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## The Rights of Refugees and Asylum Seekers Under International Human Rights

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### ABSTRACT

Refugees and asylum seekers are afforded specific rights and protections under international human rights law to ensure their safety, dignity, and fair treatment. The primary legal framework for these rights is the 1951 Refugee Convention and its 1967 Protocol, both established by the United Nations. This paper examines the rights of refugees and asylum seekers as outlined under international human rights law. The 1951 Refugee Convention and its 1967 Protocol delves into the core principles and protections established to safeguard the well-being and dignity of individuals fleeing persecution and violence. This paper examines the rights of refugees and asylum seekers as established under international human rights law. The Challenges in the implementation and enforcement of these rights, highlighting the vital role of international and humanitarian organizations in promoting and safeguarding the rights of this vulnerable population.

**Keywords:** Refugees, Asylum seekers, Human rights, Freedom of movements, children's rights, health care rights, and access to work and education.

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### INTRODUCTION

In an increasingly interconnected world, the plight of refugees and asylum seekers has become a pressing concern on the global stage. Fleeing conflict, persecution, and grave violations of human rights, these people seek refuge and safety beyond their home borders. The rights of refugees and asylum seekers, as enshrined in international human rights law, serve as a vital framework to address their vulnerabilities and provide avenues for protection and reintegration. Various factors compel individuals worldwide to establish new lives in foreign nations. Motivations encompass pursuits of employment and education, while others confront the necessity of evading persecution or instances of human rights abuses, including torment. Vast populations flee regions marred by armed clashes, crises, or rampant violence. Certain individuals, due to their identity, profession, or beliefs—be it ethnicity, religion, sexual orientation, or political convictions—find themselves in jeopardy, prompting a departure from their places of origin where safety has been compromised<sup>1</sup>. These legal instruments set out comprehensive guidelines for the treatment of refugees, defining their rights and the obligations of countries. Central to this framework is the principle of non-refoulement, a linchpin of refugee protection that prohibits the return of individuals to situations where their lives or freedoms are threatened. The multifaceted landscape of refugee and asylum seeker rights, it becomes evident that the journey from legal entitlements to effective implementation is often riddled with challenges. Struggles such as inadequate resources, administrative bottlenecks, and hostilities

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<sup>1</sup> “Who is a refugee, a migrant or an asylum seeker?” Amnesty International, July 04, 2023, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>. Accessed August 30, 2023.

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towards displaced populations frequently hinder the realisation of these rights on the ground. Nevertheless, the commitment of international organisations, non-governmental entities, and human rights advocates underscores the determination to bridge this implementation gap and uphold the dignity and rights of those seeking refuge. This paper examines the rights of refugees and asylum seekers such as protection from discrimination, access to education and healthcare, family unity, and the right to work. It shed light on the substantive rights guaranteed to refugees and asylum seekers, offering an in-depth exploration of their implications, challenges, and potential avenues for improvement. By examining the mechanisms in place to protect these vulnerable individuals, we aim to contribute to the broader discourse on human rights, humanitarianism, and the global responsibility to provide sanctuary to those in need.

#### Who is a refugee?<sup>2</sup>

A refugee is a person who has fled their own country because they are at risk of serious human rights violations and persecution there. The risks to their safety and life were so great that they felt they had no choice but to leave and seek safety outside their country because their own government cannot or will not protect them from those dangers. This happens when someone leaves her country or is unable to return to her owing to a well-founded fear of persecution for race, religion, nationality, and membership of a particular social group or political opinion. Unlike migrants, refugees do not choose to leave their countries; they are forced to do so. Economic migrants are persons who leave their countries of origin purely for economic reasons, to seek material improvements in their lives<sup>3</sup>. The key difference between economic migrants and refugees is that economic migrants enjoy the protection of their home countries; refugees do not. Economic migrants do not fall within the criteria for refugee status and are therefore not entitled to benefit from international protection as refugees. This is because economic Migrants are people who have departed from their countries in search of improved job opportunities and a higher quality of life in a different place.<sup>4</sup> Article 1(a) (2) of the 1951 Convention defines a refugee as an individual who is outside his or her country of nationality or habitual residence who is unable or unwilling to return due to a well-founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group. This definition is applied to internally displaced persons (IDPs) – including individuals fleeing natural disasters and generalised violence. Stateless individuals not outside their country of habitual residence or not facing persecution, and individuals who have crossed an international border fleeing generalised violence are not considered refugees under either the 1951 Convention or the 1967 Optional Protocol<sup>5</sup>. Refugees have a right to international protection.

#### Who is an asylum seeker?<sup>6</sup>

An asylum seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim. This happens when someone leaves her country and is seeking refugee status in another country. Seeking asylum is a human right. This means everyone should be allowed to enter another country to seek asylum.

Example of People eligible for refugee status includes<sup>7</sup>:

1. All civil person
2. Woman facing attack because she refuses to comply with social constraints
3. Women who fear genital mutilation in their countries
4. When people flee war
5. When people flee for fear of persecution

<sup>2</sup> “Who is a refugee, a migrant or an asylum seeker?” *Amnesty International*, July 04, 2023, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>. Accessed August 31, 2023.

<sup>3</sup> Jastram kate, et al. “Refugee Protection: A Guide To International Refugee Law” *Refworld*, <https://www.refworld.org/pdfid/3cd6a8444.pdf>. Accessed September 4, 2023.

<sup>4</sup> “Study Guide - The Rights of Refugees,” *Human Rights Library, University of Minnesota*, <http://hrlibrary.umn.edu/edumat/studyguides/refugees.htm>. Accessed September 4, 2023.

<sup>5</sup> “Asylum & the Rights of Refugees.” *International Justice Resource Center*, 2 Aug. 2019, [ijrcenter.org/refugee-law/](http://ijrcenter.org/refugee-law/), Accessed September 5.

<sup>6</sup> “Who is a refugee, a migrant or an asylum seeker?” *Amnesty International*, July 04, 2023, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>. Accessed August 31, 2023.

<sup>7</sup> Jastram kate, et al. “Refugee Protection: A Guide To International Refugee Law” *Refworld*, <https://www.refworld.org/pdfid/3cd6a8444.pdf>. Accessed September 4, 2023.

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6. When people flee from conflicts

Example of people not eligible for refugee status includes:

1. Refugee who is danger to the national security of the host country or convicted of a particularly serious crime, constituting a danger to the host community<sup>8</sup>.
2. A criminal- person fleeing from prosecution for a common crime is not fleeing persecutions<sup>9</sup>
3. A soldier- person who continues to pursue armed action against his or her country of origin from the country of asylum cannot be considered a refugee<sup>10</sup>

#### Doctrine of Non-refoulement

This is the principle of non-refoulement which is embodied in article 33 of the 1951 Convention. The principle of non-refoulement finds further expression in article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which stipulates that "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture". Furthermore, "for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights"<sup>11</sup>. "Asylum-seeker" is a general term for a person who has not yet received a decision on his/her claim for refugee status. It could refer to someone who has not yet submitted an application or someone who is waiting for an answer. Not every asylum-seeker will ultimately be recognized as a refugee, but many will. Until the claim is examined fairly, the asylum-seeker is entitled to not be returned, according to the principle of non-refoulement, and to benefit from humanitarian standards of treatment<sup>12</sup>. The regional and domestic courts have construed the rights to life and freedom from torture to encompass a prohibition against refoulement<sup>13</sup>. The principle of non-refoulement not only bars the expulsion of individuals but also prevents the mass deportation of refugees<sup>14</sup>.

#### Legal Frameworks for the Rights of Refugees and Asylum Seekers

Refugee law and international human rights law share a profound connection; refugees are fleeing governments that are either unable or unwilling to protect their basic human rights. Furthermore, a situation where individuals face persecution or danger to their lives and well-being during armed conflicts, these people are under refugee law converges with the principles of international humanitarian law<sup>15</sup>. Some of the Legal Frameworks includes the following:

- 1951 Convention relating to the Status of Refugees
- 1967 Optional Protocol relating to the Status of Refugees
- Universal Declaration of Human Rights (art. 14)
- American Declaration on the Rights and Duties of Man (art. 27)
- American Convention on Human Rights (art. 22)
- Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama (Cartagena Declaration)
- African [Banjul] Charter on Human and Peoples' Rights (art. 12)

<sup>8</sup> Article 33(2) Convention 1951.

<sup>9</sup> Jastram kate, et al. "Refugee Protection: A Guide To International Refugee Law" *Refworld*, <https://www.refworld.org/pdfid/3cd6a8444.pdf>. Accessed September 12, 2023.

<sup>10</sup> Jastram kate, et al. "Refugee Protection: A Guide To International Refugee Law" *Refworld*, <https://www.refworld.org/pdfid/3cd6a8444.pdf>. Accessed September 12, 2023.

<sup>11</sup> *Human Rights and Refugees* - [www.ohchr.org/sites/default/files/Documents/Publications/FactSheet20en.pdf](http://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet20en.pdf). Accessed 5 Sept. 2023.

<sup>12</sup> Jastram kate, et al. "Refugee Protection: A Guide To International Refugee Law" *Refworld*, <https://www.refworld.org/pdfid/3cd6a8444.pdf>. Accessed September 5, 2023.

<sup>13</sup> *R (on the application of) ABC (a minor) (Afghanistan) v. Sec'y of State for the Home Dep't* [2011] EWHC 2937 (Admin.) (U.K.); ECtHR; *Case of M.S.S. v. Belgium and Greece* [GC], no. 30696/09, ECHR 2011, Judgment of 21 January 2011

<sup>14</sup> Article 12(5) African [Banjul] Charter on Human and Peoples' Rights.

<sup>15</sup> "Asylum & the Rights of Refugees." *International Justice Resource Center*, 2 Aug. 2019, [ijrcenter.org/refugee-law/](http://ijrcenter.org/refugee-law/). Accessed September 5, 2023.

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- [OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa](#)
- [Arab Charter on Human Rights](#) (art. 28)
- [Cairo Declaration on Human Rights in Islam](#) (art. 12)
- [European Convention on Human Rights](#) (arts. 2, 3, and 5)
- [Council Regulation EC No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national](#)
- [Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (art. 3)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa](#)
- [Convention on the Rights of the Child](#) (art. 22)
- [The African Charter on Human and Peoples' Rights \(Article 12\)](#)
- [The Arab Charter on Human Rights \(Article 28\);](#)
- [Convention on the Rights of the Child \(Article 22\);](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa<sup>16</sup>](#)
- [The OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa<sup>17</sup>](#)
- [The Guiding Principles on Internal Displacement<sup>18</sup>](#)
- [And, the New York Declaration for Refugees and Migrants<sup>19</sup>](#)
- [The International Covenant on Civil and Political Rights, Article 7](#)

#### Rights of the Refugees and asylum seekers

1. Non-refoulement or right to stake<sup>20</sup>
2. Right to freedom from torture or inhumane treatment<sup>21</sup> and detention<sup>22</sup>.
3. Right to freedom of opinion and expression<sup>23</sup>
4. Right to freedom of thought, conscience and religion<sup>24</sup>
5. Freedom from discrimination<sup>25</sup>
6. Right to asylum<sup>26</sup>

Articles 12 - 30 of the Refugee Convention set out the rights which individuals are entitled to once they have been recognised as Convention refugees<sup>27</sup>:

<sup>16</sup> Ishant, Ishant, and Laraib Siddiqui. "The Rights of Refugees under International Law." *Legal Readings*, 26 Dec. 2020, [legalreadings.com/the-rights-of-refugees-under-international-law/](http://legalreadings.com/the-rights-of-refugees-under-international-law/) Accessed 12 September, 2023

<sup>17</sup> Ishant, Ishant, and Laraib Siddiqui. "The Rights of Refugees under International Law." *Legal Readings*, 26 Dec. 2020, [legalreadings.com/the-rights-of-refugees-under-international-law/](http://legalreadings.com/the-rights-of-refugees-under-international-law/) Accessed 12 September, 2023

<sup>18</sup> Ishant, Ishant, and Laraib Siddiqui. "The Rights of Refugees under International Law." *Legal Readings*, 26 Dec. 2020, [legalreadings.com/the-rights-of-refugees-under-international-law/](http://legalreadings.com/the-rights-of-refugees-under-international-law/) Accessed 12 September, 2023.

<sup>19</sup> Ishant, Ishant, and Laraib Siddiqui. "The Rights of Refugees under International Law." *Legal Readings*, 26 Dec. 2020, [legalreadings.com/the-rights-of-refugees-under-international-law/](http://legalreadings.com/the-rights-of-refugees-under-international-law/). Accessed 12 September, 2023.

<sup>20</sup> Article 33(1) Convention relating to the Status of Refugees 1951, Article 22(8) of the American Convention on Human Rights, and Article 3 of the Convention against Torture.

<sup>21</sup> Article 5 of the Universal Declaration of Human Rights 1948

<sup>22</sup> Article 7 and 10 of the International Covenant on Civil and Political Rights, 1976

<sup>23</sup> Article 2 of the Universal Declaration of Human Rights 1948

<sup>24</sup> Article 18 of the Universal Declaration of Human Rights 1948

<sup>25</sup> Article 7 of the Universal Declaration of Human Rights 1948

<sup>26</sup> Article 14 of the Universal Declaration of Human Rights 1948

<sup>27</sup> "Study Guide - The Rights of Refugees," *Human Rights Library, University of Minnesota*, <http://hrlibrary.umn.edu/edumat/studyguides/refugees.htm>. Accessed September 6, 2023.

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## Publications

- All refugees must be granted identity papers and travel documents that allow them to travel outside the country
- Refugees must receive *the same treatment as nationals of the receiving country* with regard to the following rights:
  - a. Free exercise of religion and religious education
  - b. Free access to the courts, including legal assistance
  - c. Access to elementary education
  - d. Access to public relief and assistance
  - e. Protection provided by social security
  - f. Protection of intellectual property, such as inventions and trade names
  - g. Protection of literary, artistic and scientific work
  - h. Equal treatment by taxing authorities
- Refugees must receive *the most favourable treatment provided to nationals of a foreign country* with regard to the following rights:
  - i. The right to belong to trade unions
  - j. The right to belong to other non-political nonprofit organisations
  - k. The right to engage in wage-earning employment
- Refugees must receive *the most favourable treatment possible, which must be at least as favourable to that accorded aliens generally in the same circumstances*, with regard to the following rights:
  - l. The right to own property
  - m. The right to practise a profession
  - n. The right to self-employment
  - o. Access to housing
  - p. Access to higher education
- Refugees must receive *the same treatment as that accorded to aliens generally* with regard to the following rights:
  - q. The right to choose their place of residence
  - r. The right to move freely within the country
  - s. Free exercise of religion and religious education
  - t. Free access to the courts, including legal assistance
  - u. Access to elementary education
  - v. Access to public relief and assistance
  - w. Protection provided by social security
  - x. Protection of intellectual property, such as inventions and trade names
  - y. Protection of literary, artistic and scientific work
  - z. Equal treatment by taxing authorities

The Universal Declaration of Human Rights 1948 provide most of the rights crucial to refugee protection which also include the fundamental rights, they are<sup>28</sup>:

1. Right to life, liberty and security of person
2. Right to seek and enjoy asylum
3. Freedom from torture, or cruel, inhuman or degrading treatment or punishment
4. Freedom from slavery or servitude
5. Recognition as a person before the law
6. Freedom of thought, conscience, and religion
7. Freedom from arbitrary arrest and detention
8. Freedom from arbitrary interference in privacy, home and family
9. Freedom of opinion and expression
10. Right to be educated
11. Right to participate in the cultural life of a community

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<sup>28</sup> Universal Declaration of Human Rights 1948

### Children's rights

- Rights of children to protection, registration after birth, and the right to a nationality<sup>29</sup>.
  - The obligation to make all decisions with regard to the best interests of the child<sup>30</sup>.
  - The obligation not to separate children from their families against their will and to promote family reunification<sup>31</sup>.
  - The obligation to protect children from violence and abuse, including sexual abuse<sup>32</sup>, and to assist in their recovery from violence and abuse<sup>33</sup>.
  - Special protection and assistance required for children seeking refugee status or recognized as a refugee, including assistance in reuniting with family<sup>34</sup>, and
  - Rights of children to education<sup>35</sup>.
1. The right to due process for the expulsion of non-citizens lawfully in the country<sup>36</sup>,
  2. The right to equality before the law and equal protection of the law<sup>37</sup>.

### The Challenges in the implementation and enforcement of the rights of refugees and asylum seekers.

The implementation and enforcement of the rights of refugees under international law face several challenges. While international legal frameworks exist to protect the rights of refugees, the practical application of these rights can be complex and fraught with difficulties. Some of these challenges include:

1. Lack of Uniformity in National Laws: Different countries have varying interpretations and implementations of international refugee law. Some states may not fully incorporate international standards into their domestic legislation, leading to discrepancies in the protection of refugees' rights.
2. Non-Ratification or Reservation: Some countries may not be party to international treaties or may have reservations when ratifying them, which can limit the applicability of certain rights to refugees within their borders.
3. Resource Constraints: Many countries, especially those hosting a large number of refugees, face resource constraints in providing basic services like shelter, food, healthcare, and education. This can hinder the effective protection of refugees' rights.
4. Political and Security Concerns: National security concerns can sometimes lead to the securitization of refugee issues, with states prioritising their own interests over the rights of refugees. This can result in restrictive immigration policies<sup>38</sup> and detention of asylum seekers.
5. Arbitrary Detention<sup>39</sup>: Many refugees are subjected to arbitrary detention in various countries, which infringes upon their rights to liberty and security.
6. Asylum Backlogs: Lengthy asylum processing times can result in prolonged uncertainty and instability for refugees, preventing them from accessing their rights, including the right to work and education.
7. Access to Legal Representation: Refugees often struggle to access legal representation, particularly in countries with limited resources or complex asylum procedures, making it difficult for them to assert their rights.

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<sup>29</sup> Article 24, International Covenant on Civil and Political Rights and Article 7 Convention on the Rights of the Child

<sup>30</sup> Article 3 Convention on the Rights of the Child

<sup>31</sup> Article 9-10 Convention on the Rights of the Child

<sup>32</sup> Article 19 and 34 Convention on the Rights of the Child

<sup>33</sup> Article 39 Convention on the Rights of the Child

<sup>34</sup> Article 22 Convention on the Rights of the Child

<sup>35</sup> Article 28 Convention on the Rights of the Child

<sup>36</sup> Article 13, International Covenant on Civil and Political Rights

<sup>37</sup> Article 26, International Covenant on Civil and Political Rights

<sup>38</sup> Ishant, and Laraib Siddiqui. "The Rights of Refugees under International Law." *Legal Readings*, 26 Dec. 2020, [legalreadings.com/the-rights-of-refugees-under-international-law/](http://legalreadings.com/the-rights-of-refugees-under-international-law/).

<sup>39</sup> "Challenges and Best Practices in Promoting and Protecting the- OHCHR." *CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS)* June 2014, [www.ohchr.org/sites/default/files/Documents/Issues/Migration/GA69thSession/CELS\\_PDBI.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GA69thSession/CELS_PDBI.pdf) Accessed 12 September, 2023.

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8. Discrimination and Xenophobia: Refugees may face discrimination and xenophobia in their host countries, which can limit their access to education, healthcare, and employment opportunities.
9. Lack of Accountability: Holding states accountable for violations of refugee rights can be challenging. International bodies like the United Nations High Commissioner for Refugees (UNHCR) play a role in monitoring and reporting violations, but their authority is limited.
10. Climate-Induced Displacement: Climate change is increasingly contributing to displacement, and international law has not yet fully addressed the rights of climate refugees, posing a challenge for their protection.
11. Human Trafficking and Smuggling: Some refugees fall victim (Unaccompanied children<sup>40</sup>) to human trafficking and smuggling networks, which further jeopardises their rights and safety.

**The role of international organisations and humanitarian organisations in promoting and safeguarding the rights of refugees and asylum seekers.**

International organisations and humanitarian organisations play crucial roles in promoting and safeguarding the rights of refugees and asylum seekers. They work together to address the complex challenges faced by displaced individuals and to ensure that their rights are respected and protected. Here are some key aspects of their roles:

1. Advocacy and Awareness<sup>41</sup>: International organisations like the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organisations raise awareness about the plight of refugees and asylum seekers. They advocate for their rights at both the national and international levels, pressing governments to fulfil their obligations under international law.
2. Legal Protection: International organisations provide legal support and protection to refugees and asylum seekers. They help individuals navigate complex asylum procedures, ensuring they have access to fair and efficient processes to determine their status.
3. Humanitarian Assistance: Humanitarian organisations, often working in coordination with international agencies, provide essential services such as food, clean water, shelter, and healthcare to refugees and asylum seekers. This assistance helps meet their immediate needs and ensures their basic rights to survival and dignity.
4. Education and Training: International organisations often collaborate with governments and local partners to provide education and vocational training to refugees, helping them build skills and access opportunities for self-reliance and integration into host communities.
5. Advocacy for Non-Refoulement: One of the most critical principles in refugee protection is non-refoulement, which means that no one should be forcibly returned to a country where they face persecution or threats to their life or freedom. International organisations actively advocate for this principle and monitor compliance.
6. Capacity Building: They work with host governments and local organisations to strengthen their capacity to address the needs of refugees and asylum seekers effectively. This includes providing training and resources to improve their ability to manage refugee populations.
7. Conflict Resolution and Prevention: International organisations also work on addressing the root causes of forced displacement, such as armed conflicts and persecution. They engage in conflict resolution and prevention efforts to reduce the number of people becoming refugees in the first place.
8. Data Collection and Research: These organisations collect and analyse data on displacement trends, conditions in refugee camps, and the needs of displaced populations. This research informs policies and programs aimed at protecting refugee rights.
9. Coordination: International organisations facilitate coordination among governments, humanitarian agencies, and other stakeholders to ensure a more effective response to refugee crises. They often lead efforts to develop and implement comprehensive strategies for addressing displacement.

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<sup>40</sup> “Challenges and Best Practices in Promoting and Protecting the- OHCHR.” *CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS)* June 2014, [www.ohchr.org/sites/default/files/Documents/Issues/Migration/GA69thSession/CELS\\_PDBI.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GA69thSession/CELS_PDBI.pdf) Accessed 12 September, 2023.

<sup>41</sup> “Who is a refugee, a migrant or an asylum seeker?” *Amnesty International*, July 04, 2023, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>. Accessed September 19, 2023.

10. **Advancement of International Law:** International organisations work to strengthen the legal framework governing refugees and asylum seekers. They help develop and advocate for international treaties and agreements that protect the rights of displaced persons.
11. **Monitoring and Reporting:** They monitor the treatment of refugees and asylum seekers, both in countries of origin and host countries. They report on any violations of their rights and work to hold accountable those responsible for such violations.
12. **Protection:** These organisations provide protection to refugees and asylum seekers by offering legal assistance, advocating for their rights to non-refoulement (not being forcibly returned to a place where they face persecution), and ensuring access to fair asylum procedures. They often establish refugee camps and safe spaces where individuals can seek shelter and support.
13. **Education:** International organisations often collaborate with governments and local partners to establish educational programs in refugee camps and host communities. These programs help children access education, which is a fundamental right and essential for their future prospects.
14. **Healthcare:** Refugees and asylum seekers often require specialised healthcare services, particularly for trauma, mental health, and other unique needs. Humanitarian organisations work to provide access to these services and promote the overall well-being of displaced populations.
15. **Community Building:** Efforts are made to foster community and social cohesion among displaced populations. This includes support for cultural and recreational activities, as well as initiatives to empower refugees and asylum seekers to participate in decision-making processes that affect their lives.
16. **Legal Assistance:** Many international and humanitarian organisations offer legal aid to refugees and asylum seekers. They help individuals understand their rights and navigate the asylum process in host countries, ensuring fair and equitable treatment.
17. **Capacity Building:** These organizations work with governments and local partners to build their capacity to address the needs of refugees and asylum seekers. This includes training officials, improving infrastructure, and enhancing legal frameworks for protection.
18. **Coordination:** They facilitate coordination among various stakeholders, including governments, NGOs, and host communities, to ensure a comprehensive and effective response to refugee and asylum seekers crises.

### Conclusion

In conclusion, the rights of refugees and asylum seekers under international human rights law are essential safeguards to protect the safety, dignity, and well-being of individuals fleeing persecution and violence. The 1951 Refugee Convention and its 1967 Protocol provide a comprehensive legal framework that outlines these rights, including non-refoulement, freedom from discrimination, access to education and healthcare, and the right to work. However, the implementation and enforcement of these rights face numerous challenges, ranging from varying national laws to resource constraints and political considerations. International organisations, such as the United Nations High Commissioner for Refugees (UNHCR), and humanitarian organisations play indispensable roles in addressing these challenges and ensuring the protection of refugee and asylum seeker rights. They advocate for refugees, provide legal support, offer humanitarian assistance, and work to raise awareness about the plight of displaced individuals. Additionally, they contribute to conflict resolution and prevention efforts, monitor and report violations, and advance international law to strengthen refugee protection.

The rights of refugees and asylum seekers are fundamental human rights that must be protected and upheld by the international community. By addressing the challenges and implementing the recommended measures, the global community will take significant strides toward ensuring the protection and realisation of the rights of refugees and asylum seekers, embodying the principles of justice, dignity, and compassion on which international human rights law is founded.

### Recommendations

1. Encourage nations to harmonise their domestic laws with international standards to ensure uniformity in the protection of refugee and asylum seeker rights.
2. Invest in capacity-building initiatives for both host countries and humanitarian organisations to enhance the ability to address the diverse needs of displaced populations effectively.
3. Continue and intensify efforts to raise awareness about the rights of refugees and asylum seekers, fostering a global understanding and commitment to upholding these rights.
4. Implement measures to expedite asylum processing times to reduce uncertainty and provide quicker access to rights, including education and employment.

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5. Recognize and address the rights of climate refugees, ensuring that international law evolves to encompass the unique challenges posed by climate-induced displacement.
6. Work collaboratively to combat discrimination and xenophobia faced by refugees, promoting inclusive policies that allow for their integration into host communities.
7. Improve access to legal representation for refugees and asylum seekers, particularly in countries with complex asylum procedures, to empower them to assert their rights effectively.
8. Focus on long-term solutions by addressing root causes of forced displacement, including conflict resolution, peace building, and human rights protection in countries of origin.
9. Strengthen international cooperation and coordination among governments, NGOs, and other stakeholders to create a more comprehensive and effective response to refugee and asylum seekers crises.
10. Establish and strengthen mechanisms for holding states accountable for violations of refugee rights, ensuring that international bodies like the UNHCR have the authority and resources to monitor and address such violations.

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