

## **Housing and property restitution**

### **Sub-Commission resolution 2003/18**

*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 decision 2001/122 of 16 August 2001 and its resolution 2002/30 of 15 August 2002 on the return of refugees' or displaced persons' property,

*Recalling also* its resolution 2002/7 of 14 August 2002 on housing and property restitution in the context of refugees and other displaced persons,

*Recalling further* 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,

*Reaffirming* its own resolution 1998/26 of 26 August 1998 on the same subject,

1. *Welcomes* the preliminary report of the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, on housing and property restitution in the context of the return of refugees and internally displaced persons (E/CN.4/Sub.2/2003/11) and endorses the conclusions and recommendation contained therein;
2. *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;
3. *Reiterates* that the adoption or application of laws by States that 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;
4. *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;

5. *Decides* to continue consideration of this issue at its fifty-sixth session under the same agenda item.

*22nd meeting*

*13 August 2003*

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