

REINTEGRATION OF RETURNEES: EXPLORING COMPLEXITIES AND HUMAN RIGHTS CONSIDERATIONS

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Voluntary Return: Concepts

Worldwide forced displacement is [at the highest level ever recorded, exceeding 117 million in 2023](#). Although return is the preferred solution and is generally seen as the most durable and socially appropriate, the factors and processes that enable peaceful voluntary returns **are missing in relevant academic work and policy reports**.

There is an increase of displaced persons worldwide; at the same time, there has been a significant decline, up to a relative 85% in the past three decades, in the number of individuals who return to their original pre-conflict homes. This puzzle is best exemplified in cases such as Bosnia, Bulgaria or Rwanda (relatively high returns in the 1990s) vs Colombia, Sudan and Ethiopia (low returns despite highly-celebrated peace agreements in the past decade).

UNHCR defines protracted displacements as those involving 25,000 or more refugees for more than five years and generally recommends the reversal of those situations as quickly, voluntarily and as peacefully as possible. Yet evidence on whether return is feasible or even desirable following protracted displacement is mixed and contradictory, for instance, UNHCR indicates that only 3.9 million refugees were able to return to their country of origin between 2010 and 2019 compared to almost 10 million refugees who returned home during the previous decade and more than 15 million two decades prior. **UNCHR in 2019 also reports a remarkably low percentage of refugees returning to their country of origin in 2018** (less than 3%) and cites comparable declining figures for the internally displaced. Returnee figures are in major decline while the number of displaced worldwide reached a record level of 117.3 million at the end of 2023 compared to less than 40 million in 1990.

Voluntary return is widely recognized by international organisations and governments as the most appropriate response to forced displacement, whilst survey data demonstrate that victims of displacement frequently retain a strong desire to return to their ancestral communities.

Meanwhile, over the past three decades there has been a proliferation of global and regional initiatives to support displaced communities through, for instance, the United Nation's Pinheiro Principles, the Kampala Declaration (African Union), and various UN Security Council and international court decisions (e.g. European Court of Human Rights, International Court of Justice) involving Cyprus, Georgia, the Chagos islanders, and the Rohingya in Myanmar. Nonetheless, the **international community seems to lack proper insights as to the efficacy of support mechanisms for returnees** despite emerging legal and humanitarian norms, as well as comparative expertise gained from [peacemaking operations, stabilization and reconstruction](#) over the past few decades, where safe return is of critical consideration.

For the UNHCR, of the three durable solutions – voluntary repatriation/return, integration, resettlement – voluntary repatriation is generally considered the ideal. Admittedly, return might not always be the most preferred option, as victims of displacement re-establish their lives in a new environment and away from conflict zones active or frozen.

A critical reflection of the concept of return could raise concerns over safety, desirability and re-traumatization of vulnerable individuals. Likewise, **denial of the right of return could leave** individuals traumatized and demoralized as well as **harm trust relationships with state authorities and international organisations.**

Aiming to navigate through these complexities, **the return** might be defined as a) a bundle **of preferences and rights** involving for instance fair compensations for those displaced who do not wish to return; **b) an inclusive institutional setting and support mechanisms** for those who wish to do so including most vulnerable groups; c) a set of **adaptable arrangements for partial or conditional returnees** who wish to re-establish some but not all aspects of their pre-conflict livelihoods i.e. **allowing institutions to adjust to the fluidity of returnee preferences** and back and forth movement between individuals and family members in home and host states.

Factors Enabling Peaceful Return and Integration

There is already a wide body of evidence that has demonstrated that **the broader context matters:** victims of displacement could be accommodated (or more frequently forced to) in designated refugee camps and face unbearable restrictions, or they could be integrated into a new environment in mixed neighbourhoods in major metropolitan centres; **each situation differently influences intentions to return home** or the urgency of identifying durable solutions.

Furthermore, **return is conditioned by domestic legal frameworks** often established against the rights of displaced persons and refugees. Some forcibly displaced cannot return because another group or authorities prevent them to do so.

In other cases, displaced individuals are forced to return. In still other cases, displaced persons might have developed a sense of belonging in their place of exile and have no desire to go “home”. Sometimes, however, returning to pre-displacement homes is a real possibility and a meaningful voluntary choice. **Voluntary return by definition implies** that displaced persons freely choose their return to their pre-conflict homes and that return is encouraged by both home and host authorities in a safe environment and where decisions are made safely.

In those cases **asking people what drives voluntary return is the essential** first step to facilitate the **development of effective policies**.

Existing academic research on return factors is limited and tends to focus on explanations from single cases, such as Bosnia, the South Caucasus, Kazakhstan, Colombia, Turkey and Northern Uganda. Although studies are country and case-specific and, as such, not entirely generalizable, most indicate the importance of a general set of push and pull factors.

Economic and security factors are fundamental, here (potential) returnees judge relative **security and economic prospects for themselves and their families** when assessing the dilemma as between return or permanently residing in exile.

Returnees may also depend on the willingness of others to hire them, therefore **enforcing non-discriminatory hiring practices** should be an important priority in the legal frameworks.

Displaced persons are less likely to return to their former homes if they successfully settle in a new environment. If they have found permanent jobs, acquired property and developed their language skills, they may have less inclination to leave. Here the impact of **pre-return counselling is important as returnees could identify new opportunities for employment back home** or preserve existing ones through remote working arrangements supported by favourable bilateral tax treaties.

Gender, age, and education are main individual-level predictors of return.

Those who are highly educated and have found permanent employment in the place of displacement are less likely to return: young and educated women were very unlikely to return while elderly men with low education are very likely to do so.

While the above findings are significant, **current studies have failed to systematically collect data** on decision-making processes within forced migrant families. **The return decisions often seem to be made by families – not individuals.** Research suggests that elderly men are most pro-return whilst young women are most opposed. However, to the best of our knowledge, **existing studies do not include the necessary evidence** to help us understand how and why families arrive at a certain return decision, for example, there are both elderly men and young women in the family unit.

Both focus groups and public opinion surveys will help advice efforts for best outcomes. Public opinion surveys with an experimental design component are the most suitable for understanding the order of preferences by female returnees and making a difference in public policy. Participants could respond to specific packages/policies aiming to facilitate return and how those could be adjusted to support the least likely demographic categories.

The UN and international development agencies often evaluate the relevant interventions to facilitate these dilemmas and **promote better security and development opportunities at home** while human rights organisations such as the Council of Europe, often emphasize human rights, community organisations and **enabling institutional frameworks** to support returnees.

Role of civil society organisations is of great importance. Here one could **emphasize the efficacy of trust, norms and networks in facilitating return**. The role of community organisations is important (i.e. are community leaders equipped to support their members? Are they familiar with legal frameworks and best practices elsewhere? Can they build a recurrent consensus among all actors and issues on the efficacy of proposed returnee policies?). A related approach that addresses questions of coordination and trust relates on institutional design something that the Council of Europe has also an input through decisions of the European Court of Human Rights, the Venice Commission and other bodies.

This focuses on constitutional provisions for refugees and the broader design of institutions in peace processes, including property restitution and compensation, police employment quotas and specific provisions in electoral system that encourage participation and enable displaced persons to vote and therefore remain active in their communities.

The key idea here lies in addressing complex decision-making by returnees that requires coordination at multiple levels: **individual, community and global institutional**. For instance, decisions at the global level to facilitate return (i.e. the level of actual normative consensus at the European and global level), how these **are interpreted by community leaders** and how they translate **into individual decisions on the ground**.

Likewise, individual decisions to return or not in pre-conflict homes **are conditional on friends and family members**.

Safeguarding the Right of Return

Return not as a single act, but as a process with several key phases – intention to return, return attempts, and sustainable return – in which factors crucial for success in some phases might be less significant in others. Even in the townships where the intention to return was strong in the Balkans, with community effort leading to successful returns, the mass return was generally not followed by well-designed and well-funded economic development programmes.

Consequently, **many returnees left again**, this time for economic reasons – to find jobs. Bosnia is a close comparison here to Ukraine as both countries face the demographic challenge of depopulation; as in the case of Bosnia, Ukraine borders countries with higher income levels, growing economies and the capacity to absorb its well-educated population.

For one thing, to ensure sustainability, **local economic development and economic opportunities need to be planned well in advance**, and returnees will need support once they arrive and after. For another, it is again important to think beyond binary terms as Ukrainian displaced are likely to move multiple times between former and current residencies. On this issue, the experience of international organisations in Bosnia and elsewhere suggests that **trial-and-error strategies** might be needed until optimal outcomes are reached. An option potentially applicable to Ukraine is the “right to regret” allowed to Bosnian returnees who had been living temporarily in the UK and France and who were given the option to return with the same status if their experience with repatriation to Bosnia proved negative. In Ukrainian terms this means foreign embassies escorting returnees back to their pre-conflict homes, evaluating the situation together and then deciding to stay (with their provision that displaced persons and their children will be able to move back to EU or third countries at any time if conditions change without losing their previous status.

Taking this a step further returnees should also be encouraged to keep where possible jobs abroad while contributing their taxes in Ukraine (creating here a positive precedent in EU country legislation that would also favour employers). For Ukrainians opting not to return back to their pre-conflict residencies, integration to a new environment abroad should be an option while maintaining their Ukraine ties through voting and taxation (from abroad) thus contributing to Ukraine’s reconstruction. An effort should be made to preserve these ties and sign appropriate bilateral taxation and citizenship treaties favourable to Ukraine.

All these considerations **will require new conceptualizations and operationalizations of the “right of return”** and how to best employ its various dimensions to support Ukraine’s reconstruction.

To this point, many of the conflicts around the world feature conflicting legal, political and normative interpretations of the “right of return”. This largely depends on its definition of the “right of return” which could, in theory, involve not only the right of mobility/movement (i.e. a person’s right to return to a pre-conflict village or city and to enjoy employment rights and benefits) but also three other necessary components: first, the right to restitution for property, including financial support for the loss of income and for the reconstruction of destroyed properties; second, individual and communal rights, such as non-discrimination, electoral rights, participation in local

decision-making processes and representation in policing and security mechanisms; and third, the transferability of those rights to one's immediate family, for instance, descendants and spouses.

Another concern is that **the right of return cannot be established without family reunification and community rebuilding.** Displaced persons particularly minority groups are very unlikely to return in significant numbers unless there is significant community involvement and mobilization for return. Likewise, the right of return could be interpreted as covering descendants and non-displaced partners. On many occasions, displaced persons might not have been displaced directly at the time of the conflict; some might have left earlier for financial reasons but found the right of return to an ancestral land restricted as a result of the conflict.

Pre-Return Counselling

The importance of pre-return counselling for potential returnees aims to capture both **the complexity in their experiences** as well as **options available to them**.

Pre-return counselling **aims at preparing victims of displacement** for a safe, dignified and sustainable return to their pre-conflict homes and communities.

The International Organisation for Migration (IOM) defines such counselling **as the provision of information to the returnee on the reintegration assistance process**; the collection of relevant information including assessment of potential situations of vulnerability and identification of needs, skills, motivations, and opportunities; and the provision of first-line emotional and psychological support.

Information sharing as noted above might include details on the security situation, available housing and property restitution options, as well as the provision of basic social services such as healthcare and education.

Economic reintegration is also critical and for the case of Ukrainian returnees maintaining jobs remotely in European countries might be a key issue that will require dedicated legal expertise and assistance. Likewise, pre-return counselling **might require aid with regards to regaining relevant documents** such as birth certificates or property deeds or understanding issues involving pensions.

Community engagement and skills training programmes are also critical aspects of counselling. Those might involve reconciliation initiatives and property dispute mechanisms as well as forward looking initiatives that might involve vocational training aiming for both local needs and international labour markets, negotiations and leadership workshops, or finance and microfinance options for returnees. Finally, psychological support is critical as to managing expectations as well as addressing trauma and fear.

Practices and expertise of pre-return counselling work have been divided across multiple organisations engaged in efforts to support returnees. IOM provides a list of recommended actions and practices through its [Assisted Voluntary Return and Reintegration \(AVRR\) programme](#).

Likewise, the UNHCR provides [Voluntary Repatriation Counselling](#) to refugees, ensuring that their decision to return is informed, voluntary and sustainable.

[The EU strategy on voluntary return and reintegration](#) provides a framework for several initiatives, for examples, the European Return and Reintegration Network (ERRIN), a network of 16 European partner countries on migration issues, established to ensure that migrants can return to their home countries in a dignified and humane manner; the International [Centre for Migration Development Policy](#) offers programmes to return counsellors aiming to enable them to assist people in the pre-departure phase in the best way possible.

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