Office of the United Nations

High Commissioner for Human Rights

Committee on the Rights of the Child  
Palais des Nations  
CH-1211 Geneva 10, Switzerland

November 1, 2023

**Tackling the Obstacles to Repatriating Illicit Funds for the Fulfillment of Human Rights: Challenges, Impacts, and Solutions**

**About Us**

Axana Soltan is a Human-Rights Lawyer. She has received her law degree from The George Washington University School of Law, where she was selected as a GW Law Merit-Based Scholar. She has received her Doctor of Law (J.D.) with the highest distinction from the University of the District of Columbia School of Law. Previously, Axana has been named as one of the contenders for *USA Youth Observer 2019*, one of the finalists for *Most Outstanding Youth Delegate*, and selected as one of the finalists for *WFUNA Young Leader of the Year 2021*. Under President Obama’s Administration, her organization was selected as a certifiable foundation for the White House Presidential Service Award. Axana has also received the U.S. Congressional Recognition from U.S. Senator Mark Warner for demonstrating exemplary leadership, professional achievements, and community service in her state.

**INTRODUCTION**

The repatriation of funds of illicit origin to their countries of origin has emerged as a critical issue in the realm of human rights. The Human Rights Council's Resolution 52/21 highlights the detrimental consequences of the non-repatriation of such funds and emphasizes the need for international cooperation to address this challenge. This essay aims to delve into the multifaceted obstacles and challenges inherent in the process of repatriation, the negative impacts of non-repatriation on human rights, potential solutions, and best practices.

**Obstacles in Repatriation Process:**

1. Legal, practical, and institutional barriers:
   * Complex and divergent legal frameworks across jurisdictions impede effective cooperation.
   * Inadequate institutional capacity and expertise hinder swift and efficient processes.
2. **Challenges during the stages of repatriation:**

a. Identification and tracing of funds:

* + Sophisticated laundering techniques and multiple jurisdictions complicate the process. b. Measures to seize or freeze funds:
  + Inconsistent implementation of international standards undermines efforts. c. Confiscation of funds:
  + Procedural challenges and legal intricacies delay the confiscation process. d. Recovery and returning of funds:
  + Lack of cooperation and transparency between countries stalls successful repatriation.

**Negative Impact on Human Rights:**

The failure to repatriate illicit funds directly impacts human rights, specifically economic, social, and cultural rights. The consequences include:

* Impeding national development by depriving countries of resources for public services and infrastructure.
* Exacerbating poverty and inequality by diverting resources from marginalized communities.
* Undermining social welfare programs and access to education and healthcare.
* Fueling corruption and weakening governance structures, perpetuating human rights abuses.

**Challenges and Good Practices:**

1. Challenges faced by requesting and requested States:
   * Political resistance and lack of political will to collaborate.
   * Limited resources and expertise in investigating and prosecuting financial crimes.
2. Good practices for overcoming challenges:
   * Strengthening international legal frameworks for cooperation.
   * Establishing dedicated task forces and specialized units to handle financial investigations.
   * Enhancing transparency and accountability in financial transactions.

**Mechanisms for Measuring Illicit Financial Flows:**

1. National and international financial regulatory bodies monitoring cross-border transactions.
2. Dedicated agencies for tracking money laundering and financial crimes.
3. Collaboration with international organizations and institutions for data sharing and analysis.

**Utilizing Repatriated Funds for Human Rights:**

1. Implementing robust oversight mechanisms to ensure the proper utilization of repatriated assets.
2. Involving civil society and local communities in decision-making processes.
3. Creating transparent and accountable mechanisms for fund allocation to human rights-related initiatives.

Addressing Human and Drug Trafficking-Related Illicit Financial Flows:

1. Strengthening international cooperation and information sharing among law enforcement agencies.
2. Creating specialized task forces and inter-agency collaborations to combat human and drug trafficking.
3. Developing comprehensive policies and frameworks to target the financial networks supporting these illegal activities.

**CONCLUSION**:

The challenges associated with repatriating illicit funds demand a concerted global effort. By addressing legal, practical, and institutional barriers, promoting international cooperation, and ensuring the transparent and accountable use of repatriated funds, the international community can significantly mitigate the negative impacts on human rights. Furthermore, sustained efforts to combat human and drug trafficking-related illicit financial flows are essential for fostering a more just and equitable global society.