**Rights of refugees**

[**Shafin Wadood**](https://www.nation.com.pk/columnist/shafin-wadood)

November 29, 2022

The essence of refugeehood is that an individual is left without the protection of his or her state. Refugees are those migrants who mi­grate from one state to another to escape persecution. In pub­lic international law and the Westphalian system, a state is responsible for the protec­tion of its citizens. However, those who are not protected then migrate and seek sanctu­ary in another state.

The 1952 refugee convention de­fines a refugee as “someone unable or unwilling to return to their coun­try of origin owing to a well-founded fear of being prosecuted for reasons of race, religion, nationality, mem­bership of a particular social group, or political opinion.”

The UN High Commissioner for Ref­ugees (UNHCR) was created in 1950 by the UN General Assembly and giv­en a remit that covered the protec­tion of refugees worldwide. One year after the creation of the UNHCR, the refugee convention was adopted by the UN. The convention of 1951 was aimed at resolving the post-World War II crisis. This is evident from Ar­ticle 1 of the convention which plac­es a temporal and geographical limit on the identification of refugees. This means that only those affected by the events in Europe before 1951 will be considered refugees for the conven­tion. However, the convention has been extended beyond those limita­tions by the 1967 protocol to refugees from all around the world.

[PM forms committee to discuss medicine prices with pharma industry](https://www.nation.com.pk/30-Nov-2022/medicine-prices-likely-to-go-up-as-govt-forms-committee-for-negotiations)

The convention is also supplement­ed by other international instruments, including the ICCPR (1966), the con­vention on the rights of the child (1989), the convention against tor­ture, and the (ICERD). There are also regional instruments that relate to refugees, for example in Latin Amer­ica there are several relevant interna­tional treaties. Similarly, the conven­tion and its optional protocol were further stressed by the world confer­ence on human rights held in Vienna in 1993, and has been repeatedly af­firmed by the general assembly, which stated and complemented the conven­tion and its protocol as “the corner­stone of the international system for the protection of the refugees”.

The convention also consists of a list that contains certain obligations which apply to both state parties and refugees. Article 2 provides the gen­eral obligation of a refugee to a coun­try to conform to law and measures of public order.

[PTCL says internet services restored across Pakistan](https://www.nation.com.pk/30-Nov-2022/ptcl-says-internet-services-restored-across-pakistan)

According to Article 3, the state must apply conventions to refu­gees without discrimination. Refu­gees should also be provided with the same favourable treatment as accorded to their nationals to prac­tice their religion (Article.4). The list of the rights given to refugees in the convention goes on to ensure that they are equally treated as nationals of the state.

Article 33 gives us one of the im­portant principles of the convention which is non-refoulement. According to A.33, refugees must not be forced to return to their home country once they have entered the receiving state. The importance of the convention can be seen from the fact that the non-re­foulement principle has been reflected in several universal and regional hu­man rights instruments. It is now rec­ognised as a general principle of cus­tomary international law, which is binding on all states. It has been stat­ed that the non-refoulement princi­ple has also provided a broad founda­tion for the state practice in refugee content. However, looking at the other side, the principle was contentious at the time of the drafting of the conven­tion, and it also remains today. This is because governments were concerned that they were under an obligation to allow an unlimited number of persons to claim status as refugees once they crossed a national border.

[Govt providing all possible facilitation to investors: PM](https://www.nation.com.pk/30-Nov-2022/govt-providing-all-possible-facilitation-to-investors-pm)

Moreover, considering the statistics of refugees around the world, there are millions of refugees internally and outside of their countries. Accord­ing to the UNHCR, some 2.6 million Afghan refugees live in more than 70 countries around the world. A major­ity of around 95 percent are hosted by just two countries, the Islamic Repub­lic of Iran and Pakistan. Recently these Afghan refugees are being made to re­turn to Afghanistan because of the in­creased burden they are causing to these already developed countries.

This act of forcing refugees out of the host countries clearly shows the vio­lation of the principle of non-refoule­ment. Now according to UNHCR, the refugee crisis in South Sudan is the world’s fastest growing. UNICEF’s fig­ures show that 1.9 million people have been internally displaced since 15 De­cember 2013 and there are 1.7 mil­lion South Sudanese refugees in neigh­bouring countries.

[Mainly cold, dry weather expected in most parts of country: PMD](https://www.nation.com.pk/30-Nov-2022/mainly-cold-dry-weather-expected-in-most-parts-of-country-pmd)

Also according to UNHCR, almost 5 million people have fled Syria since 2011, seeking safety in Lebanon, Tur­key, Jordan, and beyond. Similarly, millions of people are displaced in­side Syria. The UNHCR 2020 estimat­ed that there are 26 million refugees in the world. The executive orders of the US former president Donald Trump, stopping people from seven Muslim countries from entering the US and also stopping the refugees of the Syrian crisis from seeking refuge in the US, show a clear contravention of the convention and its protocol. From the above paragraph, one can say that the 1951 convention and its 1967 protocol are important to tackle the issues and provide protection to these millions of refugees. However, to achieve this, powerful and devel­oped nations must comply with the convention and its rules.

It has been stated that the 1951 convention is narrow in terms of the grounds and criteria that must be sat­isfied. Those who seek to escape per­secution are entitled to certain rights while their status is determined and are entitled to remain in the host state during that time. This has led to a fairly widespread and troubling dis­crediting of the 1951 convention in the eyes of many politicians, in par­ticular the developed states. Those who legitimately seek refuge are of­ten very unfairly considered econom­ic migrants seeking to circumvent im­migration controls.

[Two dead, 24 injured in targeted attack on police truck in Quetta](https://www.nation.com.pk/30-Nov-2022/two-dead-24-injured-in-targeted-attack-on-police-truck-in-quetta)

We can say that the 1951 convention and its protocol are now important to give protection to refugees all around the world. This is because of the in­creasing number of refugees in differ­ent countries of the world. To do this the powerful nations must conform to the convention and its protocol. How­ever, it has been argued that refugee law is a complex web, and it is difficult to say what rights protect the immi­grants and when it protects them.

Shafin Wadood

The writer is an LLB graduate and freelance contributor based in Islamabad