

108TH CONGRESS  
2D SESSION

# S. RES. 449

Encouraging the protection of the rights of refugees.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2004

Mr. KENNEDY (for himself, Mr. BROWNBACK, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations

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## RESOLUTION

Encouraging the protection of the rights of refugees.

Whereas the Convention Relating to the Status of Refugees dated July 28, 1951 (189 UST 150) (hereinafter referred to as the “Convention”) and the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (19 UST 6223) (hereinafter referred to as the “Protocol”) provide that individuals who flee a country to avoid persecution deserve international protection;

Whereas such protection includes freedom from forcible return and the basic rights necessary for a refugee to live a free, dignified, self-reliant life, even while in exile;

Whereas such rights, as recognized in the Convention, include the right to earn a livelihood, including the right to engage in wage-employment or self-employment, practice a

profession, own property, freedom of movement and residence, and receive travel documents;

Whereas such rights are applicable to a refugee independent of whether a solution is available that would permit the refugee to return to the country that the refugee fled;

Whereas such rights are part of the core protection mandate of the United Nations High Commissioner for Refugees;

Whereas more than 50 percent of the refugees in the world are effectively “warehoused”, which means such refugees have been confined to a camp or segregated settlement or otherwise deprived of their basic rights in a situation that has existed for at least 10 years;

Whereas donor countries, including the United States, have typically offered less developed countries hosting refugees assistance if they keep refugees warehoused in camps or segregated settlements but have not provided adequate assistance to host countries that permit refugees to live and work among the local population; and

Whereas warehousing refugees not only violates the rights of the refugees but also debilitates their humanity, often reducing the refugees to enforced idleness, dependency, disempowerment, and despair: Now, therefore, be it

1       *Resolved*, That the United States Senate—

2               (1) denounces the practice of warehousing refugees,  
3       which is the confinement of refugees to a camp  
4       or segregated settlement or other deprivation of the  
5       refugees’ basic rights in a situation that has lasted  
6       10 years or more, as a denial of basic human rights  
7       and a squandering of human potential;

1           (2) urges the Secretary of State to actively pur-  
2           sue models of refugee assistance that permit refu-  
3           gees to enjoy all the rights recognized in the Conven-  
4           tion Relating to the Status of Refugees dated July  
5           28, 1951 (189 UST 150) (hereinafter referred to as  
6           the “Convention”) and the Protocol Relating to the  
7           Status of Refugees done at New York January 31,  
8           1967 (19 UST 6223) (hereinafter referred to as the  
9           “Protocol”);

10          (3) urges the Secretary of State to encourage  
11          other donor nations and other members of the Exec-  
12          utive Committee of the United Nations High Com-  
13          missioner for Refugees’ Programme to shift the in-  
14          centive structure of refugee assistance and to build  
15          mechanisms into relief and development assistance  
16          to encourage the greater enjoyment by refugees of  
17          their rights under the Convention;

18          (4) encourages the international community, in-  
19          cluding donor countries, host countries, and mem-  
20          bers of the Executive Committee of the United Na-  
21          tions High Commissioner for Refugees’ Programme,  
22          to denounce resolutely the practice of warehousing  
23          refugees in favor of allowing refugees to exercise  
24          their rights under the Convention;

1           (5) calls upon the United Nations High Com-  
2           missioner for Refugees to monitor refugee situations  
3           more effectively for the realization of all the rights  
4           of refugees under the Convention, including those re-  
5           lated to freedom of movement and the right to earn  
6           a livelihood;

7           (6) encourages those countries that have not  
8           yet ratified the Convention or the Protocol to do so;

9           (7) encourages those countries that have rati-  
10          fied the Convention or the Protocol but have done so  
11          with reservations on key articles pertaining to the  
12          right to work and freedom of movement to remove  
13          such reservations; and

14          (8) encourages all countries to enact legislation  
15          or promulgate policies to provide for the legal enjoy-  
16          ment of the basic rights of refugees as outlined in  
17          the Convention.

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