

The right to freedom of movement

Sub-Commission resolution 1996/9

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his or her residence and the prohibition of arbitrary deprivation of the right to enter one's own 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,

Recognizing that practices of forcible exile, mass expulsion and deportation, population transfer, forcible population exchange, unlawful forcible evacuation, eviction and forcible relocation, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders deprive the affected populations of their right to freedom of movement,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, which reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Recalling also its resolution 1995/13 of 18 August 1995, in which it decided to continue its consideration of the question of population displacement and to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return,

Recalling further its resolution 1992/28 of 27 August 1992, in which it nominated Special Rapporteurs on the human rights dimensions on population transfer, including the implantation of settlers and settlements, as well as its resolution 1993/34 of 25 August 1993, in which it, inter alia, invited the Commission on Human Rights to request the Secretary-General to organize a multidisciplinary expert seminar prior to the preparation of the final report of the Special Rapporteur, in order to formulate appropriate final conclusions and recommendations, which invitation the Commission endorsed in its decision 1994/102 of 25 February 1994,

Noting with great interest Commission on Human Rights resolution 1996/51 of 19 April 1996 entitled "Human rights and mass exoduses", in which the Commission strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities,

Noting that policies and practices of forcible displacement are one of the major causes of flows of refugees and internally displaced persons,

Concerned that growing numbers of refugees and even larger and growing numbers of internally displaced persons exist worldwide and that restrictive policies of many States lead to difficulties for people in leaving their country in order to seek asylum, as well as to the detention of refugees and asylum-seekers,

1. Affirms the right of persons to remain in peace in their own homes, on their own lands and in their own countries;
2. Also affirms 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;
3. Urges Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international law;
4. Urges all States to respect the principle of non-refoulement and to safeguard and give effect to the right of everyone to seek and to enjoy in other countries asylum from persecution;
5. Also urges all States and other actors involved to ensure that no internally displaced person is forcibly returned to an area where his or her life, security and freedom would be in danger;
6. Strongly encourages all Governments and other actors involved, including intergovernmental and humanitarian organizations concerned, to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from forced displacements, and the causes of such displacement;
7. Decides to continue to study the question of the right to freedom of movement, including the right to remain, the right to leave and seek asylum and the right to return;
8. Reiterates its request to the Secretary-General that, to this end, he convene the expert seminar on population transfer, in close cooperation with relevant intergovernmental and non-governmental organizations, in time for its conclusions to be of use for the final report of the Special Rapporteur, due to be submitted to the Sub-Commission at its forty-ninth session, and strongly requests the Special Rapporteur to submit his final report in any case to the Sub-Commission at its forty-ninth session.

27th meeting

23 August 1996

[Adopted without a vote.]