
Refugee: An Age Old Human Rights Issues in the Light of Global Perspective

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Abstract

The term Refugee defined by the international Law, is a person who has the well-founded fear of persecution irrespective of race, religion, and nationality membership in a particular social group, or political opinion, who is outside of his or her own country of nationality and is unable to return to his or her source country. As per 2019 record of United Nations High Commissioner for Refugees (UNHCR), globally 89.3 million people have been forced to leave their country of origin among them there were 27.1 million refugees; 45.7 million internally displace persons and 4.2 million asylum seekers, with about half of them being below the age of 18 years. For the betterment of the situation of the refugees and to provide the basic rights to them the UN High Commissioner for the Refugees was founded in 1950 and began operating on 1st January, 1951, taking over from the International Refugee Organization. UNHCR is the lead agency with respect to the protection of refugees and internally displace. UNHCR protect refugees, migrants, displaced and stateless persons by advocating for their basic rights. In the past the refugee crisis was less in India and India's attitude towards refugee issues was very much adaptable. But now a day this becomes a serious concern to Indian Government. According to UNHRC report (2011) by the beginning of 2010 India intake nearly 450000 refugees from both within and beyond the country. Presently globally refugee crisis is one of the most serious concerns. It is very complex, multifaceted issues with various social, political and humanitarian implications. Therefore to improve the situation of the refugees by enjoying the rights and lead a decent life the government can make different new laws, policies and provide to them.

KEYWORDS: Refugee, Asylum seeker, Migrants, Internally Displaced Persons, Climate refugee, UNHCR.

INTRODUCTION

The term Refugee narrowly defined by the international Law, is a person who has the well-founded fear of persecution irrespective of race, religion, nationality membership in a particular social group, or political opinion, who is outside of his or her own country of nationality and is unable to return to his or her source country. The term refugee is often broadly defined as those people who have been forcibly displaced from their home or country of origin. In 1969 Organization of African Union adopted a wider range of the term refugee which includes persons forced to leave their habitual residential country because of external aggression, occupation, foreign domination or events seriously disturbing public order. In 1984, Central American

States issued Cartagena Declaration which defined refugees as persons fleeing generalized violence, international conflicts and serious disturbances of public peace. As per 2019 record of United Nations High Commissioner for Refugees (UNHCR), globally 89.3 million people have been forced to leave their country of origin among them there were 27.1 million refugees; 45.7 million internally displaced persons and 4.2 million asylum seekers, with about half of them being below the age of 18 years. Syria has produced the most numbers of refugees (5.6 million) followed by Afghanistan and Sudan (2 million). To aggravate the situation of the refugees the United Nations adopted 1951 convention relating to the status of refugees with just one amending and updating protocol adopted in 1967. As of 2023, there are 149 state signatories as well as parties including the United States among 193 members of UN to the 1951 convention and /or its 1967 protocol. The refugee convention entered into force in 1954 and till today this is the highest ratified refugee treaty and remains central to the protection activities of the UNHCR. India is not party to the 1951 refugee convention or its 1967 protocol. Due to this India does not have a national refugee protection framework till date.

LITERATURE REVIEW

Seraina Ruegger (2019) in her paper "Refugees, ethnic power relations, and civil conflict in the country of asylum" stated that many countries which have mainly faced the problems of forced migrant inflows are unable to refuse to accept these uprooted people. This will cause the negative externalities in those asylum giving countries as this will increase the insecurity associated with the refugees presence. Evidences from different cases regarding refugees may become the cause of disturbance to the ethnic setup of country of asylum and increases the chances of instability. Statistics said that the groups which are neglected or excluded from the governmental policies and facilities are much prone to become reason of instability. Therefore, it is the responsibility of the asylum countries to provide better governmental policies to migrated refugees to reduce the chance of instability in their countries.

Annik Pijnenburg and Conny Rijken (2020) in their paper 'Moving beyond refugees and migrants: reconceptualising the rights of people on the move' stated that the two universal ideas on migration and on refugees has difference in legal norms. But it has been seen that the two concept migrants and refugees have followed the same routes without the legal norms and to some extent both the concept are inseparable. Refugees or the migrants or better to say "people on the move" are the highest category among the human mobility which requires a basic standard of protection.

Alex Braithwaite, Idean Saleehyan and Burcu Savun (2018) in their paper “ Refugees, forced migration and conflict: introduction to special issue stated that refugee movement increased in the recent years ,cross the geographical borders that influences few issues in international politics which has a wider effect both in domestic and international arenas. It is also stated that by the end of 2017 more than 68.5 million people are migrated which is approximately equivalent to 110 people of the planet had displaced from their residual place to another place either as internally displaced or refugees due to persecution, violence conflict or the natural disaster like famine, food and so on. This paper also describes the evolution of the international refugee regime and relevant solution to them.

OBJECTIVE

- To understand the concept of refugee.
- To discuss about the different types of refugees.
- To discuss about the causes of being refugee o migrated from the habitual residence.
- To discuss about the problems faced by the refugees from long ages.
- To discuss about the role, power and functions of UNHCR.
- To discuss about the global as well as Indian scenario regarding the status of refugees.

RESEARCH METHODOLOGY

In this research paper the data used to complete the research work is secondary data. The data gathered to complete the research paper is implicit in nature. To complete the research work help of different official websites of Government, different author’s article and different journal has been taken to discuss about the different issues and scenario of refugees. The methodology used in this paper is qualitative in nature and it is totally based on the discussion about the status of refugees and how the rights of the refugees are protected. In this paper the whole research is carefully recorded and reported.

DISCUSSION

There are various types of refugees and they all have different reasons for migration. The different types of refugees are defined as follows. If we define the term legally then refugees are those who cross international borders and legally processed to another country. The refugees in the world have been forced to migrate from their habitual countries because of political affiliation, race or any other religious discrimination are termed as religious or political affiliation refugees. There are war

refugees too in the world. They are escaping from their own country due to war and this is one of the worst reasons to escape from home. The persons who seek legal protection in another country are regarded as asylum seekers and they have not been officially recognized by his fled country. The process to seek asylum in another country is long and hard and sometimes many of them have no place to sleep or stay. Internally Displaced persons are those who have been displaced within the boundaries of their own country. Stateless persons are those who are forced to live without any nationality. Broadly that means they don't belong to any country and live without any identifying documents. They even don't enjoy the basic rights of any country.

There are many reasons of difficulties for a people to live in their habitual residence and force to cross the geographical border. There may be both natural or manmade reasons like war, hunger, flee from violence, extreme poverty, climate change, any other natural disaster like flood, drought, famine force the children, women as well as men to leave their own countries. Statistical data states that People become refugees depending on different threats like race, religion, political affiliation, citizenship or participation in any particular group.

Again the people leave their country or cross the geographical border always not fleeing danger but for the betterment of the livelihood, better job opportunities or to get better education. Sometimes they also leave their country to meet their relatives who are already living abroad.

Though refugees or the displaced persons left their own country or habitual place, they have to face a lot of barriers through the ages which at different levels affect the effectiveness of them. Being a mature age of refugees cultural barrier pose a very serious threat to the possibility of finding work. Different religious beliefs, different ways of thinking and behaving and having different attitudes make their lives very traumatic. The refugees also face the problem of racism, language deficiency, unemployment, lack education for the youngsters and so on. The refugee children face many problems than the adult one. It has been seen that while lot of emphasis is placed on physical health, the mental state of children is often overlooked problems like lack of integration, unaccompanied of family also hampers the mental health of children.

The world recorded the highest levels of displacement every year. It has been seen that an unprecedented 65.6 million people around the world have been forced from home by conflict and persecution at the end of 2016, which stands 68.5 million at the end of 2017, according to UNHCR, the UN Refugee Agency. This is equal to that in

every two seconds a person becoming displaced. According to 2017 UNHCR report, 40 million people were internally displaced as a result of conflict and persecution, among which 25.4 million were refugees and 3.1 million asylum seekers. So, it can be seen from the data that almost 3 million refugees have increased globally within a year. Most refugees nowadays live in urban areas (58%), not in camps or rural areas. Of the global refugee population, 52% are children under 8- the highest proportion in decade- including many who are unaccompanied or separated from their families according to the UNHR Global Trends Report, 2022. According to this report, nearly 22.5 million are refugees, among whom over half of them are under the age of 18. Till date it has been seen that there are also 10 million stateless persons, who have been denied a nationality and unable to access the basic rights such as education, healthcare, employment, freedom of movement and so on.

It has been seen that Turkey remains the world's leading refugee hosting country with a population of 3.5 million refugees, mainly Syrians. After almost 7 years of civil war, half of the Syrian population has been displaced. Lebanon hosts more than 1 million refugees, which means more than one in five people in the total population of the country. In Jordan that number is 1 in 10 at least. On the other hand Lebanon hosts the largest number of refugees relative to its national population. In case of India, it has been seen that though India is not a signatory of Geneva Convention but is fully cooperating with the UNHCR and it felt that Hindu and Sikh refugees from Afghanistan were fairly well integrated in Indian society and there was no urge on their part to go back to Afghanistan due to the attack of the Talibanese.

To protect the basic rights of the refugees every year on 20th June, World Refugee Day is celebrated. It is an opportunity to bring renewed focus to the plight of all people who are forced to flee their home. Then United Nations General Assembly established the World refugee Day in 2001, on the 50th anniversary of the UN Convention relating to the status of Refugees. 2018 marks the 20th anniversary of the Guiding Principles on International Displacement- a set of standards that outlines the rights and guarantees relevant to the protection of IDPs from forced displacements to their protection and assistance during displacement up to the achievement of durable solutions.

For the betterment of the situation of the refugees and to provide the basic rights to them the UN High Commissioner for the Refugees was founded in 1950 and began operating on 1st January, 1951, taking over from the International Refugee Organization. The headquarter of UNHCR is situated at Geneva, Switzerland. UN peace keepers are often there to protect the camps in which refugee's must live. UN

families provide them the basic necessities like food, water, sanitation and healthcare. UNHCR is the lead agency with respect to the protection of refugees and internally displaced. In 2017, UNHCR submitted 75,200 refugees for resettlement and recorded 102,800 admissions for departures for resettlement (UNHCR, 2018). In addition, UNHCR provided assistance to 518,700 of 667,400 persons returning to their country of origin. UNHCR also save refugees from the armed conflict of the country.

UNHCR protect refugees, migrants, displaced and stateless persons by advocating for their basic rights. When a state refuses to grant refugee status to the persons who have cross their border or fled from their own place UNHCR is responsible for ensuring that they are not forced to return to a country where their lives would be threatened. The office also ensures that such persons are granted at least temporary asylum. UNHCR provide international protection to refugees and seek permanent solutions for their problems. The high Commissioner follows policy directives given him by the UN General Assembly and is assisted in his work by the Executive committee of the High Commissioner's programme.

UNHCR the UN Refugee Agency is a universal organization which is dedicated to save lives of the refugees. They also help in protecting rights and create better future for the people who forced to leave their habitual residence due to conflict, persecution. Today UNHCR works in 137 countries. They provide lifesaving assistance including food, shelter, and water, medical assistance to refugees, migrants, displaced or stateless persons. UNHCR also tries to improve and monitor refugee and asylum laws and policies, ensuring human rights are upheld.

UNHCR maintain close relationship between governmental and intergovernmental organization as well as the private organizations who are dealing with the refugee matters. They try to coordinate among the organization for the betterment of the refugee welfare. In order to facilitate the functions UNHCR set up the UNHCR Executive Committee (ExCom) which is established in 1958 as an auxiliary body of UN General Assembly. The body began its functions from January 1, 1959. The executive and advisor role of this body are like advising the high commissioner, reviewing funds and programmes, authorizing the high commissioner, making appeals for funds and approving proposed budget targets. ExCom is set up of representatives from 107 countries and adopted a large number of legal documents within 2022.

PRESENT GLOBAL SCENARIO OF REFUGEES

As of 2022, millions of people have displaced due to impact of climate change. The UNHCR noted that 80% of the world's displaced people are in countries affected by acute food insecurity. Every country faces the problem of climate migrations.

According to UNHCR data about global migration nearly 79.5 million people forcibly displaced in 2019 which was only 21.5 million people each year till 2008 due to climate change.

UNHCR noted that among the total displaced population 68 came from following countries: Syria (6.6 Million), Venezuela (3.7 Million), Afghanistan (2.7 million), South Sudan (2.2. million), ad Myanmar (1.4 million).

In 2022, total number of refugees around the world is nearly 30 million which is not improved in 2023 also. UNHCR announced that in 2022, 100 million mark or total displacement which means over 1.2% of the total global population have to force to leave their habitual place. In 2023 it becomes 30.51 million refugees who are fled to leave. As of mid-2023 over 37000 Eritreans nearly 15% of the country's population leaves the country due to ongoing political instability and violence. This number is almost 36% higher than 2022. More than 750000 Central Africans were registered as refugees due to ongoing humanitarian crisis going on for a decade. There have also numerous internally displaced persons too. As of 2024, many countries like the above faces refugee problems and the numbers are increasing day by da. Some data are as follows:

- Somalia led to an increase in refugees with over 814000 due to drought, conflict and huger.
- The Democratic Republic of Congo faces highest number of displacement in Africa, nearly 6.1 million people displaced
- Throughout 2023 Sudan faces worst violence in decade at the end of 2022, nearly 844000 refugees of the world are Sudanese which becomes 1.02 million in mid-2023.
- The Rohingya represent almost 1.26 million refugees displaced from Myanmar and live in the refugee camp near Cox's Bazar, Bangladesh.
- Over 4 million South Sudanese have been forced from their residential area with 2.2 million of those having to leave the country due to humanitarian needs.
- In February 2022 the escalated conflict in Ukraine forced 5.8 million people to be refugees which are 13% country's population and 20% of the world's refugee population in last two years.
- Over 6.1 million Afghans are internationally displaced in the neighboring countries like Iran, Pakistan and India die to Talebnese.
- As of 2024 Syria faces the world's largest refugee crisis and has around 25% of the total global refugee population.

INDIAN SCENARIO ON REFUGEES

In the past the refugee crisis was less in India and India's attitude towards refugee issues was very much adaptable. But now a day this becomes a serious concern to

Indian Government. The refugee issues started with the partition of India in 1947. It has been seen that India welcomed refugees from different corner of the world due to national interest and availability of resources. According to UNHRC report (2011) by the beginning of 2010 India intake nearly 450000 refugees from both within and beyond the country. Presently India hosts refugees from Tibet, Sri Lanka, Myanmar, Afghanistan, and in much smaller numbers from Somalia and Palestine.

The refugee crisis in India can be solved with the help of humanitarian mindset, national security, and the legal system. Though India did not ratify both 1951 convention as well as 1967 protocol India has no laws governing refugees. Therefore India has no standard way to treat refugees. There have some current legal frameworks which help to handle the crisis regarding refugees. India treats all foreigners equally, may be they are legal immigrants, refugees, or asylum seekers, or has overstayed their visas according to the Foreigners Act of 1946. Under Section 3 of the same act The Central government is given the authority to find, arrest, and deport unauthorized foreign nationals. According to Section 5 of the Passport (Entry into India) Act, 1920, Article 258(1) of the Indian Constitution allows for the removal of an unlawful foreigner by force. All foreign nationals (except Indian citizens who are living abroad) entering India on a long-term visa (more than 180 days) are required by law to register with a registration officer within 14 days of their arrival. This is in accordance with the Registration of Foreigners Act of 1939. 1955's Citizenship Act included citizenship renunciation, termination, and deprivation provisions. Along with this, the Citizenship Amendment Act, 2019 (CAA) aims to offer citizenship solely to immigrants who were persecuted in Bangladesh, Pakistan, and Afghanistan who are Hindu, Christian, Jain, Parsi, Sikh, or Buddhist.

CONCLUSION

Presently globally refugee crisis is one of the most serious concerns. It is a complex, multifaceted topic with various social, political and humanitarian implications. All have faced some problems irrespective of their age. The government of the host countries as well as the residual countries can take some steps to combat the refugee crisis. It is very crucial to recognize the human rights of refugees and ensure they are treated with dignity and compassion. To ensure every refugee child and young person's right to protection and participation, governments must include refugee children into national child protection systems as soon as possible, invest in empowering and up skilling refugee youth, and ensure that youth and refugee-led organizations have a seat at the table at local and global platform where policies and decisions affecting them are shaped. Another main issue faces by the refugees are non- refoulement. It is a fundamental principle of international law that forbids a

country from returning asylum seekers to a country where they would be at risk of persecution or harm. However, different governments try to interpret this crisis in different ways. It will be very helpful for the threatened people if the government of the hosting countries treat these serious issues in much liberal ways. The government should provide much liberal way through which the refugees or the displaced persons can enjoy their basic rights at least. Addressing the root causes of displacement due to different reasons is essential for long term solutions. Therefore to improve the situation of the enjoyment of rights and lead a decent life the government can make different new laws, policies and provide to them. Effective refugee policies should prioritize protection, resettlement, integration and sustainable solutions among the host countries.

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