

The right to freedom of movement

Sub-Commission resolution 1995/13

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 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 expulsions and deportations, population transfer, "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 adopted by the World Conference on Human Rights (A/CONF.157/23), 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 1994/24 of 26 August 1994, in which it decided to include under the agenda item entitled "Freedom of movement" a sub-item relating to questions of displacement entitled "Population displacement" and to keep under constant review respect for the right to freedom of movement, including the right to remain and to return,

Noting with great interest Commission on Human Rights resolution 1995/88 of 8 March 1995, 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,

Taking note of Commission on Human Rights resolution 1995/24 of 3 March 1995, entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities", in which the Commission decided to authorize the Sub-Commission to establish an inter-sessional working group on minorities,

Noting that policies 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,

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 displaced persons to return, 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 legal standards;

4. Also urges all States parties to the Convention relating to the Status of Refugees to safeguard and give effect to the right to seek and to enjoy in other countries asylum from persecution;

5. 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 displacements;

6. Requests the inter-sessional working group on minorities of the Sub-Commission to examine, inter alia, as part of its mandate concerning examination of possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced;

7. Decides to continue its consideration of the question of population displacement under the agenda item entitled "Freedom of movement" 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.

27th meeting

18 August 1995

[Adopted without a vote.]

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Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland