



“Towards a global compact on refugees”

**Thematic discussion four:
Measures to be taken in pursuit of solutions**

Panel 1: How can we support voluntary and sustainable return?

**14 November 2017
Room XIX, Palais des Nations**

**Oral Statement, Office of the United Nations High Commissioner for Human Rights
(OHCHR)**

The Office of the High Commissioner for Human Rights (OHCHR) welcomes the theme of this fourth thematic discussion, “Measures to be taken in pursuit of solutions” and wishes to highlight that the protection of the human rights of refugees is essential to ensuring that any solutions identified are safe, dignified, and sustainable.

- In this respect, we support the work of UNHCR in developing a Programme of Action that promotes and expands the range of sustainable solutions available to refugees that fully ensure their safety, dignity and fundamental rights.
- Sustainable solutions must ensure the protection of all refugees’ fundamental human rights, including all civil, political, economic, social and cultural rights, consistent with the principle of non-discrimination. Among other things, these include freedom of movement, freedom from arbitrary detention or other arbitrary restrictions on liberty, the prohibition on non-refoulement, as well as rights to housing, water, health, education, and decent work.
- As noted by the Committee on Economic, Social and Cultural Rights (CESCR), all people under the jurisdiction of the State concerned should

enjoy their Covenant rights: “this includes asylum-seekers and refugees, as well as other migrants, even when their situation in the country is irregular.” (CESCR statement, February 2017, para 3). In all cases, refugees must have access to justice and appropriate remedies for any violations of these fundamental Covenant rights.

- While expanded resettlement opportunities are badly needed, OHCHR notes that safe, dignified, and sustainable solutions must also be identified for the overwhelming majority of refugees who will never benefit from resettlement. This includes the full and effective enjoyment of the human rights of all refugees in the countries where they are now.
- It is sometimes said that voluntary repatriation is the preferred solution, but after years living in host countries, many refugees may prefer other solutions, and from a human rights based approach, OHCHR notes that identifying solutions should be a participatory and voluntary process involving refugees as rights-holders themselves, with special attention given to their views and opinions.
- In this respect, voluntary repatriation must be grounded in the participation of impacted persons and communities and uphold the human rights, dignity and welfare of all persons concerned. Building conditions that are conducive to voluntary repatriation of refugees must go beyond mere economic conditions to include the protection of all of their fundamental human rights, including access to justice and remedy.
- At all times, voluntary repatriation must be truly voluntary. OHCHR has emphasized that any consent given to voluntary return or repatriation must be free of any coercion, such as the threat or prospect of detention, and can never violate the prohibition on refoulement and collective expulsion.

- OHCHR is strongly supportive of the effort to identify complementary pathways for the admission and stay of refugees as part of the search for safe, dignified and sustainable solutions. These can be based, for example, on the human rights to family, health, children's best interests, or the right to rehabilitation.
- Further, OHCHR is particularly concerned about those who risk falling into gaps because they are unable to benefit from refugee protection, but nevertheless find themselves in a situation of vulnerability that calls for specific protection and targeted solutions under the human rights framework. In this respect, on behalf of the Global Migration Group, OHCHR is finalizing a set of Principles and Guidelines to illustrate how states and other stakeholders can operationalise existing human rights commitments by finding solutions for migrants in vulnerable situations, including those who are in need of protection under international human rights law.

Thank you.