

## **Housing and property restitution in the context of refugees and other displaced persons**

### **Sub-Commission on Human Rights resolution 2002/7**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and other relevant international instruments on human rights and humanitarian law,

*Recalling* Commission on Human Rights resolutions 1996/25 of 19 April 1996, 1997/22 of 11 April 1997 and 1998/26 of 17 April 1998 and resolution 1998/28 of 17 April 1998, in which the Commission called upon the Sub-Commission and its members

to further enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies;  
Commission

resolution 1999/81 of 28 April 1999, in which the Commission welcomed the Sub-Commission's efforts to enhance such cooperation; and Commission resolution 2002/66 of 25 April 2002, in which it reaffirmed that the Sub-Commission could best assist the Commission by providing it with independent expert studies carried out by its members or alternates,

*Recalling also* Commission on Human Rights resolution 1999/47 of 27 April 1999, in which the Commission encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons,

*Recalling further* that the Committee on the Elimination of Racial Discrimination, at its fiftieth session, decided to propose to the Sub-Commission nine topics for the preparation of studies, including on the return of refugees' or displaced persons' property,

*Welcoming* the developing cooperation between the Committee on the Elimination of Racial Discrimination and the Sub-Commission on this and other topics of mutual interest,

*Recalling* Sub-Commission decision 2001/122 of 16 August 2001 on the return of refugees' or displaced persons' property,

1. *Takes note* of the working paper submitted by Mr. Paulo Sérgio Pinheiro on the return of refugees' or displaced persons' property (E/CN.4/Sub.2/2002/17) and endorses the conclusions and recommendation contained therein;

2. *Reaffirms* its resolution 1998/26 of 26 August 1998 on housing and property restitution in the context of the return of refugees and internally displaced persons;

3. *Urges* all States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems;
4. *Reiterates* that the adoption or application of laws by States which are designed to or result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property, the retraction of the right to reside in a particular place, or laws of abandonment employed against refugees or internally displaced persons pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation;
5. *Affirms* that the remedy of compensation should only be used when the remedy of restitution is not possible or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution;
6. *Decides* to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper as well as on the comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission;
7. *Requests* the Special Rapporteur to seek the advice and cooperation of the Committee on the Elimination of Racial Discrimination in carrying out his mandate;
8. *Also requests* the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;
9. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to accomplish his task;
10. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/7 of 14 August 2002 and recalling Commission resolution 1999/47 of 27 April 1999 in which it encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons, endorses the decision of the Sub-Commission to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the comments made and the discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and the Sub-

Commission's request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session."

*22nd meeting*

*14 August 2002*

[Adopted without a vote. See chap. VI.]

© Copyright 1996-2000

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