¶ 9 (f); E/CN.4/2003/90/Add.1, ¶¶ 13-14; E/CN.4/2002/97/Add.1, ¶¶ 8, 21, 24; E/CN.4/2002/97, ¶¶ 103, 106), including in reports on

country visits to Mexico (E/CN.4/2004/80/Add.2, ¶¶ 40-41, 81), Chile (E/CN.4/2004/80/Add.3, ¶ 24) the Philippines (E/CN.4/2003/90/Add.3, ¶¶ 37-38, 63) and Guatemala (E/CN.4/2003/90/Add.2, ¶¶ 23, 27, 42). His 2003 report (E/CN.4/2003/90) was devoted to the impact of large-scale development projects on indigenous people, with particular attention to displacement. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has similarly noted the increased risk and impact of displacement on minorities and has also highlighted issues of discrimination against asylum-seekers, refugees and IDPs (E/CN.4/2003/23, ¶¶ 53-54; E/CN.4/2001/21, ¶¶ 45, 47, 142, 147; E/CN.4/2000/16, ¶¶ 154, 158; E/CN.4/1998/79, ¶¶ 20, 37, 70; E/CN.4/1996/72, ¶¶ 14-55; E/CN.4/1995/78, ¶¶ 126, 131), including in country visits to Canada (E/CN.4/2004/18, ¶¶ 55, 72), Colombia (E/CN.4/2004/18/Add.3, ¶ 50 and E/CN.4/1997/1/Add.1, ¶ 64), Australia (E/CN.4/2002/24/Add.1, ¶¶ 100-106), South Africa (E/CN.4/1999/15, ¶¶ 47-53), the United Kingdom (E/CN.4/1996/72/Add.4, ¶¶ 46-63), France (E/CN.4/1996/72/Add.3, ¶¶ 45-47), Germany (E/CN.4/1996/72/Add.2, ¶¶ 14-16) and the United States of America (E/CN.4/1995/78/Add.1, ¶ 78-82). The Secretary-General also recognized these links in his 2002 report on racism, racial discrimination and all forms of xenophobia (E/CN.4/2002/21, ¶¶ 38, 68).

67. The Representative of the Secretary-General on internally displaced persons has emphasized that a common thread linking most situations of large-scale displacement is a crisis of national identity and the related cohesiveness that binds a Government to its people, frequently occasioned by marginalization on the basis of race and ethnicity (E/CN.4/2003/86, ¶ 79). He has pointed to such issues in numerous country mission reports, including on Peru (E/CN.4/1995/52/Add.2, ¶¶ 67, 134), Colombia (E/CN.4/2000/83/Add.1, ¶ 126), Uganda (E/CN.4/2004/77/Add.1, ¶ 15), Burundi (E/CN.4/2001/5/Add.1, ¶ 28), Georgia (E/CN.4/2001/5/Add.4, ¶¶ 14-21) and Rwanda (E/CN.4/1995/50/Add.4, ¶ 5). The High Commissioner also emphasized this issue in his 2004 report on Colombia (E/CN.4/2004/13, ¶ 91).

XVI. RETURN, LOCAL INTEGRATION AND RESETTLEMENT

68. The Commission has recognized refugees' "fundamental right to return to and to stay in their own countries in safety and dignity" (E/CN.4/RES/1998/49, p.p. 7; see also E/CN.4/RES/1997/75, p.p. 16; E/CN.4/RES/1996/51, p.p. 9) and has called upon 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" (E/CN.4/RES/2003/52, o.p. 11; see also E/CN.4/RES/2000/55, o.p. 9). It has likewise noted "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" (E/CN.4/RES/2004/55, p.p. 5; E/CN.4/RES/2003/51, p.p. 4; see also E/CN.4/RES/2002/56, p.p. 5; E/CN.4/RES/2001/54, p.p. 5). It has also asserted these rights in numerous country situations, including Afghanistan (E/CN.4/RES/1999/9, o.p. 4), Burundi (E/CN.4/RES/2004/82, o.p. 8), the Democratic Republic of the Congo (E/CN.4/RES/2004/84, o.p. 4 (e)), Guatemala (E/CN.4/RES/1996/59, p.p. 12, o.p. 17), the Occupied Syrian Golan (E/CN.4/RES/2004/8, o.p. 2), Myanmar (E/CN.4/RES/2004/61, o.p. 5 (i)), Somalia (E/CN.4/RES/2003/80, o.p. 3 (b)), the Sudan (E/CN.4/RES/2002/16, o.p. 3 (a)) and the former Yugoslavia (E/CN.4/RES/2002/13, o.p. 4).

69. The Sub-Commission has also affirmed the right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their country of origin and/or within it to their place of origin or choice (E/CN.4/SUB.2/RES/1997/29, o.p. 4; E/CN.4/SUB.2/RES/1995/13, o.p. 2; E/CN.4/SUB.2/RES/1994/24, o.p. 2) and has urged all States to ensure that displaced persons are not forcibly returned to an area where his or her life, security and freedom would be in danger (E/CN.4/SUB.2/RES/2002/23, o.p. 8; E/CN.4/SUB.2/RES/1996/9, o.p. 5; E/CN.4/SUB.2/RES/1994/24).

70. The Representative of the Secretary-General on internally displaced persons has likewise emphasized the importance of voluntary, safe and dignified solutions to displacement, particularly in mission reports on the Russian Federation (E/CN.4/2004/77/Add.2), the Sudan (E/CN.4/2003/86/Add.1), Turkey (E/CN.4/2003/86/Add.2), Mexico (E/CN.4/2003/86/Add.3), the Philippines (E/CN.4/2003/86/Add.4), Indonesia (E/CN.4/2002/95/Add.2), Georgia (E/CN.4/2001/5/Add.4), Angola (E/CN.4/2001/5/Add.5), Colombia (E/CN.4/2000/83/Add.1), East Timor (E/CN.4/2000/83/Add.3), Azerbaijan (E/CN.4/1999/79/Add.1), Mozambique (E/CN.4/1997/43/Add.1), Peru (E/CN.4/1996/52/Add.1), Colombia (E/CN.4/1995/50/Add.1), Burundi (E/CN.4/1995/50/Add.2) and Rwanda (E/CN.4/1995/50/Add.4).

71. Country rapporteurs and experts have also frequently raised these issues (e.g. the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2003/45, ¶¶ 61), the independent expert on the situation of human rights in Guatemala (E/CN.4/1997/90, ¶¶ 80-87), the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1998/14, ¶¶ 50-53), as has the High Commissioner, for example, in his report on the situation of human rights in Sierra Leone (E/CN.4/2004/106, ¶¶ 29-31).

XVII. PROPERTY RESTITUTION AND COMPENSATION

72. The Commission has noted the “need for the restitution of or compensation for property” to facilitate the reintegration of IDPs (E/CN.4/RES/2004/55, o.p. 2; E/CN.4/RES/2003/51, o.p. 2). This need has been discussed in ongoing consultations mandated by the Commission towards the development of a set of “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law” (E/CN.4/2003/63, ¶¶ 137, 141). The Commission has also called on States to implement this right in a number of country specific resolutions, including Afghanistan (E/CN.4/RES/2004/28, o.p. 4).

73. The Sub-Commission has likewise affirmed “the right of all refugees and displaced persons ... to have restored to them housing and property of which they were deprived during the course of displacement, or to be compensated for any property that cannot be restored to them” (E/CN.4/SUB.2/RES/2004/2, p.p. 4) and has urged States to ensure “fair and effective mechanisms designed to resolve outstanding housing and property problems” (E/CN.4/SUB.2/RES/2004/2, o.p. 1; E/CN.4/SUB.2/RES/2003/18, o.p. 2; E/CN.4/SUB.2/RES/2002/7, o.p. 3; E/CN.4/SUB.2/RES/1998/26, o.p. 4).

74. After receiving a working paper on the issue in 2002 (E/CN.4/SUB.2/2002/17), the Sub-Commission appointed a Special Rapporteur on housing and property restitution in the

context of the return of refugees and internally displaced persons (E/CN.4/SUB.2/RES/2002/7, o.p. 6). The Special Rapporteur determined that a comprehensive international approach to restitution policy was needed on this issue (E/CN.4/SUB.2/2003/11), and therefore elaborated a set of “draft principles on housing and property restitution for refugees and displaced persons” on which consultations are ongoing (E/CN.4/SUB.2/2004/22; E/CN.4/SUB.2/2004/22/Add.1).

75. The Representative of the Secretary-General on internally displaced persons has also addressed the issue of property restitution and compensation for IDPs, notably in the context of his country visits to Colombia (E/CN.4/2000/83/Add.1, ¶¶ 103-104) and Georgia (E/CN.4/2001/5/Add.4, ¶¶ 98-104). The Special Rapporteur on the situation of human rights in the former Yugoslavia has similarly focused on property restitution in the context of the right to return (e.g. E/CN.4/2000/39, ¶¶ 9-16; E/CN.4/1998/63, ¶ 35).

XVIII. COUNTRY RESOLUTIONS AND REPORTS

76. The Commission and Sub-Commission have addressed the situation of refugees and/or internally displaced persons in a number of countries and territories through country- and territory-specific resolutions and the consideration of reports by the Secretary-General, the High Commissioner for Human Rights, and country rapporteurs:

(a) Afghanistan (E/CN.4/RES/2003/77, o.p. 8-11; E/CN.4/RES/2002/19, p.p. 10, o.p. 8, 18-22; E/CN.4/RES/2001/13; E/CN.4/RES/2000/18, o.p. 2-3, 8, 13; E/CN.4/RES/1999/9 o.p. 4, 9, 12; E/CN.4/RES/1998/70, o.p. 2, 5, 8; E/CN.4/RES/1997/65, p.p. 7, o.p. 2, 21; E/CN.4/RES/1996/75, p.p. 6, 11, o.p. 11; E/CN.4/RES/1995/74; E/CN.4/RES/1994/84; E/CN.4/2003/39, ¶¶ 5, 17, 24, 28; E/CN.4/2002/43; E/CN.4/2001/43; E/CN.4/2000/33; E/CN.4/1999/40; E/CN.4/1998/71, ¶¶ 7, 13; E/CN.4/1997/59; E/CN.4/1996/64; E/CN.4/1994/53; E/CN.4/1995/64);

(b) Burundi (E/CN.4/RES/2004/82, o.p. 8; E/CN.4/RES/2003/16, o.p. 9; E/CN.4/RES/2002/12, o.p. 9-10; E/CN.4/RES/2001/21, o.p. 11; E/CN.4/RES/2000/20; E/CN.4/RES/1999/10, o.p. 6, 23; E/CN.4/RES/1998/82, o.p. 4, 22; E/CN.4/RES/1997/77; E/CN.4/RES/1996/1, p.p. 7, 10, o.p. 17, 21; E/CN.4/RES/1995/90, p.p. 8, o.p. 7-8; E/CN.4/RES/1994/86, p.p. 3; E/CN.4/SUB.2/RES/1996/4, o.p. 5; E/CN.4/SUB.2/RES/1996/4, ¶ 5; E/CN.4/SUB.2/RES/1994/17, p.p. 8; E/CN.4/2004/35, ¶¶ 49-52; E/CN.4/2003/45, ¶¶ 52-61; E/CN.4/2002/49, ¶¶ 40-47; E/CN.4/1995/66);

(c) Chad (E/CN.4/RES/2004/85, o.p. 5 (d));

(d) Chechnya (Republic of) of the Russian Federation (E/CN.4/RES/2001/24; E/CN.4/2001/36; E/CN.4/1996/13);

(e) Colombia (E/CN.4/2004/13; E/CN.4/2003/13; E/CN.4/2002/17; E/CN.4/2001/15; E/CN.4/2000/11; E/CN.4/1999/8; E/CN.4/1998/16);

(f) Democratic Republic of the Congo (E/CN.4/RES/2004/84, o.p. 4 (e); E/CN.4/RES/2003/15, o.p. 4 (i); E/CN.4/RES/2002/14, o.p. 4; E/CN.4/RES/2001/19, o.p. 2-4; E/CN.4/RES/2000/15, o.p. 3-4; E/CN.4/RES/1999/56; E/CN.4/RES/1998/61, p.p. 5, o.p. 2 (d); E/CN.4/RES/1997/58, p.p. 4, o.p. 3 (f); E/CN.4/RES/1996/77, p.p. 8-9, o.p. 7;

E/CN.4/RES/1995/69, p.p. 11, o.p. 8; E/CN.4/RES/1994/87, p.p. 8-9, o.p. 4; E/CN.4/2003/43; E/CN.4/2001/40, ¶¶ 40-45; E/CN.4/2001/40/Add.1; E/CN.4/2000/42, ¶ 29; E/CN.4/1999/31, ¶¶ 64-69; E/CN.4/1998/65; E/CN.4/1998/64; E/CN.4/1997/6/Add.2; E/CN.4/1997/6; E/CN.4/1997/6/Add.1; E/CN.4/1996/66; E/CN.4/1995/67);

(g) Cyprus (E/CN.4/2004/27, ¶ 16; E/CN.4/2002/23, ¶ 11; E/CN.4/2001/31; E/CN.4/2000/26; E/CN.4/1999/25; E/CN.4/1998/55; E/CN.4/1997/48; E/CN.4/1996/54; E/CN.4/1995/69; E/CN.4/1994/46);

(h) Guatemala (E/CN.4/RES/1998/22, o.p. 5; E/CN.4/RES/1996/59, p.p. 12, o.p. 17; E/CN.4/RES/1995/51, p.p. 18, o.p. 16-17; E/CN.4/RES/1994/58, p.p. 11, o.p. 15; E/CN.4/SUB.2/RES/1995/7; E/CN.4/SUB.2/RES/1994/23; E/CN.4/1997/90, ¶¶ 76-87; E/CN.4/1996/15, ¶¶ 102-110; E/CN.4/1995/15, ¶¶ 159-177; E/CN.4/1994/10;

(i) Iraq (E/CN.4/RES/2002/15, o.p. 4 (i) and (l); E/CN.4/RES/2001/14, o.p. 4 (i) and (l); E/CN.4/RES/2000/17, o.p. 3 (h) and (k); E/CN.4/RES/1999/14, o.p. 3 (g); E/CN.4/RES/1998/65, o.p. 3 (i); E/CN.4/RES/1995/76, p.p. 10-11; E/CN.4/RES/1994/74, p.p. 12; E/CN.4/SUB.2/RES/1996/5, o.p. 3; E/CN.4/SUB.2/RES/1995/3, p.p. 12, o.p. 2, 5; E/CN.4/SUB.2/RES/1994/14, p.p. 9, 11, o.p. 2, 7; E/CN.4/2004/36/Add.1, ¶¶ 16, 22; E/CN.4/2003/40, ¶¶ 5, 24; E/CN.4/1999/37, ¶¶ 28, 33-36; E/CN.4/1998/67, ¶¶ 19-24; E/CN.4/1995/56, ¶¶ 46, 59, 63; E/CN.4/1994/58);

(j) Liberia (E/CN.4/RES/2004/83, o.p. 6 (b); E/CN.4/2004/113, ¶¶ 6-11; E/CN.4/2004/5);

(k) Myanmar (E/CN.4/RES/2004/61; E/CN.4/RES/2003/12; E/CN.4/RES/2002/67; E/CN.4/RES/2001/15; E/CN.4/RES/2000/23; E/CN.4/RES/1999/17; E/CN.4/RES/1998/63; E/CN.4/RES/1997/64; E/CN.4/RES/1996/80; E/CN.4/RES/1995/72; E/CN.4/RES/1994/85; E/CN.4/2004/33, ¶¶ 44, 57; E/CN.4/2003/41, ¶ 35; E/CN.4/2002/45, ¶¶ 98-101; E/CN.4/2000/38; E/CN.4/1999/35; E/CN.4/1998/70; E/CN.4/1996/65; E/CN.4/1995/65; E/CN.4/1994/57);

(l) Occupied Arab Territories (E/CN.4/RES/2004/10, p.p. 12; E/CN.4/RES/2002/90, o.p. 3; E/CN.4/RES/2002/8, o.p. 4; E/CN.4/RES/2002/1, o.p. 1; E/CN.4/RES/1997/1, o.p. 1; E/CN.4/RES/1994/3, p.p. 2; E/CN.4/2004/6/Add.1; E/CN.4/2002/32, ¶ 39; E/CN.4/2001/30, ¶ 14; E/CN.4/2000/25, ¶¶ 10-21; E/CN.4/1999/24, ¶ 24; E/CN.4/1998/17, ¶¶ 56-58);

(m) Occupied Syrian Golan (E/CN.4/RES/2004/8, o.p. 2; E/CN.4/RES/2003/5, o.p. 2; E/CN.4/RES/2002/6, o.p. 2; E/CN.4/RES/2001/6, o.p. 2; E/CN.4/RES/2000/7, o.p. 2; E/CN.4/RES/1999/6, o.p. 2; E/CN.4/RES/1998/2, o.p. 2; E/CN.4/RES/1997/2, o.p. 2; E/CN.4/RES/1996/2, o.p. 2; E/CN.4/RES/1995/2, o.p. 2; E/CN.4/RES/1994/2, o.p. 2; E/CN.4/SUB.2/RES/1995/9, o.p. 7 (d));

(n) Rwanda (E/CN.4/RES/1998/69, p.p. 5; E/CN.4/RES/1997/66, p.p. 4; E/CN.4/RES/1996/76, p.p. 4, o.p. 15-16; E/CN.4/RES/1995/91; E/CN.4/SUB.2/RES/1996/3, o.p. 7-8; E/CN.4/SUB.2/RES/1995/5, o.p. 2, 5; E/CN.4/SUB.2/RES/1994/1, o.p. 3;

E/CN.4/2000/41; E/CN.4/1999/33, ¶¶ 18, 24; E/CN.4/1998/60, ¶¶ 15, 19; E/CN.4/1997/61, ¶¶ 133-189; E/CN.4/1996/68, ¶¶ 101-139; E/CN.4/1996/7, ¶¶ 110-135; E/CN.4/1995/71, ¶¶ 36-48; E/CN.4/1995/70, ¶¶ 47-70; E/CN.4/1995/7, ¶¶ 34-40);

(o) Sierra Leone (E/CN.4/RES/2004/86, o.p. 2 (b); E/CN.4/RES/2003/80; E/CN.4/RES/2002/20; E/CN.4/RES/2001/20; E/CN.4/RES/2000/24; E/CN.4/2004/106, ¶¶ 29-31; E/CN.4/2003/35, ¶¶ 26-30; E/CN.4/2002/37, ¶¶ 19-26; E/CN.4/2001/35; E/CN.4/2000/31);

(p) Somalia (E/CN.4/RES/2004/80; E/CN.4/RES/2003/78; E/CN.4/RES/2002/88, p.p. 3, o.p. 8 (a); E/CN.4/RES/2001/81, p.p. 3, o.p. 5 (a); E/CN.4/RES/2000/81, p.p. 3, o.p. 5 (a); E/CN.4/RES/1997/47, p.p. 10; E/CN.4/RES/1996/57, p.p. 1; E/CN.4/RES/1995/56, p.p. 14; E/CN.4/RES/1994/60, p.p. 6; E/CN.4/2004/103, ¶¶ 47-51; E/CN.4/2003/115, ¶¶ 53-56; E/CN.4/2002/119, ¶¶ 45-55, 108-109; E/CN.4/2001/105, ¶ 24; E/CN.4/2000/110, ¶¶ 51-61, 140-42; E/CN.4/1999/103, ¶¶ 81-99; E/CN.4/1998/96, ¶¶ 29-34; E/CN.4/1997/88; E/CN.4/1996/14, ¶ 17);

(q) Sudan (E/CN.4/RES/2002/16; E/CN.4/RES/2001/18; E/CN.4/RES/2000/27; E/CN.4/RES/1999/15; E/CN.4/RES/1998/67; E/CN.4/RES/1997/59; E/CN.4/RES/1996/73; E/CN.4/RES/1995/77; E/CN.4/2003/42, ¶¶ 41-43; E/CN.4/2002/46; E/CN.4/2000/36, ¶ 21; E/CN.4/1999/38/Add.1; E/CN.4/1999/38, ¶¶ 3, 10; E/CN.4/1998/66; E/CN.4/1997/58; E/CN.4/1996/62; E/CN.4/1995/58; E/CN.4/1994/48);

(r) Turkmenistan (E/CN.4/RES/2004/12, o.p. 3 (c); E/CN.4/RES/2003/11, o.p. 4 (a), 5 (c));

(s) Yugoslavia (territory of the former) (E/CN.4/RES/2002/13; E/CN.4/RES/2001/12; E/CN.4/RES/2000/26; E/CN.4/RES/1999/18; E/CN.4/RES/1999/2; E/CN.4/RES/1998/79; E/CN.4/RES/1997/57; E/CN.4/RES/1996/71; E/CN.4/RES/1995/89; E/CN.4/RES/1994/77, o.p. 10-11; E/CN.4/RES/1994/72; E/CN.4/SUB.2/RES/1995/8; E/CN.4/2003/38, ¶¶ 11-14; E/CN.4/2002/41/Add.1; E/CN.4/2001/47/Add.1; E/CN.4/2001/47; E/CN.4/2000/39; E/CN.4/1999/42, ¶¶ 7-15; E/CN.4/1998/63; E/CN.4/1998/15; E/CN.4/1998/14, ¶¶ 50-53, 87-93; E/CN.4/1998/13, ¶¶ 54-67; E/CN.4/1998/12, ¶ 50; E/CN.4/1997/56; E/CN.4/1997/9; E/CN.4/1996/9; E/CN.4/1996/6; E/CN.4/1995/62, ¶ 18; E/CN.4/1995/10; E/CN.4/1994/110, ¶¶ 40-52).

XIX. RESOLUTIONS AND REPORTS ON HUMAN RIGHTS AND MASS EXODUS

77. The Commission adopted seven resolutions on “Human rights and mass exodus” during the period covered in this compilation (E/CN.4/RES/2003/52; E/CN.4/RES/2000/55; E/CN.4/RES/1998/49; E/CN.4/RES/1997/75; E/CN.4/RES/1996/51; E/CN.4/RES/1995/88; E/CN.4/1994/66). It has received four reports on this subject from the High Commissioner (E/CN.4/2003/84; E/CN.4/2000/81; E/CN.4/1998/51; E/CN.4/1997/42), and three from the Secretary-General (E/CN.4/1996/42; E/CN.4/1995/49; E/CN.4/1994/43).

XX. RESOLUTIONS AND REPORTS ON INTERNALLY DISPLACED PERSONS

78. The Commission has adopted annual resolutions on internal displacement throughout the period covered in this compilation (E/CN.4/RES/2004/55; E/CN.4/RES/2003/51; E/CN.4/RES/2002/56; E/CN.4/RES/2001/54; E/CN.4/RES/2000/53; E/CN.4/RES/1999/47; E/CN.4/RES/1998/50; E/CN.4/RES/1997/39; E/CN.4/RES/1996/52; E/CN.4/RES/1995/57; E/CN.4/RES/1994/68).

79. Likewise, in this period, the Representative of the Secretary-General on internally displaced persons reported annually (E/CN.4/2004/77; E/CN.4/2003/86; E/CN.4/2002/95; E/CN.4/2001/5; E/CN.4/2000/83; E/CN.4/1999/79; E/CN.4/1998/53; E/CN.4/1997/43; E/CN.4/1996/52; E/CN.4/1995/50; E/CN.4/1994/44). He also presented reports on country missions to Angola (E/CN.4/2001/5/Add.5), Armenia (E/CN.4/2001/5/Add.3), Azerbaijan (E/CN.4/1999/79/Add.1), Burundi (E/CN.4/2001/5/Add.1; E/CN.4/1995/50/Add.2), Colombia (E/CN.4/2000/83/Add.1; E/CN.4/2000/83/Add.2; E/CN.4/1995/50/Add.1), East Timor (E/CN.4/2000/83/Add.3), Georgia (E/CN.4/2001/5/Add.4), Indonesia (E/CN.4/2002/95/Add.2), Mexico (E/CN.4/2003/86/Add.3), Mozambique (E/CN.4/1997/43/Add.1), Peru (E/CN.4/1996/52/Add.1), the Philippines (E/CN.4/2003/86/Add.4), the Russian Federation (E/CN.4/2004/77/Add.2), Rwanda (E/CN.4/1995/50/Add.4), Sri Lanka (E/CN.4/1994/44/Add.1), the Sudan (E/CN.4/2003/86/Add.1; E/CN.4/2002/95/Add.1), Turkey (E/CN.4/2003/86/Add.2) and Uganda (E/CN.4/2004/77/Add.1). He additionally presented several studies on internal displacement (E/CN.4/1996/52/Add.2; E/CN.4/1998/53/Add.1), the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), and reports on regional conferences in Africa (E/CN.4/1999/79/Add.2; E/CN.4/2004/77/Add.4) and the South Caucasus (E/CN.4/2001/5/Add.2), and national conferences in Colombia (E/CN.4/2000/83/Add.2), Indonesia (E/CN.4/2002/95/Add.3), the Sudan (E/CN.4/2003/86/Add.6) and the Russian Federation (E/CN.4/2003/86/Add.5).

XXI. CONCLUSION

80. **This compilation makes clear that the Commission and Sub-Commission have produced a substantial body of normative material concerning refugees and internally displaced persons, both in the form of resolutions and in the numerous reports and studies these bodies have sought from various human rights mechanisms. The High Commissioner hopes that, by making these documents more accessible, this compilation will encourage their increased use by Governments, United Nations and other international organizations as well as non-governmental organizations in developing their responses to forcible displacement.**
