

RIGHTS ON THE MOVE

Refugees, asylum-seekers, migrants and the internally displaced

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Amnesty International is a worldwide campaigning movement working to promote internationally recognized human rights. It is independent of any government, political persuasion or religious creed.

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

Amnesty International's work for the release of prisoners of conscience, for fair trials for all political prisoners and against torture and the death penalty is well known. It has for many years also defended the rights of refugees, asylum-seekers and the internally displaced. Amnesty International now defends the rights of all people on the move who face grave human rights abuses.

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[photo caption]

Cover photo: Refugees in Liberia on their way home to Sierra Leone, 2 March 2002. © AP/Christine Nesbitt

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Why defend the rights of people on the move?

Every day people leave their homes, communities and countries. Some leave because they are afraid. They are afraid for their lives, and for the lives of their children and loved ones. Others leave – compelled by their social or economic situation.

Refugees, asylum-seekers, migrants and internally displaced people, like everyone else, have human rights. They all have the right not to suffer discrimination.

Whether in purpose-built camps, in settlements or in urban areas, people on the move often have to live in squalid conditions. They are vulnerable to abuse and exploitation, including the sexual exploitation of women and girls. Their lives are disrupted; many are separated from their families.

Yet, all over the world, governments and the media continue to portray people on the move as a problem and even as “terrorists” rather than people fleeing human rights abuses or seeking a measure of economic security for their families. Highly charged debates pay little regard to the political or human rights crises people have left.

Sophisticated immigration controls attest to governments' determination to prevent refugees, asylum-seekers and

migrants from even setting foot on their territories.

Who is a refugee?

Every refugee is the result of a government's failure to protect human rights. The 1951 UN Convention relating to the Status of Refugees (the Refugee Convention) means that states must protect people who risk serious human rights abuses if they return to their country of origin because of who they are or what they believe. Most importantly, they should not be forcibly returned.

What are a refugee's rights?

Like anyone else, refugees have human rights. They also have rights because they are refugees and are therefore entitled to international protection. The Refugee Convention and other international human rights treaties include the rights to:

- protection from discrimination
- freedom of religion
- identity and travel documents
- work, housing, education and relief
- protection from penalties for illegal entry
- freedom of movement

Importantly, refugees should have access to a durable solution. This may be local integration in their country of asylum, resettlement in another country, or voluntary repatriation to their country of origin. Voluntary return should be safe and dignified, and should fully respect human rights. Experience has shown that, if people have to return to a situation that remains unstable, there is a risk they will be forced to leave their homes again.

[photo caption]

A Palestinian refugee walks past an apartment block destroyed in Israeli army attacks on the refugee camp in Khan Younis, in the Gaza Strip, Occupied Territories, December 2001. © Brendan Corr/Panos Pictures

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Refugees in West Africa – Liberia and Côte d'Ivoire

Intensified fighting in Liberia in June 2003 worsened the already dire human rights and humanitarian situation facing hundreds of thousands of internally displaced people and of refugees from neighbouring countries.

Many made desperate attempts to reach central Monrovia, the Liberian capital, from camps on the

outskirts as armed opposition forces advanced. Without assistance after international aid workers were forced to leave, they included 30,000 people who sheltered in a sports stadium, their intolerable conditions aggravated by the onset of the rainy season.

About 23,000 Liberians and Ivorian refugees were forced to flee to neighbouring Côte d'Ivoire as fighting spread and many parts of Liberia became inaccessible to aid. There, Liberian refugees living in transit centres in the Ivorian capital, Abidjan, were indiscriminately associated with Ivorian armed opposition groups and assaulted and harassed. Liberian refugee Lawson Beh described a beating in Abidjan on 19 February 2003:

“When I spoke English at the market, young Ivorian men accused me of being an ‘aggressor’ and two of them beat me. Since this attack, my nine-year-old girl does not dare leave the Attoban transit camp.”

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[photo caption]

Asylum applicants wait with their forms outside the UN High Commissioner for Refugees office in Kuala Lumpur, Malaysia, July 2002. © AP Photo/Teh Eng Koon

[end caption]

Who is an asylum-seeker?

An asylum-seeker is someone who has left their country but not found protection as a refugee. Although still awaiting a formal determination of their status, the asylum-seeker is still entitled to the protection of international refugee law.

Do asylum-seekers have rights?

Yes. The Universal Declaration of Human Rights (UDHR) says: “Everyone has the right to seek and enjoy in other countries asylum from persecution.” (Article 14)

Asylum-seekers should be assumed to be refugees, unless or until they are found not to be in need of international protection.

Amnesty International works to ensure that asylum-seekers:

- are not prohibited from entering a country to seek asylum
- have access to fair procedures to determine whether they are refugees
- are not unlawfully detained
- have access to family, friends, lawyers, interpreters and organizations that can help them, including the UN High Commissioner for Refugees (UNHCR)
- have access to basic economic, social and cultural rights, for example, to work, education and health care

Amnesty International does not oppose the return of unsuccessful asylum-seekers if they are found not to be a refugee in a fair and satisfactory procedure and if their return takes place in safety, dignity and with full respect for human rights.

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Detention of asylum-seekers

Asylum-seekers are often unlawfully detained in the countries where they are seeking safety. Regardless of age, they are sometimes automatically detained, for prolonged periods. Refugees and migrants are also subject to detention in a number of countries. The impact of detention on mental health can be severe, particularly for children. Countries where child asylum-seekers arrive without documents and are detained include Australia, Malaysia, Thailand, United Kingdom and USA.

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[photo caption]

Riot police at Australia's controversial Woomera Detention Centre, 2002. The centre is now closed. Hundreds of asylum-seekers are detained in Australia for months and sometimes years without independent review of their detention. © Private

[end caption]

[quote]

The US Committee for Refugees estimates that there are 13 million refugees and asylum-seekers in the world, or about 0.2 per cent of the world's population, currently estimated at 6.3 billion. Most are in Africa, Asia and the Middle East, which between them host a total of some 9.2 million.

[end quote]

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Who is a migrant?

In general terms a migrant is a person who is in another country either temporarily or permanently. Some migrants move voluntarily. Others feel impelled to leave because of hardships they face in their home country. Still others move for a mixture of reasons. Refugees and asylum-seekers are a specific category of migrants.

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There are an estimated 175 million migrants — approximately 2.8 per cent of the world's population.

[end quote]

Do migrants have rights?

Yes. Like everyone, migrants also have human rights. Some of these rights include the right to life, to an adequate standard of living and to freedom from arbitrary detention and torture. Some international legal instruments are specific to the rights of migrant workers, including treaties of the International Labour Organization. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which entered into force on 1 July 2003, is an important milestone in the recognition of migrants' rights.

Who is an internally displaced person?

An internally displaced person (IDP) is someone who has fled from one part of a country to another. They might have left their home because of war, famine, ethnic cleansing or religious persecution. The main difference from refugees is that IDPs have not crossed an international border and cannot therefore claim protection under international refugee law.

There are more than twice as many IDPs as refugees in the world. In Colombia alone, they are estimated to number three million.

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The internally displaced currently number around 21.8 million or 0.3 per cent of the world's population. The majority are in Africa, Asia and the Middle East, which host a total of some 19.6 million.

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Do the internally displaced have rights?

Yes. IDPs have rights, like any other national. Their governments are obliged to protect their human rights, but often cannot or will not do so. Making it clear that IDPs have rights, and to remind governments of their obligations to protect them, the UN Guiding Principles on Internal Displacement provide a framework for protection based on international law.

[Photo caption]

Construction workers in Khimki, Russian Federation, face deportation to Tajikistan, November 2002.
©Mikhail Solovyanov/Moscow Times

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[Photo caption]

Internally displaced children from the Community of Peace in the village of San José de Apartadó, Colombia, 1999. The Community was set up to assert the civilian population's right not to be drawn into the conflict, but many of its leading members have been killed, most of them by army-backed paramilitary forces. © Private

[end caption]

The right to return

Many refugees and IDPs want to return to their homes, despite the human rights abuses they have fled or the number of times they have had to move. A key factor influencing their decision to return is security, particularly if those responsible for human rights abuses against them are still in their home area or are in positions of authority.

Whether property can be repossessed or repaired will also be important. In Afghanistan, Angola, Burundi, Chechnya (Russian Federation), Colombia, Iraq or Timor-Leste – the issue of recovering property remains a complex and critical factor in ensuring safe, dignified and sustainable return of refugees and IDPs.

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Trafficking in people

Tatiana had been promised a hotel cleaning job in the resort of Eilat in Israel. It was going to pay enough to support her mother and six-year-old son back in Belarus. Instead, when she arrived in April 1998, she was taken to a brothel and forced to work in the sex industry. She was told that she would have to repay her ‘‘sale price’’ and travel costs.

Arrested in a police raid, Tatiana was detained as an illegal immigrant. At first, because of threats, she refused to testify. The traffickers back in Belarus knew her passport details and family’s address. She was later deported.

Trafficking in persons is a human rights abuse that permeates every continent, finding fertile ground during and in the aftermath of conflicts.

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What does Amnesty International do?

Amnesty International campaigns for the protection and promotion of the human rights of people on the move — to secure their rights and to strengthen their protection in their country of origin, in transit and in their countries of asylum and destination. We expose the abuses that force people to leave their homes in the first place, and the failures to protect them.

Amnesty International activists around the world lobby their own governments for changes in laws, policies and practices. They work with other organizations to protect the rights of those on the move.

Amnesty International seeks to influence international policy making and standard setting. We seek to strengthen the international protection framework for people on the move. This includes calling on states to share responsibility for protecting refugees and to live up to their obligations under international law.

Asylum-seekers, lawyers and officials making decisions during asylum processes often refer to Amnesty International’s country information and analysis. Occasionally, Amnesty International takes action on individual cases or issues. However, we do not represent individuals through such procedures. Our lack of involvement in a particular case implies no view on an individual’s need for protection as a refugee.

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What can you do?

Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us to make a difference.

- Take action on Amnesty International’s refugee webpage: www.amnesty.org/refugees
- Join Amnesty International’s Urgent Action network
- Make a donation to support Amnesty International’s work.

Want to know more?

Contact the Amnesty International office in your country at the address in the box below, if there is one.

Or visit the Amnesty International refugee webpage:

www.amnesty.org/refugees

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