

WHO ARE THE REFUGEES?
WHERE DO THEY COME FROM?
WHAT ARE THEIR RIGHTS?



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RAISING PUBLIC AWARENESS
ON REFUGEE RIGHTS

Who are the Refugees?

REFUGEES are people who seek protection of law in another country than their own. People flee their countries of origin due to fear of persecution and seek asylum in another country. International law recognises the right of every human being to seek asylum in another country. Most countries host refugees. Turkey, Iran and Pakistan are some of the countries that host most numbers globally.

India has experienced the arrival of people from neighbouring countries and even from far off countries seeking protection. In many cases India has treated them favourably and provided them protection. At the time of independence India received more than 70 lakh refugees. India also hosted about 60 lakh refugees during and immediately after the war for the independence of Bangladesh in 1971. Many of these refugees went back to Bangladesh after her independence. The current number of refugees in India is as below :

Country of Origin	Numbers
Sri Lanka	95,829
Tibetan	73,404
Myanmar	26,638
Afghanistan	16,871
Others	4,323

- Though India is not a party to the 1951 Refugee Convention or its 1967 Protocol and does not have a national refugee protection framework, it is signatory to several international covenants and conventions that provide a policy for the protection of human rights of refugees. Our own constitution provides for protection of all people in India including non-citizens. Article 21, held up as a cornerstone of the constitution provides for the “right to life and personal liberty to all persons.”
- India continues to grant asylum to a large number of refugees from neighbouring States and respects UNHCR's mandate for other nationals, mainly from Afghanistan and Myanmar.

International Laws applicable for refugees in India

- **UDHR:** Article 14 of the **UDHR (Universal Declaration of Human Rights)** grants the right to seek and enjoy asylum from persecution. This right is in addition to the right to leave one's own country (Article 13), and the right to nationality (Article 15). **India was a part of the drafting of the Universal Declaration on Human Rights.** The Constituent Assembly of India enacted the Indian constitution on December 26, 1949, and it went into effect on **January 26, 1950.** The Universal Declaration of Human Rights, which was adopted in 1948, had a significant impact on our Indian constitution.
- **ICCPR:** The **International Covenant on Civil and Political Rights (ICCPR)** is a multilateral treaty that commits states parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair. **India ratified ICCPR in 1979.**
- **CEDAW:** **The Convention on the Elimination All Forms of Discrimination against Women (CEDAW)** The provisions of the Convention prohibiting discrimination against women reinforce and complement the international legal protection regime for refugees, displaced and stateless women and girls in many settings, especially as explicit gender equality provisions are absent in relevant international agreements, notably the 1951 Convention relating to the status of refugees and its 1967 Protocol. It is a landmark document giving authoritative guidance to countries that have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on concrete measures to ensure women's human rights are protected before, during and after conflict. The general recommendation makes clear that the Convention applies in all forms of conflict and post-conflict settings and addresses crucial issues facing women in these settings, including violence and challenges in access to justice and education, employment and health. It gives guidance on States parties' obligation of due diligence in respect of crimes against women by non-State actors. The general recommendation



Who is a refugee?

- (According to the Refugee Convention, 1951 and 1967 Protocol)
- (who) owing to (a) 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 himself of the protection of that country.

What is the Global Compact on Refugees?

- GCR adopted by the by the UN General Assembly on 17 December 2018. It provides a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation.
- It provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives.

affirms CEDAW's linkages with the Security Council's women, peace and security agenda. **India signed CEDAW in 1980 and ratified it in 1993** with certain reservations.

- **CRC (The Convention on the Rights of the Child) as per the article 2 of CRC-** States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The Convention on the Rights of the Child (CRC) was approved by the General Assembly of the United Nations on 20.11.1989. The Convention was formally opened for ratification on 26.01.1990; the Government of India ratified the CRC on 11 December, 1992.



About Rohingyas



- The Rohingyas are an ethnic group comprising a majority of people following Islam, who have lived for centuries in the Buddhist Myanmar. The Rohingyas speak Rohingya or Ruaingga, a dialect that is distinct to others spoken throughout Myanmar. Their language and physical appearance is akin to South Asians which has been one of the reasons for xenophobia against them in Myanmar. They are included in a broad category of people called 'kala' (people of south Asian origin). Consequently, they have been excluded from citizenship of Myanmar and are stateless.
- However, Rohingyas are not the only minority persecuted in Myanmar. Several other ethnicities following Christian faith, people of Indian and Nepali origin and even tribal Buddhists have suffered discrimination and human rights violations since the independence of Myanmar (Burma) in 1948.
- Rohingyas have been fleeing Myanmar since the 1980s and have sought asylum in Bangladesh, Malaysia, Thailand, Indonesia and India in the South Asian and South East Asian region. Some have sought refuge in far off countries and regions such as Australia, Europe, Saudi Arabia etc. In 2017 Rohingyas in Myanmar were subjected to a genocide, including mass sexual crimes against women. More than 7,00,000 (seven lakh) were forced to flee to Bangladesh. International Court of Justice is currently hearing a case on Rohingya Genocide Case against Myanmar authorities. Many Rohingyas have lived in India since 2000 and are registered with the United Nations High Commissioner for Refugees (UNHCR).
- Most Rohingyas have had little education and have difficulties in securing decent employment and survive in very difficult conditions. Women and children are particularly affected by poverty and accompanying poor socio-economic conditions of access to water and sanitation, education and health.
- In India, the fear of being detained and forced to return is always in their mind. Being a stateless person the terror they have been through never leaves them. Lack of documentation is also one of the obstacles which makes them miss the basic rights of an individual. Not enjoying the basic fundamental rights like education, employment and shelter.

PROTECT

RIGHTS OF REFUGEES/
RIGHTS OF REFUGEE
CHILDREN

PROVIDE

ACCESS TO HEALTH
SERVICES TO
REFUGEES

ENSURE

REFUGEE CHILDREN
HAVE EDUCATION IN
INDIA

Basic Human Rights of Refugees

- ✓ Right to Protection Against Refoulement
- ✓ Right to Seek Asylum
- ✓ Right to Equality and Non-Discrimination
- ✓ Right to Life and Personal Security
- ✓ Right to Return



ABOUT US

Development & Justice Initiative (DAJI)

We work with marginalized communities to empower them to access rights, services and protect their freedoms. We work with refugees, minority communities, displaced people and people at risk of statelessness through community mobilization, education, training and providing legal aid to detainees and their families as well as humanitarian support in times of crises. We conduct research and network with other organisations aimed at strengthening access to rights for the marginalised communities. Our activities to mobilise the marginalised communities involves education, communication and training members of the communities to understand their rights under Indian and international laws. Our outreach initiatives aim to reach out the authorities and general public to sensitise them to the rights of the marginalised communities.

We engage with government agencies, departments and legal institutions to support them in shaping their policies and practices to promote fairness, human rights and justice for the excluded communities. We work in alliances and networks of other civil society organisations and stakeholders like media, lawyers and academic institutions in the country, Asian region and globally.

Refugee Rights are Human Rights



Refugees are perhaps the ultimate transitional figures. They are leaving and have lost a permanent home. Refugees inspire us by reason of their loss as well as their ability to rise above that loss and to re-establish their lives. Some are wasted in their exile, and others triumph. There is something noble and enduring about the ability of people to reconstitute themselves and begin again after suffering such a deprivation. Refugees thus can be a source of hope and a flesh-and-blood reflection of a tenacious life force.

ARTHUR C. HELTON

American lawyer, refugee advocate,
teacher and author.



Development & Justice Initiative (DAJI)

DELHI : First Floor, G-1369, Chittaranjan Park, New Delhi, Delhi -100019
E-mail : info.daji@gmail.com | Website : <http://www.daji.org.in>

JAIPUR : 59, Mehnat Nagar, 60 Feet Road, Hatwara, Khatipura Road, Jaipur, RAJASTHAN - 302006

MEWAT : Ward No. : 3, Near New Bus Stand Nuh, HARYANA - 122107

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