



# INTERNATIONAL HUMAN RIGHTS

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*The Rights of Refugees*

# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ What is the goal of the protection of international refugees?
- ❖ Facilitate voluntary return home of uprooted persons



# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ WWII placed spotlight on human rights
  - Millions displaced in Europe
- ❖ Part of the Geneva Conventions
- ❖ Codified international standards for treatment of refugees and obligations
- ❖ Created by United Nations High Commissioner for Refugees (UNHCR)



# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ Before this, efforts by League of Nations were unsuccessful
  - Few countries signed
  - Limitations on obligations
- ❖ Convention has 140 countries signed
- ❖ Defines who refugees were – “well-founded fear of persecution”



# WHO ARE REFUGEES?

- ❖ Article I defines as persecuted person due to race, religion, nationality, social or political views
- ❖ Unwilling to return, fear persecution
- ❖ Wish to return home
- ❖ Ineligible by “exclusion clauses”: war criminals, terrorists, etc.
- ❖ Arrive illegally in country



# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951



Events occurring before 1 January 1951

Governments obligated not to expel  
(*refouler*) asylum seekers back to place of  
persecution

Now considered customary law

US Supreme Court controversial 1993  
decision re: Haitian refugees in boats

# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951



States that refugees have freedoms

- Practice religion
- Access to courts
- Elementary education
- Public assistance
- Housing and jobs – at least as favourably as citizens

Refugees could not exploit country

# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ Even if person commits offences,  
severity of crime is balanced  
against likely fate of claimant if  
barred from asylum





# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951



Major humanitarian achievements

UNHCR given limited 3-year mandate to help post-WWII refugees, then disband

Refugee crisis spread instead

By 1995, 27 million were seeking asylum

- Meant to be only temporary aid

Some nations began closing doors

# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ Many nations believe Convention is outdated and irrelevant
- ❖ Easy intercontinental travel has led to human trafficking, abusers of status, illegal immigrants
- ❖ Asylum systems overwhelmed with refugees and migrants





# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

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- ❖ Rise in uncontrolled migration and perceived abuse of system
- ❖ Global communications, cheap international travel
  - People abandon homes and improve lives elsewhere
- ❖ Smugglers and traffickers
- ❖ 2000 – 400,000 applied for asylum in 115 countries, double of 1980
  - $\frac{1}{4}$  ultimately granted asylum

# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ British PM Tony Blair insists treaty's "values are timeless"
- ❖ Calls for reforming how it operates – "applications in today's world"
- ❖ Convention has economic strains, obligates states to consider all applications for asylum



# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

❖ Australian Minister for Immigration  
Philip Ruddock criticizes Convention  
and UNHCR

- Agency spends little on poorest
- Countries spend thousands daily on those free enough to travel and with money to pay smugglers
- Double standards for UNHCR and developed countries





# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

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- ❖ Convention said to no longer work as its framers intended
  - I.e. allow for voluntary return of refugees eventually
  - Not intended to be migration control instrument
- ❖ Potential security threats – terrorists, murderers, dealers
- ❖ High Commissioner Ruud Lubbers states prosperous countries complain about refugees, but do not act to prevent refugee crises

# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ Some governments reading  
Convention more restrictively
- ❖ Quality of asylum deteriorating
  - Camps attacked, refugees  
intimidated
- ❖ Balancing government interests  
with needs of refugees essential



# REAFFIRMING COMMITMENT TO THE CONVENTION

- ❖ Recently launched global consultations by UNHCR
- ❖ Address key protection concerns not addressed in 1951 version
  - Interpret various provisions
  - Exclusion and cessation
  - *Non-refoulement*
  - Family Unity
  - Refugee definition
  - Illegal entry into asylum state
- ❖ Intended to set international standards for refugee issues



# CONVENTION RELATING TO THE STATUS OF REFUGEES 1951

- ❖ Canada, US, UK etc. have different policies to deal with those who claim to be seeking asylum
- ❖ Distinguish “genuine” refugees from illegal immigrants, soldiers, etc.



# CANADIAN REFUGEE SYSTEM

- ❖ Before 1980s, immigration officials interviewed claimants and made initial decisions
- ❖ Law tribunals reviewed decisions on appeal
- ❖ After Singh decision, changed



# CANADIAN REFUGEE SYSTEM

- ❖ Singh sought asylum in Canada claiming fear of persecution in India
- ❖ Interviewed by officer but not decision makers
- ❖ Rejected claim based solely on interview records
- ❖ Appealed rejection to SCC
- ❖ Ruled in 1985 that refugee claimant must speak directly to asylum panel



# CANADIAN REFUGEE SYSTEM

- ❖ All claimants now have hearing before two members of Immigration and Refugee Board
- ❖ If they disagreed, in favour of applicant
- ❖ Protection: counsel and interpreter, disclosure of evidence, written reasons for negative decision
- ❖ Members decide credibility of each story
  - Majority of claims have ambiguous, uncertain evidence
- ❖ Determine if claimant's fears conform with definition of refugee

# CANADIAN REFUGEE SYSTEM

## ❖ Formidable challenges

- Claimants are poor witnesses
- Uneducated, inarticulate, traumatized, frightened
- Speak through interpreter – blunts testimony
- Experiences impossible to document
- Ironically, wealthy “illegal” claimants likely have necessary paperwork to come to Canada



# AMERICAN REFUGEE SYSTEM



- ❖ U.S. Immigration Court has no bailiff, court reporter, recorder – just Judge
- ❖ Defined mission: “far and proper resolution of matters coming before immigration judges”
- ❖ Reality, often backlogged
- ❖ 219 judges, only 20 granted asylum more than 30%, 69 approved less than 10%
  - Average – 14% cases

# AMERICAN REFUGEE SYSTEM



- ❖ Zathang case (1998)
- ❖ Claimed persecution in Myanmar – detained and beaten for Christianity and democratic views
- ❖ Walked to India with family under threat of death, flew to
- ❖ Case to Immigration Court
- ❖ Judge had fewest asylum grants record
- ❖ Interpreter spoke different dialect

# AMERICAN REFUGEE SYSTEM



- ❖ INS trial lawyers said he was an Indian citizen, seeking false asylum
- ❖ Witnesses testified he was not
- ❖ Newspaper article seeking him in India
- ❖ 13 months for judge to make decision – despite 60-day rule
- ❖ Ruled for him to return to India, found he was Indian





# PROBLEMS WHICH THE CONVENTION CAUSES FOR REFUGEES

- ❖ The Convention causes a number of problems for government
- ❖ Also creates a number of problems for Refugees
- ❖ Gender Persecution
- ❖ Cessation Clauses
- ❖ Exclusion Clauses

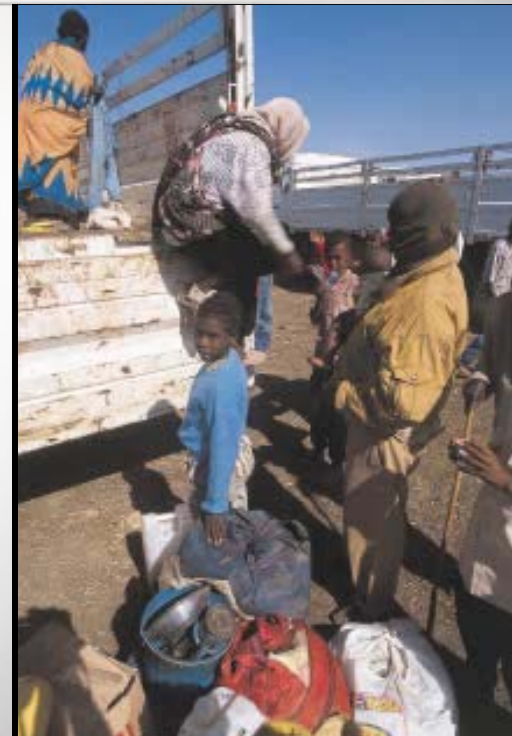
# GENDER PERSECUTION

- ❖ Convention does not recognize Gender as a grounds for Persecution
- ❖ However many Women suffer systematic Sexual Abuse
- ❖ Recently Countries have begun to recognize Gender Persecution



# CESSATION CLAUSES

- ❖ When a radical group overthrew the emperor of Ethiopia it caused a reign of terror
- ❖ With the ending of the terror refugees were no longer eligible for protection
- ❖ Would have to return to Ethiopia



# EXCLUSION CLAUSES

- ❖ Exclusion Clauses are meant to deny criminal entry into countries
- ❖ United kingdom used it in 2000 to deny asylum to Afghans
- ❖ A group of Afghans hijacked a plane and flew it to the UK
- ❖ However the UK was worried about terrorism and they sent most of them back



"Take us to Stansted!"

# UNHCR: REFUGEE AGENCY

- ❖ The Refugee Agency attempts to help Refugee's put their life back together
- ❖ Massive Air launch to help south Sudanese Refugees
- ❖ Refugee returnees in Eastern Congo get title deeds



# AIR LAUNCH TO SOUTHERN SUDANESE REFUGEES



- ❖ On December 20<sup>th</sup> UNHCR launched an airlift from Kenya to Sudan
- ❖ Meant to provide aid to 50 000 Sudanese Refugees
- ❖ First of 18 airlifts

# REFUGEE RETURNEES IN EASTERN CONGO GET TITLE DEEDS

- ❖ Refugee's returning to Eastern Congo received deeds to their land



Meant to prevent fighting over land ownership

More than 64,000 people have returned to the Congo

“Nobody can argue with me now about my land. I've become the owner,”

# NGO'S

- ❖ In addition to the UN many Non-Governmental Organizations
- ❖ Oxfam
- ❖ Amnesty International
- ❖ Human Rights Watch
- ❖ International Federation for Human Rights
- ❖ National Labour Committee
- ❖ Anti Slavery International



# OXFAM

- ❖ Oxfam is an organization which wishes to end global poverty
- ❖ It wants to do this by promoting Gender Justice
- ❖ “Ending Global Poverty begins with women’s rights”



# AMNESTY INTERNATIONAL

- ❖ Amnesty International is an organization which monitors for Human Rights abuse
- ❖ Won the 1977 Nobel Peace Prize
- ❖ Amnesty International is currently attempting to secure Refugee and Migrant Rights
- ❖ Demand Dignity Campaign attempts to hold leaders responsible for Human Rights violations



**AMNESTY  
INTERNATIONAL**

# HUMAN RIGHTS WATCH

- ❖ Very similar aims as Amnesty International
- ❖ The Human Rights watch attempts to shine a light on Human Rights abuses
- ❖ They recently issued a report on the Human Rights Violations in Syria



# INTERNATIONAL FEDERATION FOR HUMAN RIGHTS

- ❖ Grouping of different human rights organizations
- ❖ Advocates for Human rights
- ❖ Currently has a campaign against the use of the death penalty



# NATIONAL LABOUR COMMITTEE

- ❖ The organization is meant to bring about global labour rights
- ❖ Opposes the use of sweatshops
- ❖ Puts pressure on corporations such as Wal-Mart to improve its labour conditions



# ANTI-SLAVERY INTERNATIONAL

- ❖ Anti-Slavery international is one of the oldest Human Rights organization, founded 1839
- ❖ Supporting research to assess Modern Slavery
- ❖ Working with local organization
- ❖ Educating the Public
- ❖ Lobbying Governments



# CANADA AND HUMAN RIGHTS



- ❖ The office of the United Nations high commissioner for Human Rights has found areas where Canada has failed to meet its human rights obligations
- ❖ Unfair rights between native men and native women over marriage
- ❖ Women are far more likely to be the subject of physical violence

# CANADA AND HUMAN RIGHTS

- ❖ Canada does not do enough to prevent this violence
- ❖ Does not recognize domestic violence in the criminal
- ❖ Women are more likely to end up in Poverty
- ❖ African Canadians and Natives are also more likely to end up in prison
- ❖ Higher number of incarceration for African Canadians and Natives
- ❖ Inadequate housing for poor Canadians
- ❖ Inadequate social assistance and a very low minimum wage
- ❖ Does not recognize water as a Human Right



# HUMAN RIGHTS VIOLATIONS IN FOREIGN COUNTRIES

- ❖ Human Trafficking:
- ❖ Millions of children are subject to

human trafficking in third world countries

Sexually & physically abused

UN states that financial Compensation is not enough



# HUMAN RIGHTS VIOLATIONS IN FOREIGN COUNTRIES

- ❖ Modern Day Slavery:
  - ❖ 27 million people live in conditions of Slavery
  - ❖ In Haiti orphans are taken in by strangers
  - ❖ UN set up Voluntary Funds to fund NGO's to help people regain their freedoms
- ❖ Middle East Violence:
  - ❖ UN condemns the violence against protestors in Egypt
  - ❖ UN also Condemns the violence against protestors in Syria



# HELPING REFUGEE'S

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- ❖ To help a Refugee you can make a donation
- ❖ Volunteer for the UNRA
- ❖ Spread the word
- ❖ Social Activism



# QUESTION

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- ❖ Is the UN effective in protecting Human Rights around the World?