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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

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

* This report has been submitted late in order to take into account the latest information received by Member States

Summary

The present report is submitted pursuant to resolution 2005/48 of the Commission on Human Rights in which it requests the United Nations High Commissioner for Human Rights to prepare and submit to the Commission a report on measures taken to implement the present resolution and on obstacles to its implementation, including information on measures taken by the Office of the High Commissioner for Human Rights (OHCHR) and other relevant United Nations bodies, and taking into account information and comments provided by Governments, intergovernmental organizations, human rights treaty bodies, specialized agencies, and non-governmental organizations (NGOs).

In addition to reviewing the status of ratification of international instruments related to mass exoduses, this report presents an overview of the activities of OHCHR in this regard, as well as summaries of information received by Member States and the Office of the United Nations High Commissioner for Refugees (UNHCR) in response to a note verbale sent by OHCHR requesting information on recent developments in this area.

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Introduction

1. The Human Rights Council, in its decision 2/102 of 6 October 2006, requested the United Nations High Commissioner for Human Rights to “continue with the fulfilment of [her] activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. On the issue of mass exoduses, a comprehensive biannual report (E/CN.4/2005/80) was submitted to the sixty-first session of the Commission on Human Rights pursuant to its decision 2003/52. The Office of the United Nations High Commissioner for Human Rights (OHCHR) understands decision 2/102 as preserving the previous biennial reporting cycle in respect of this issue until otherwise decided by the Council, and accordingly the current report addresses the issue of human rights and mass exoduses.
2. At its sixty-first session the Commission on Human Rights adopted resolution 2005/48 in which it expressed concern about “the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons”. In the resolution the Commission also reaffirms the primary responsibility of States to ensure the protection of refugees and internally displaced persons (IDPs) within their territories. It further recognizes the complementarity between the systems for the protection of human rights and for humanitarian action and that coordination between the human rights, political and security components of United Nations operations makes an important contribution to the promotion and protection of human rights of persons forced into mass exodus and displacement.
3. In paragraph 19 of its resolution 2005/48 the Commission requests the High Commissioner to prepare and submit to the Commission an analytical report on measures taken to implement the present resolution and on obstacles to its implementation, including information on measures taken by OHCHR and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, human rights treaty bodies, specialized agencies, and non-governmental organizations (NGOs).
4. Pursuant to that request, a comprehensive note verbale was sent on 14 December 2006 by the High Commissioner to the Member States of the United Nations, the relevant international organizations and a number of civil society organizations working on the issue of mass exoduses, asking them to provide the office with information on developments in this area. At the time of drafting this report, information had been received from the following countries: Argentina, Costa Rica, Finland, Georgia, Jamaica, Japan, Lebanon, and the Philippines. Information was also received from the Office of the United Nations High Commissioner for Refugees (UNHCR).
5. The present report is composed of five sections dealing respectively with: the status of ratification of relevant international instruments; activities of the Office of the United Nations High Commissioner for Human Rights; overview of information provided by Member States; information provided by the Office of the United Nations High Commissioner for Refugees (UNHCR); and conclusions.

I. STATUS OF RATIFICATION OF RELEVANT INTERNATIONAL INSTRUMENTS

6. In its resolution 2005/48, paragraph 5, the Commission “encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as far as possible without reservations, and to relevant regional instruments concerning refugees, as applicable, and other relevant international instruments of human rights and humanitarian law, and also encourages States to consider lifting reservations that they may have made to such instruments and to take appropriate measures to disseminate and implement those instruments domestically in order to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee”.

7. Since the last report of the High Commissioner on human rights and mass exoduses¹, a number of countries have acceded to international instruments directly relevant to the issue of mass exoduses. Most recently, Montenegro has acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The total number of States parties which have acceded to one or both of these instruments is now 144.² On 23 October 2006, Montenegro also ratified the 1954 Convention relating to the Status of Stateless Persons. There are now 62 States parties to this instrument³. That same month, Rwanda ratified the 1961 Convention on the Reduction of Statelessness, bringing the number of States parties to 33.⁴

8. At the regional level, 45 countries have ratified the African Union Convention governing the specific aspects of refugee problems in Africa. A number of countries, including Djibouti, Madagascar, Mauritius and Somalia, have signed but not yet ratified the treaty.⁵

9. Regarding international human rights instruments, the High Commissioner notes with appreciation that a number of States have acceded to the core human rights treaties, notably the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of the Child (CRC), and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.⁶

¹ Report of the High Commissioner for Human Rights on human rights and mass exoduses, E/CN.4/2005/80

² UNHCR, <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>

³ UNHCR, <http://www.unhcr.org/protect/PROTECTION/3bbb0abc7.pdf>

⁴ UNHCR, <http://www.unhcr.org/protect/PROTECTION/3bbb24d54.pdf>

⁵ African Union, list of countries which have signed, ratified/acceded to the Convention <http://www.africa-union.org/root/au/Documents/Treaties/List/Convention%20on%20Refugees.pdf>

⁶ Since the last report of the High Commissioner on human rights and mass exoduses, a number of States have become parties to the core human rights treaties. A non-exhaustive list is presented below. All information regarding the status of ratifications of human rights treaties can be found on the OHCHR website: <http://www.ohchr.org/english/countries/ratification/>

10. The High Commissioner welcomes the adoption by the General Assembly, in December 2005, of the Convention on the Rights of Persons with Disabilities and its Optional Protocol which, inter alia, obliges future States parties to “take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters”. The specific obligations of States in this regard are set up in the other provisions of the treaty, which refer notably to the rights to life, health, social protection and non-discrimination. This provision is of particular relevance to refugees and displaced persons with disabilities.

11. Moreover, in the humanitarian law field, a number of States have acceded to the Geneva Conventions of 1949 and to their Additional Protocols relating to the protection of victims of international and non-international armed conflicts.⁷ The Additional Protocol to the Geneva Conventions relating to the adoption of an additional distinctive emblem was adopted on 8 December 2005. Nine States have ratified this third Additional Protocol at the time of drafting this report.⁸

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

12. During the last two years, and in line with the report of the Secretary-General “In larger freedom” (A/59/2005), OHCHR has been undergoing the most far-reaching reform process in the history of the institution. The first Strategic Management Plan was issued, providing a

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- The International Covenant on Economic, Social and Cultural Rights (ESCR):
 - The International Covenant on Civil and Political Rights (CCPR): Andorra, Bahrain, Indonesia and Montenegro (2006)
 - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): Nicaragua (2005) and Andorra (2006)
 - The Convention on the Prevention and Punishment of the Crime of Genocide: Bolivia (2005) and Andorra (2006)
 - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Brunei Darussalam and Oman (2006)
 - The International Convention on the Elimination of All Forms of Racial Discrimination (CERD): Andorra, Montenegro, Saint Kitts and Nevis (2006)
 - The Convention on the Rights of the Child (CRC): Montenegro (2006)

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: Armenia, Benin, Colombia, Eritrea, India, Israel, Latvia, Liechtenstein, Nicaragua, Poland, Sudan, Togo, Turkmenistan, and Ukraine (2005) and Australia, Belarus, Lao People’s Democratic Republic, Slovakia, Thailand (2006).

⁷ In 2006, Montenegro acceded to the Geneva Conventions and to the two Additional Protocols and that same year, Haiti acceded to Additional Protocols 1 and 2. <http://www.icrc.org/ihl.nsf/CONVPRES?OpenView>

⁸ Bulgaria, Honduras, Hungary, Iceland, Liechtenstein, Netherlands, Norway, Philippines, and Switzerland. <http://www.icrc.org/ihl.nsf/CONVPRES?OpenView>

comprehensive picture of the objectives, activities and requirements of OHCHR. It is based on the Plan of Action released in May 2005 with the objective of closing a range of implementation gaps and thereby increasing the protection of people. To this end, the plan set forth five action points: greater country engagement; an enhanced leadership role for the High Commissioner; closer partnerships with civil society and with other United Nations agencies; greater synergy in the relationship between OHCHR and the other United Nations human rights bodies; and strengthened management and planning for OHCHR.

13. As a result, OHCHR has given increasing attention to the need to strengthen its engagement at the country level by, inter alia, following more closely the human rights situations in some countries or regions and enhancing its dialogue with all partners, in order to promote the implementation of human rights.

14. In addition to strengthening its capacity at headquarters, notably with the establishment of a rapid response unit which will assist in conducting assessments and fact-finding missions and starting up new operations, great emphasis was put on strengthening the presence of OHCHR in the field. For example, a regional office for Central America was recently opened in Panama and country offices have been established in Nepal, Guatemala and Uganda.

15. These developments are key to the realization of the fundamental goals of OHCHR – to protect human rights and empower all people to realize those rights. A stronger capacity on the ground is also translating into an increased monitoring and assistance capacity to respond to human rights situations that lead to mass exoduses, as well as the problems resulting therefrom.

16. OHCHR has intensified its involvement in inter-agency efforts to strengthen the inter-agency humanitarian response in emergencies. In this regard, OHCHR has further contributed to humanitarian coordinating mechanisms at both the global and country levels. At the field level, for example in Uganda, OHCHR actively shares with UNHCR the responsibility of chairing the Protection Cluster Working Group and coordinating the protection activities of the Inter-Agency Standing Committee (IASC) country team; in Colombia, after the last IASC mission in 2006, OHCHR supported the strengthening of the inter-agency response in the area of protection by the establishment of a thematic working group; in Sri Lanka, a human rights advisor deployed by OHCHR assisted the United Nations country team (UNCT) by providing advice on rights-based approaches to the humanitarian response following the tsunami.

17. In the context of the IASC, OHCHR has contributed to the development of materials designed to guide humanitarian actors in responding to humanitarian needs in case of crises. In particular, OHCHR participated in the drafting of the Human Rights Guidance Note for Humanitarian Coordinators, the Gender Handbook for Humanitarian Action and is currently actively participating in the design of an IDP handbook.

18. OHCHR, in its mandated capacity to provide support to special procedures mandate holders, has continued to assist the Representative of the Secretary-General on human rights of internally displaced persons in carrying out his mandate.

III. OVERVIEW OF INFORMATION PROVIDED BY MEMBER STATES

19. In accordance with Commission resolution 2005/48, the High Commissioner sent a comprehensive note verbale on 14 December 2006 to the Member States of the United Nations, the relevant international organizations and to a number of civil society organizations working on the issue of mass exodus, asking them to provide information to be included in this report.

20. As of 19 February 2007, information had been received from the following Governments: Argentina, Costa Rica, Finland, Georgia, Jamaica, Japan, Lebanon, and the Philippines. In addition, information was received from UNHCR. The content of each of these replies is summarized below.

Argentina

21. In a communication dated 4 January 2007, the Government of Argentina transmitted its reply to the note verbale. In particular, it recalled that Argentina is a party to the 1951 Convention related to the Status of Refugees and its 1967 Protocol and reported that the institution in charge of determining refugee status has supported diverse actions aimed at improving the mechanism for determining the eligibility of refugees and reducing the time it takes to evaluate their cases. Significant advances in the matter of protection of the rights of refugees have been achieved and UNHCR, according to the information received, has praised the level of technical analysis.

22. In Argentina, the status of refugee is recognized for "individuals who have been discriminated against for religious reasons, objections of conscience, gender, or sexual orientation". Argentina has interpreted the definition of refugee broadly and regularly accords the status of refugee to individuals persecuted by State agents.

23. The Government has strengthened the agency in charge of determining refugee status, equipping it with appropriate resources. The agency includes psychologists and lawyers and consists of about 16 people. The work on eligibility of refugees is based on the implementation of the recommendations of UNHCR. Each request triggers a personal assessment and the possibility of a review of the case by the Ministry of Interior prior to the decision of the Secretary of human rights of the Ministry of Justice. New challenges have been undertaken, one of the most important being the adoption of a refugee law that has systematized the existing regulations and that will open up possibilities for international cooperation in this area. It will also institutionalize the distribution of tasks among local institutions which will guarantee the best integration of refugees into society.

24. The authorities also reported that the general law for the recognition and protection of refugees (law 26.165) was adopted by Congress in November 2006. This law encodes the basic principles enshrined in international instruments regarding the protection of refugees and asylum-seekers: non-refoulement, including the prohibition on sending them back to the border; non-discrimination; no sanction for illegal entry into the country; confidentiality; and family unity.

25. The new law establishes a National Commission for Refugees (CONARE), which replaces the former Refugee Eligibility Committee (CEPARE), until now composed of immigration officials and staff of the Foreign Ministry. Under the new law, a representative of each of the

Ministry of Justice and Human Rights, the National Institute against Discrimination, Xenophobia and Racism (INADI), and the Ministry of Social Development and the Environment will also participate in the new organization. With the inclusion of a representative of the Ministry of Social Development and the Environment, the Commission will be able to provide assistance to the refugees, in particular the most vulnerable groups, by incorporating them into national, provincial or municipal programmes.

26. The new law clarifies the appeal process in case of a negative decision by CONARE and introduces prima facie recognition of refugee status in case of a mass influx of displaced persons.

27. In addition, the law anticipates the possibility of requesting relocation to Argentina for a refugee who has obtained the recognition of his status in another country in which he cannot remain, due to risk of violation of his fundamental rights.

28. The Argentine authorities reported that, in June 2005, a Memorandum of Understanding was signed with UNHCR to allow for the resettlement of refugees in Argentina. The Government recognizes that resettlement is an important instrument in the search for durable solutions for refugees. In 2005, for the implementation of the first stage of this programme, nine Colombian refugee families traveled to Argentina from Costa Rica and Ecuador. In 2006, seven families came from Ecuador to be resettled in Argentina.

Costa Rica

29. In its reply dated 31 January 2007, the Government of Costa Rica reported that the country is host to a substantial number of refugees - especially of Colombian origin. Every month, the Directorate General for Migration and Foreign Nationals receives an average of 130 new requests for refugee status. At the end of the 1970s and in the first four years of the 1980s, Costa Rica accorded refugee status to 50,000 individuals, mainly Nicaraguan and Salvadoran, who left their countries due to internal armed conflicts. This is a large number for a country of 51,000 square kilometres and a population of 4 million inhabitants. As of the second half of 2000, Costa Rica experienced a new influx of applicants due to the renewed internal conflict in Colombia. From January to April of 2002 Costa Rica received 2,232 requests for asylum.

30. Costa Rica is little known as a host country for refugees. This is both because it is not in a conflict region itself and because it is located in a region (Central America and Mexico) where irregular migration and the illicit traffic of migrants are considered bigger issues.

31. The phenomenon of migration generates important challenges for Costa Rican society, notably in regard to protection of the human rights of refugees, the need to provide humanitarian assistance, and to work towards their integration into society.

32. In its response, the Government states that its institutions have demonstrated responsibility and sensitivity in acting according to its international commitments in the matter of protection of refugees. These institutional efforts have been complemented by the work of academic institutions, civil society organizations and international organizations. The Government recognizes however that it still faces a challenge in ensuring the necessary arrangements are in place for the integration of the refugees into Costa Rican society until durable solutions are

found for them. To achieve this objective, the country will need the assistance of the international community.

33. In order to assist with the integration of the refugees, UNHCR, the Government and civil society organizations have developed micro-credit programmes to facilitate or consolidate the entrepreneurial activities of refugees. The main initiative in this area is the one implemented by the Asociación de Consultores y Asesores Internacionales (ACAI) which has allowed the formalization of about 150 productive projects, whose beneficiaries are mainly members of poor families. In order to promote greater acceptance of the refugees amongst the host population, as of September 2003 UNHCR recommended the inclusion of Costa Rican nationals among the beneficiaries of these programmes, channelling a percentage of the funds to local micro-entrepreneurs. In 2005, the Supreme Court ruled that the State must guarantee the refugees access to bank credits, without discrimination based on their migratory status or the documentation they have received.

34. ACAI also runs a programme of refugee integration and provides assistance to the most vulnerable, giving priority to female heads of household, family groups with dependent minors, and elderly people.

35. With regard to integration in the labour market, an agreement was signed between the Ministry of Work and UNHCR, and the Labour Insertion Unit (ULI) was created to facilitate access to work for refugees.

36. In addition, occupational and labour training are also provided. However, the main limitation to the integration of refugees in the labour market is the economic situation of Costa Rica, which is characterized by limited opportunities for work, and the fact that, when these opportunities do exist, refugees are ill-equipped to compete with nationals or permanent residents, as they have difficulty in demonstrating previous experience, producing references, or providing evidence of their university degrees and the validity of their qualifications.

37. Recognizing that documentation is key to effective integration, the Government provides refugees with a standard identity document in order to guarantee them access to basic services such as health and education, as well as to the labour market.

38. The Government reported that a protection network has also been established. This network deals with the specific situation and needs of refugees. It also facilitates the exchange of information, access to education, and mutual support to guarantee the protection of asylum seekers and refugees in the country. This network functions via three institutions: the Permanent Forum on the Migrant Population and Refugees; the National Network of Civil Organizations for Migration; and the universities.

39. Today, according to the authorities, the great challenge for Costa Rica is to find durable solutions for the refugee population that has entered the country during the last six years. In order to further its programmes of local integration and resettlement of refugees, it will need the assistance of the international community and the support of other States in the region.

Finland

40. In its letter dated 31 January 2006, the Government indicated that human rights are high on its foreign and security policy agenda and that Finland takes an active part in their promotion. In particular, the country is active in questions related to human rights and mass exoduses. Financial support from Finland to UNHCR increased to 16.1 million euros in 2006.

41. At the suggestion of UNHCR, Finland has been taking in refugees since 1979. Since 2001, the annual quota for refugees has been 750. The Finnish Aliens Act of 2004 lays down the definition of the refugee quota and the requirements and procedures for admitting aliens to Finland under the quota. The conditions are as follows:

- The need for international protection of the alien with respect to his or her home country;
- The need for resettlement of the alien with respect to the country where he/she is residing;
- The conditions for reception and integration in Finland have been assessed;
- There are no grounds relating to public order and security, public health, or international relations for not issuing a residence permit.

42. In an emergency and in urgent cases, foreigners are admitted to Finland without a personal interview on the basis of a written document provided by UNHCR.

43. In addition, the Finnish authorities also reported that temporary protection may be given to aliens who need international protection and who cannot return safely to their home country or country of permanent residence, because there has been a massive displacement of people in the country or its neighboring areas, as a result of armed conflict, some other violent situation or an environmental disaster. Temporary protection lasts for a maximum of three years in total.

Georgia

44. In its response dated 1 February 2007, the Government of Georgia reported on legislative developments as well as major challenges obstructing or hindering the full protection of IDPs and refugees in Georgia. For several years, the problem of internally displaced persons has been one of the major challenges for the Government of Georgia. In addition, internal conflicts in neighbouring countries have generated large numbers of asylum-seekers seeking refuge on its territory.

45. The Government also reported that Georgia is party to all the major instruments, including the 1951 Convention Relating to the Status of Refugees and its 1967 Optional Protocol.

46. The 1998 law on refugees determines the legal status of refugees and persons seeking refugee status; the grounds and procedures for granting, termination and deprivation of refugee status; and legal, social and economic guarantees for refugees. An individual who enters the country due to persecution on the grounds of race, religion, ethnic affiliation, membership of any social group, or political opinion is obliged to personally apply to the Ministry of Refugees and

Accommodation and request recognition as a refugee. The decision on the recognition of refugee status is made by the Ministry within four months of registration and a refusal to grant refugee status can be appealed.

47. A draft law on refugees and persons granted temporary asylum is envisaged, in order to bring the definition of refugee into complete compliance with the definition contained in the 1951 Convention. It will further simplify the process of obtaining refugee status and will subject all decisions in this regard to the scrutiny of the judiciary. Special attention will be paid to the situation of children. This draft law will also regulate the issue of asylum-seekers who do not qualify for refugee status but cannot be expelled from the territory for humanitarian reasons.

48. According to the Charter on the granting of asylum, the President is responsible for granting asylum to foreigners who are persecuted in their own country because of their activities for the protection of peace and human rights, or progressive social, political, scientific and other creative activity.

49. The law on forcibly displaced and/or internally displaced persons (FDPs/IDPs) of 1996 provides the legal basis for the definition of the legal status of FDPs/ IDPs and sets the rules regulating the process of granting, cancellation, termination and deprivation of that status. It also provides legal, social and economic guarantees. Apart from assuring the right to live in a temporary place of residence and receive other assistance, the basic obligation of the State is to assist FDPs/IDPs in returning to their habitual place of residence. FDPs/IDPs are entitled to receive different types of assistance such as a temporary place of residence; social assistance; their medical expenses covered by the State; or assistance in enjoying the right to education.

50. In regard to refugees, the Georgian authorities reported that, due to the lack of financial resources, assistance was somewhat limited. However, in recent years the amount and type of assistance has been steadily increasing.

51. Most refugees are settled in the north-eastern part of the country and several programmes have been implemented with the assistance of the international community. In particular, UNHCR and the World Food Programme (WFP) are implementing a programme of food assistance to the refugees. A durable solution for those refugees who have already been on Georgian territory for more than seven years remains the most problematic issue.

52. According to the authorities, the conflict with Abkhazia resulted in the displacement of some 300,000 persons and the conflict in the Tskhinvali region/South Ossetia led to the displacement of some 60,000 persons. Displacement brought about by conflicts remains one of the major challenges for the Government of Georgia, since it has to guarantee the FDPs/IDPs what they need to enable them to continue a normal life. The main problem hampering assistance to FDPs/IDPs remains the lack of financial and other resources.

53. The Government of Georgia has been drafting a national strategy on internally displaced persons in order to establish a detailed and durable solution for IDPs in Georgia. This strategy serves two major objectives: securing the conditions for IDPs to live in dignity and their integration into Georgian society; and creating the necessary conditions to enable them to return home voluntarily, in dignity and safety. It has been developed in line with the recommendations of the Representative of the Secretary-General on human rights of internally displaced persons

and in consultation with civil society, IDP associations and the international community. It is based on international human rights standards and on the Guiding Principles on Internal Displacement. In particular, it incorporates the principle of allowing and assisting IDPs to integrate into society while also respecting their right to return to their homes and communities, not as mutually exclusive options, but rather as mutually reinforcing options. The strategy covers various aspects of the problem, such as:

- Securing dignified conditions for IDPs and their integration into Georgian society;
- The social integration of IDPs (improving their living conditions and socio-economic status);
- Creating conditions of voluntary return for IDPs and support for the process;
- Supporting IDPs who have spontaneously returned to their permanent residence.

54. This strategy will, according to the Government of Georgia, be implemented by all relevant government ministries, agencies and authorities at both national and local levels, and should be widely disseminated, especially among internally displaced persons in Georgia and organizations (local and international) working with IDPs.

55. The Government is planning to develop an action plan for the implementation of the national strategy.

Jamaica

56. In its reply dated 2 February 2007, the Government of Jamaica affirmed its commitment to ensuring that it adheres to its obligations under the 1951 Convention Relating to the Status of Refugees and the 1967 Optional Protocol, and that those who are fleeing persecution are given the protection they need. Each application for refugee status is considered on its individual merit to determine whether the applicant has demonstrated a well-founded fear of persecution in his or her home country for reasons of race, religion, nationality, membership of a particular social group or political opinion.

57. The Government reported that it is aware of the economic and social impact that a mass influx of refugees can have on an individual country, and therefore it continues to be engaged in efforts aimed at sustaining peace, stability, democracy and development in countries throughout the Caribbean region and beyond, that will remove the need for persons to flee their countries. This is accomplished through engagement with relevant international and regional organisations and with other countries at the bilateral and regional levels.

58. In view of its obligations, the Government of Jamaica has taken the necessary steps to ensure adequate protection of the basic human rights of refugees and asylum-seekers, including through the provision of adequate food and shelter, and the safety and security of individuals and their personal property. The enforcement of this right is no less than that afforded to each citizen of Jamaica by the security forces.

59. Meeting the welfare needs of refugees and asylum seekers requires a multi-faceted approach, involving the Ministries of Foreign Affairs & Foreign Trade, National Security, and Health. The Office of Disaster Preparedness and Emergency Management (ODPEM), also assists in providing safe and secure shelter, as well as the basic necessities to ensure that their stay in the

shelters provided is of a high standard. While under the care of the Government of Jamaica, every effort is made to ensure that refugees and asylum-seekers are treated according to internationally recognized human rights standards, including the granting of access by representatives of human rights groups and other NGOs operating in Jamaica.

60. In Jamaica, the refugee determination process involves initial screening and status determination by an eligibility committee comprising representatives from the Ministry of Foreign Affairs & Foreign Trade, the Ministry of Justice, and the Ministry of National Security. Where an application for refugee status is denied, the applicant can appeal to a tribunal for a reconsideration of the decision. In instances where children are involved in asylum cases, the Government of Jamaica, to the extent possible, has always sought to keep the family unit together.

61. The Government of Jamaica has developed a refugee policy which establishes procedures for managing the refugee status determination process. The refugee policy document takes account of the provisions of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status.

Japan

62. In its reply dated 29 January 2007, the Government of Japan reported that, with regard to the various human rights issues involving foreign nationals, the Ministry of Justice is responsible for providing remedies in cases of human rights infringements and preventing harm caused by such infringements through human rights counselling, investigation and resolution of cases. The Ministry of Justice has established human rights counselling centres for foreign nationals to respond to various human rights inquiries from foreign nationals. In addition, the human rights organs of the Ministry of Justice actively organize promotional campaigns to promote the principle of respect for human rights, in order to make a wider audience aware of the importance of the rights of all people, including foreign nationals. In addition to the regular promotional activities, various other activities are carried out during Human Rights Week (every year from December 4 to 10), with emphasis on certain issues, including respect for the human rights of foreign nationals.

63. The authorities also reported that Japan has been responding to the assistance and protection needs of those countries affected by mass exoduses of refugees and displaced persons through assisting humanitarian organizations. Most recently, in December 2006, Japan contributed US\$ 30 million to WFP, UNHCR, United Nations Mine Action Service (UNMAS) and International Committee of the Red Cross (ICRC) operations in Sudan.

64. Regarding the protection of refugees, the Government recalled that Japan signed the 1951 Convention Relating to the Status of Refugees in 1981 and subsequently its 1967 Protocol in 1982. Refugee recognition procedures were incorporated in the Immigration Control and Refugee Recognition Act (the Immigration Act), which clearly regulated the principle of non-refoulement. The amended Immigration Act which substantially changed the previous refugee recognition system came into force on 16 May 2005. This new refugee recognition system established the process for permitting illegal foreign residents who have applied for refugee status a provisional stay in Japan, with the aim of ensuring a stable legal status for them. It also

established the system of refugee examination counsellors aimed at enhancing the fairness and neutrality of refugee status recognition procedures. If the applicants for refugee status are female or children, careful consideration is given to their situation in light of their circumstances. In particular, if an applicant is female, a female official will take charge of the examination as far as possible.

Lebanon

65. The Government of Lebanon responded to the request for information in a communication dated 13 February 2007. It reported that mass exoduses in Lebanon are related to: internal displacements brought about by the wars that have ravaged the country; people who have left the country as a result of the last conflict; and the Palestinian refugees who sought refuge in Lebanon in 1948.

66. The Government referred to the fact that about two million people were displaced during the last war, among whom were 180,000 foreigners who returned to their countries of origin.

67. The Lebanese authorities also stated that, at this stage, Lebanon could not ratify the Geneva Conventions and their Additional Protocols.

Philippines

68. In its response dated 6 February 2007, the Government reported that in the Philippines, the displacement of individuals, families and communities is due to a number of factors: natural disasters, man-made disasters and development-related projects.

69. In regard to natural disasters, from 2005 to 2006, the Department of Social Welfare and Development - Disaster Response Operations Monitoring and Information Centre (DSWD-DROMIC) documented 535,205 individuals who took refuge in evacuation centres due to typhoons alone. Flooding also caused the evacuation of 79,704 individuals to designated centres in their respective local government units. Landslides forced 5,011 individuals to abandon their homes, while eruptions of the Mayon Volcano and Mount Bulusan in 2006 also forced 46,754 individuals to evacuate.

70. In addition, the authorities reported that the Philippines is host to two of the longest-running armed conflicts in the world, while counter-insurgency operations and terrorism related activities also remain a cause of internal displacement. In 2005 and 2006, DSWD-DROMIC reported that 92,334 individuals were driven from their homes to evacuation centres due to armed conflict. Fire incidents also led to more than 12,000 families seeking refuge in evacuation centres in 2005 and 2006. The oil spill resulting from the Petron-chartered oil tanker *M/V Solar* incident also caused 358 individuals to seek refuge in evacuation centres in the area.

71. Development projects like the expansion and rehabilitation of major railways also have unintended effects on the displacement of families and individuals. For example, the Manila-Calabarzon Express (MCX) Rail Project required the clearing of railroad tracks and the relocation of 600 informal family settlers from the Buli and Cupang Barangays in Muntinlupa City.

72. As the Chair of the National Committee on Disaster Response of the National Disaster Coordinating Council (NDCC-NCDR), DSWD-DROMIC acts as the lead agency in providing relief services to victims of disasters with the support of local government units and non-governmental organizations (NGOs).

73. The Department has also implemented various programmes under its Disaster Management Programme, such as the core shelter assistance (CSA) and emergency shelter assistance (ESA), to address the number of families rendered homeless due to natural and man-made disasters. The CSA provides environmentally friendly and well-built shelter units which can withstand various disasters, while the ESA provides some degree of financial or material assistance to augment the scarce resources of families in reconstructing houses that have been destroyed due to natural and man-made disasters.

74. DSWD also served as the Chair of the Project Steering Committee for the slum improvement project of the Asian Development Bank which was intended to reduce urban poverty in vulnerable communities through an off-site, off-city relocation package for vulnerable urban communities affected by the MCX Rail Project. This project adopted a strategic framework anchored in a multi-stakeholder or tripartite approach: the active participation of people's organizations, NGOs, the local government unit and national government agencies were highlighted during the implementation of the project. The 600 displaced informal settlers moved to their new homes in Dreamland Heights after the project was completed.

IV. INFORMATION PROVIDED BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

75. In its communication dated 20 February 2007, UNHCR provided the following information.

Global development related to displacement and refugee flows

76. At the end of 2005 the total number of persons of concern to UNHCR rose to 21 million, as compared to 19.5 million at the end of 2004. This figure includes refugees, asylum-seekers, returnees, stateless people and a proportion of the global population of internally displaced persons (IDPs). As a result of major repatriation operations the number of refugees fell to 8.7 million in 2005 reaching its lowest level since 1980.

77. In 2006 further progress was made with regard to some major repatriation operations. Since return to Afghanistan resumed in 2002, more than 4.8 million Afghans have been repatriated, however approximately 3.5 million Afghans still remain in the two neighbouring countries of Pakistan and the Islamic Republic of Iran. In the African context repatriation in 2006 included the return of almost 80,000 registered Liberians (half of them assisted by UNHCR); approximately 45,000 Burundians; about 32,000 Congolese refugees repatriating to the DRC, of which 23,000 from Tanzania; and about 28,000 returns to Angola assisted by UNHCR, bringing the organized repatriation operation nearly to a close.

78. On the other hand new humanitarian crises have emerged and in 2006 UNHCR had to dispatch its emergency teams inter alia to Lebanon, Timor-Leste, northern Pakistan and northern Kenya. Developments in Somalia have led to a renewed outflow of more than 34,000 individuals

into northern Kenya, while further individuals were unable to reach the neighbouring country when the border was closed.

79. Ongoing displacement from and within Iraq is of the utmost concern to UNHCR. In early February 2007 estimates reached a total of 2 million Iraqis who have fled to neighbouring countries, primarily Syria and Jordan, and the number is increasing by approximately 50,000 per month. In addition approximately 1.8 million Iraqis are currently displaced within Iraq.

80. UNHCR is also concerned about the increasingly evident spillover effect of the crisis in the Darfur region of Sudan into neighbouring countries, which is resulting in increased displacement.

Protection challenges and the response of UNHCR

81. While global numbers of refugees have been reduced during recent years, not least due to a number of large-scale and successful repatriation operations, protection challenges remain in a climate of increased security concerns, disrespect for international law in the conduct of warfare, and mounting xenophobia and intolerance in general across the globe. In this environment the protection of the human rights of refugees, internally displaced people and others of concern to UNHCR remains a top priority and an integral element of all forms of humanitarian action in which the Office engages.

82. UNHCR revised its global strategic objectives in 2006. Priority is given to ensuring that international standards of protection are met for all refugees and others of concern to UNHCR, taking into account their age, gender or personal background. Priority will also be given to improving protection against refoulement and reducing incidents of violence, in particular of a sexual and gender-based kind; ensuring civil, social and economic rights; and improving the coverage and quality of registration and documentation.

83. Furthermore the efforts of UNHCR will focus on the development and maintenance of an international protection regime by advocating and providing support to Governments in the establishment of national protection regimes in accordance with international standards. This includes: preserving asylum space through the effective implementation of the 1951 Convention and its 1967 Protocol and related international standards; strengthening the capacity of host countries to undertake refugee status determination, provide asylum and offer durable solutions; and protecting refugees within broader migration movements. A ten-point plan of action has been developed to better address the challenges of mixed migration flows and is to be piloted in the context of the Mediterranean situation.

84. Further objectives high on the agenda for UNHCR are the search for durable solutions, with a focus on self-reliance and integration; the use of resettlement as a strategic protection tool; and the protection of and assistance to IDPs. While resettlement on some occasions has been hampered by a very restrictive implementation of anti-terrorist legislation, efforts have been made to widen the scope of countries offering resettlement. Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland and Ireland have now agreed to introduce annual resettlement quotas and although these are still quite small, they complement the possibilities provided by traditional resettlement countries such as Australia, Canada and the United States of America.

85. Addressing the challenges of an ever-changing environment, UNHCR is reassessing its mission and is engaged in a thorough structural and management reform process in order to become a more flexible, effective and results-oriented organization. The change process launched in March 2006 serves the review of all structures, systems, processes and staffing arrangements. In order to permit prompt and efficient emergency response, the emergency team at UNHCR and its stockpiles are further strengthened, with the aim of establishing by 2007 an emergency response capacity allowing the deployment within 72 hours at any time of humanitarian staff and relief items sufficient for an exodus of up to 500,000 people.

V. CONCLUSIONS

86. Mass exodus, whatever form it might take - internal or involving the crossing of borders - is a source of great suffering and of numerous violations of the human rights and dignity of the men, women and children affected. As recalled by the Commission on Human Rights in its resolution 2005/48, the primary responsibility for ensuring the protection of displaced populations present on their territories lies with States. They have the primary role in the initiation, organization, coordination and implementation of humanitarian assistance for people living within their territory. The international community has a responsibility to cooperate with countries affected by mass exoduses of refugees and displaced persons, in particular developing countries.

87. Recent developments have shown growing recognition of the magnitude of exoduses and displacements, as well as the linkages between mass exoduses and human rights. However, major challenges still remain in preventing these situations and responding appropriately to the protection problems they raise. Further cooperation among all actors involved will be required to address these challenges and respond to the protection needs of the numerous victims.
