



**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**



**2005/21. Housing and property restitution for refugees
and displaced persons**

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 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, its decision 2001/122 of August 2001 on the return of refugees' or displaced persons' property, its resolution 2002/30 of 15 August 2002 on the right to return of refugees and internally displaced persons, its resolution 2002/7 of 14 August 2002 on housing and property restitution in the context of refugees and other displaced persons, its resolution 2003/17 of 13 August 2003 on prohibition of forced evictions, its resolution 2003/18 of 13 August 2003 on housing and property restitution, and its resolution 2004/2 of 9 August 2004 on housing and property restitution,

Recalling also Commission on Human Rights decision 2003/109 of 24 April 2003 on housing and property restitution in the context of the return of refugees and internally displaced persons and resolution 2004/28 of 16 April 2004 on prohibition of forced evictions,

Convinced that the right to housing, land and property restitution is essential to the resolution of conflict and to post-conflict peacebuilding, safe and sustainable return and the establishment of the rule of law, and that careful monitoring of restitution programmes by international organizations and affected States is indispensable to ensuring their effective implementation,

1. *Urges* States to ensure the right of all refugees and displaced persons to return and have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, 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 implement this right;

2. *Reiterates* that States should neither adopt nor apply laws that prejudice the restitution process, in particular through arbitrary, discriminatory, or otherwise unjust abandonment laws or statutes of limitations;

3. *Affirms* that all refugees and displaced persons have the right to full and effective compensation as an integral component of the restitution process;

4. *Welcomes* the final report of the Special Rapporteur, Paulo Sérgio Pinheiro, on housing and property restitution in the context of the return of refugees and internally displaced persons (E/CN.4/Sub.2/2005/17), containing the Principles on Housing and Property Restitution for Refugees and Displaced Persons as well as the explanatory notes on the Principles (E/CN.4/Sub.2/2005/17/Add.1);

5. *Endorses* the Principles on Housing and Property Restitution for Refugees and Displaced Persons and encourages their application and implementation by States, intergovernmental organizations and other relevant actors;

6. *Requests* Mr. Pinheiro to compile and update the study on housing and property restitution for refugees and internally displaced persons so that it can be published in one volume as part of Human Rights Study Series, in all the official languages of the United Nations;

7. *Decides* to request the Secretariat to transmit the Principles on Housing and Property Restitution (E/CN.4/Sub.2/2005/17) and the Explanatory Notes to the Principles (E/CN.4/Sub.2/2005/17/Add.1) to the Committee on the Elimination of Racial Discrimination and other United Nations treaty monitoring bodies and to regional human rights bodies, so as to assure their wide dissemination;

8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, recalling its decision 2003/109 of 24 April 2003 on housing and property restitution in the context of the return of refugees and internally displaced persons, recalling also its resolution 2004/28 of 16 April 2004 on prohibition of forced evictions, and taking note of resolution 2005/21 of 11 August 2005 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the request by the Sub-Commission that Paulo Sérgio Pinheiro compile and update the study on housing and property restitution for refugees and internally displaced persons, and that the full study, entitled “The right to housing and property restitution for refugees and other displaced persons”, be published as part of the Human Rights Study Series, in all the official languages of the United Nations.”

20th meeting

11 August 2005

[Adopted without a vote.

See E/CN.4/2006/2, E/CN.4/Sub.2/2005/44, chap. VI.]