

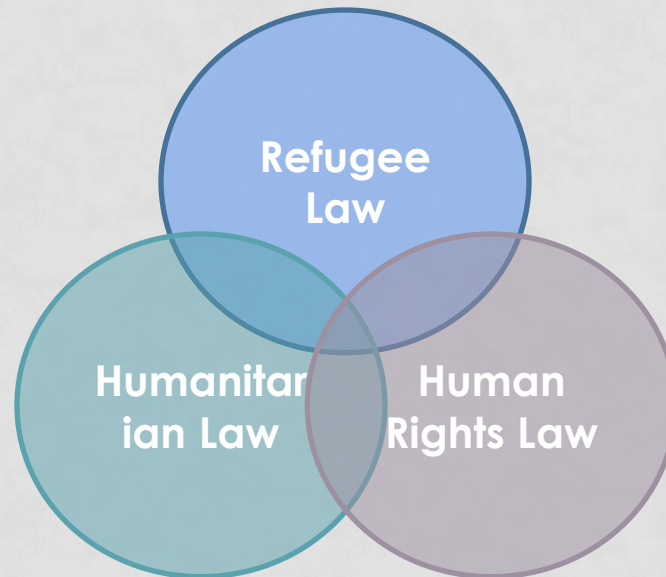
BASICS OF REFUGEE PROTECTION

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WHAT IS PROTECTION?

- Protection is defined as all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law.



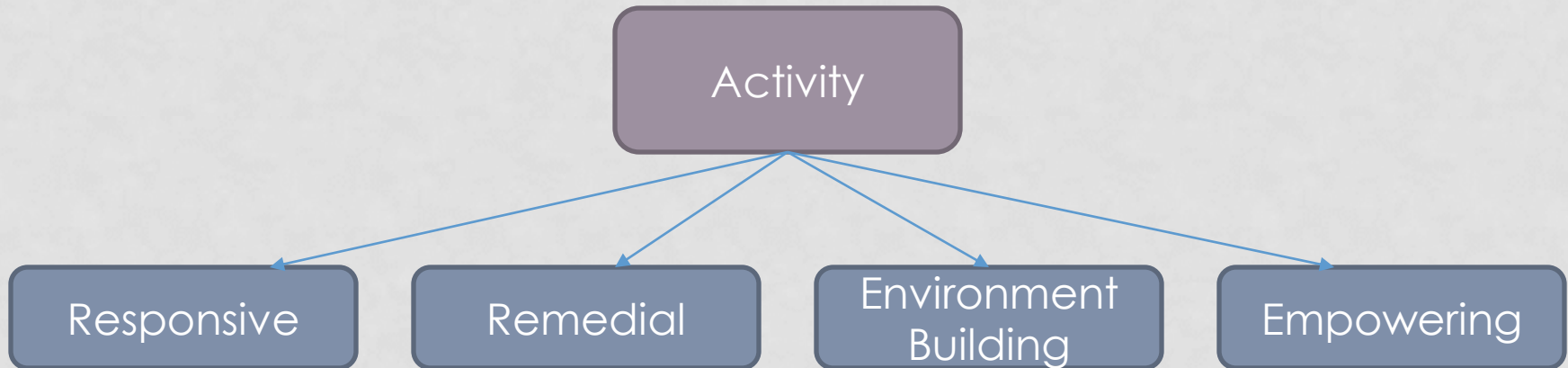
WHAT IS PROTECTION?

Objective

Protection requires full and equal respect for the rights of all individuals without discrimination

Legal Responsibility

Protection is primarily the responsibility of States and its agents.



UNHCR'S MANDATE



- Provide **international protection** to refugees who fall within the scope of the present Statute
- Seek **permanent solutions** for the problem of refugees by assisting Governments



Voluntary
Return

Local
Integration

Resettlement

INTERNATIONAL REFUGEE LAW

The 1951 Refugee Convention and the 1967 Protocol are at the heart of the international legal framework for refugee protection

- Legal definition of the term “refugee”
- Establishes a number of principles that have provided the basis for refugee protection:
 - Principle of *non-refoulement*
 - Non-discrimination*
 - Social and humanitarian nature of refugee issues
 - International co-operation

WHO IS AN ASYLUM SEEKER?

Asylum-seekers are persons who have sought international protection and whose claim for refugee status, either as an individual or as a group, has not yet been determined.

- Everyone has the right to seek and to enjoy asylum (Article 14 of the *Universal Declaration of Human Rights*)
- States bear primary responsibility for the protection of asylum-seekers, not least in view of their obligation to prevent *refoulement*.

WHO IS A REFUGEE?

The term “refugee” shall apply to any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail her/himself of the protection of that country; or who, not having a nationality and being outside the country of her/his former habitual residence...is unable or, owing to such fear, is unwilling to return to it.

WHO IS A REFUGEE?

Being outside of one's country of nationality/former habitual residence

Well-founded fear

Persecution

Reasons of race, religion, nationality, membership of a particular social group or political opinion

Unable or unwilling to avail of one's own country's protection or to return there

THE EXTENDED REFUGEE DEFINITION AND COMPLEMENTARY FORMS OF PROTECTION

OAU Refugee Convention

Every person who, owing to **external aggression, occupation, foreign domination or events seriously disturbing public order** in either part or whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

Cartagena Declaration

Persons who have fled their country because their lives, safety or freedom have been threatened by **generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.**

In other regions, in the absence of such instruments, States have developed national individual status determination mechanisms to provide protection specifically for such persons (generically referred to as complementary protection).

ACCESS TO PROTECTION BY REFUGEES

THE RIGHT TO ASYLUM

Article 14 (1) of the Universal Declaration of Human Rights:

“everyone has the right to seek and to enjoy in other countries asylum from persecution”.

NON- REFOULEMENT

Article 33(1) of the 1951 Refugee Convention:

No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Cornerstones of Refugee
Protection

THE BASIC HUMAN RIGHTS AND FREEDOMS OF REFUGEES AND ASYLUM SEEKERS

- Access to justice
- The right to personal liberty and security
- The right to work
- The right to the highest attainable standard of health
- The right to property
- The right to freedom of movement

Thank you!
Any questions?