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## Examining the Influence of Global Humanitarian and Human Rights Law on the Refugee Rights Movement

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*This article considers how global humanitarian and human rights law has influenced the emergence and further evolution of the refugee rights movement. It explores Global legal instruments, including the Refugee Convention, 1951, the Protocol to the Convention, 1967 and the Universal Declaration of Human Rights, in defining the rights afforded to refugees and their status globally. The study highlights the interplay between humanitarianism and human rights protection in the challenges experienced by refugees and other displaced groups. Based on the evaluation of significant legal cases, agreements, and policies, this study examines the course of development and obstacles to applying these legal norms under changing geopolitical conditions. Special emphasis is paid to the work of NGOs, such as UNHCR and other states, to promote and protect refugees' rights. By assessing how international law affects regional frameworks and national laws, the study highlights the necessity of global solidarity and consistent policy enforcement to safeguard refugee rights. Disparities between legislative requirements and real-world circumstances, such as statelessness, border controls, and the politics of refugee crises, are also critically evaluated in the study.*

**Keywords:** *refugee rights, humanitarian law, human rights, convention on refugees, refugee protection & UNHCR.*

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## INTRODUCTION

The issues arising out of war are not merely limited to the destruction of property or persons killed in the warfare. When the war ends, the cries of the people who have lost their loved ones and those who have been left behind, be they combatants or non-combatants, are heard throughout the nation. The appointment of Norwegian explorer Fridtjof Nansen as the first High Commissioner for Refugees following World War I is therefore not surprising.<sup>1</sup> The millions of Russians displaced not just by the war and the Soviet revolution but also by severe crop failures in the summer of 1921, were the special subject of Nansen's first assignment. The essence of the work of Nansen was still well perceived even after he died in 1930; his work in the office was still ongoing, and with the conclusion of the UN Convention relating to the status of refugees in 1951, it was re-established as the Office of the UN High Commissioner for Refugees (UNHCR). Before delving into refugees' rights and movements on an international framework first, we will look at the international laws that talk about virtuousness for human beings.<sup>2</sup>

International Laws that are made for humanity have a great beneficial impact on the lives of people who suffer from various forms of difficulties in different menacing situations. International Human Rights Law covers overall aspects of fundamental rules by laying down certain principles that can be said are basic rights. On the other hand, we have International Humanitarian Law, which talks specifically about the conduct of war and helps persons who are victims of war. When it comes to the conduct of proper warfare and how exactly a war should be held so that minimum casualties happen, International Humanitarian law plays a very significant role in this scenario. The Refugee Rights Movement is a national and international effort focused on securing rights by providing just and humane regimes. For refugees who are forced to move from one country to another Country? This refugee rights movement can involve asylum seekers, migrants, and other people who are forced to leave their country which can also be due to armed conflict or due to unfair conditions in their own country.<sup>3</sup>

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<sup>1</sup> 'Fridtjof Nansen - Facts' (*The Nobel Prize*, 15 January 2025)

<<https://www.nobelprize.org/prizes/peace/1922/nansen/facts/>> accessed 11 November 2024

<sup>2</sup> James C Hathaway, 'The Structure of Entitlement under the Refugee Convention' in *The Rights of Refugees under International Law* (2nd edn, Cambridge University Press 2021)

<sup>3</sup> 'Migrants, asylum seekers, refugees and immigrants: What's the difference?' (*International Rescue Committee*, 22 June 2018) <<https://www.rescue.org/article/migrants-asylum-seekers-refugees-and-immigrants-whats-difference>> accessed 11 November 2024

## **HISTORICAL DEVELOPMENT ON REFUGEE RIGHTS AND INTERNATIONAL LAW**

The word ‘réfugié’ became a special name for French Protestants, or Huguenots, forced to flee their homeland in 1685 after the Edict of Nantes, a pivotal moment in French history, was revoked. Protestants were forced to escape persecution in other nations when this revocation signalled the end of religious tolerance in France. The word ‘réfugié’ was used to emphasize that they were displaced people who had been forced from their homes because of their religious convictions. The violation of freedom of religion and civil rights was seen making over 400,000 of them leave England just for their safety. Later, the term ‘refugee’ came to refer to anyone who had to flee their nation due to fear of persecution.<sup>4</sup> Before 1950, refugees and persons who didn't belong to any country were a major concern because no government protection was focused on them.

The Norwegian explorer and philanthropist Fridtjof Nansen played a pivotal role in starting attempts to remedy this. In the year 1921 he joined the League of Nations and his appointment was as the High Commissioner for Russian Refugees, and over time his responsibilities eventually grew to encompass other refugees. At that time, refugees particularly the persons who were deprived of their citizenship (as the Russian refugees), had no official ID, which is why during the time the position of a refugee was extremely unstable.

Before Norway's Nansen worked for refugees, refugees were in the same status as other foreigners in which problems were not considered legally. To overcome this, Nansen came up with the ‘Nansen passport’ which was a means document of identification that opened doors for refugees who had no nationhood over them. To further travel authorizations for refugees, another agreement was entered in 1946 to continue issuing such documents which resembled a passport. These were issued for one or two years: according to them, refugees could return to the country that stated the document.

Other agreements over time were Centred either on accounting rights of refugees in some or other ways, for example, the right to work, get welfare, and education. However, such agreements were normally specific to some of the refugee groups and were only binding to a few

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<sup>4</sup> Bishnu Maya Bhusal, ‘Origin and Development of International Refugees Law’ (2019) Nepal Journals Online <<https://nepjol.info/index.php/nlr/article/download/57529/43010/170412>> accessed 11 November 2024

nations, sometimes with reservations. The overarching aim of this policy was to give refugees legal and political safety, but this was not for all refugees.<sup>5</sup>

## **CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES**

The International Refugee Organization (IRO) was founded by the General Assembly at its second session in late 1946. The organization assumed the United Nations Relief and Rehabilitation Agency's (UNRRA) responsibilities. It was temporarily tasked with registering, safeguarding, resettling, and repatriating refugees.

Article 14 of the UDHR 1948 gives the right of the person if a person wants to seek asylum from persecution in other countries.<sup>6</sup>, the basis of refugee protection today is the 1951 United Nations Convention about the Status of Refugees. After October 22, 1954, the Convention was amended on a single occasion, as the 1967 protocol did away with time and geographic limitations, which the 1951 Convention contained. The 1951 Convention was at first limited only to refugees who fled situations that occurred in Europe before January 1, 1951, as a Cold War instrument. These restrictions were removed by the 1967 Protocol that makes the Convention comprehensively applicable. Since then, it has been supported by regional refugee and subsidiary protection programs and by progress in international human rights law.

The Convention relating to Refugee 1951 brings together elements of earlier international instruments concerning refugees, and it represents the most detailed manner of the rules of refugees' rights at the global level. The 1951 Convention establishes a broad definition of the term 'refugee' in Article 1, in contrast to earlier international protocols on refugees that exclusively applied to particular types of refugees.<sup>7</sup> Protecting people from political or other forms of persecution is the main goal of this concept. According to the Convention, a refugee is a person who cannot or will not return to their home country because of a legitimate fear which is mainly

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<sup>5</sup> Paul Weis, 'The Development of Refugee Law' (1982) 3(1) Michigan Journal of International Law <[https://repository.law.umich.edu/cgi/viewcontent.cgi?params=/context/mjil/article/1860/&path\\_info=#:~:text=A%20considerable%20body%20of%20refugee,Protocol%2C%20has%20gained%20wide%20acceptance](https://repository.law.umich.edu/cgi/viewcontent.cgi?params=/context/mjil/article/1860/&path_info=#:~:text=A%20considerable%20body%20of%20refugee,Protocol%2C%20has%20gained%20wide%20acceptance)> accessed 11 November 2024

<sup>6</sup> Lea Beckmann, 'Digital Rights are Human Rights' (*Digital Freedom Fund*) <<https://digitalfreedomfund.org/digital-rights-are-human-rights/article-14-the-right-to-seek-and-enjoy-asylum/>> accessed 11 November 2024

<sup>7</sup> 'The 1951 Refugee Convention' (*UNHCR*) <<https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention>> accessed 11 November 2024

because of persecution due to their race, religion, nationality, membership in a specific social group, or political beliefs.

The Convention is widely regarded as the only international framework which talks about refugees. The term ‘refugee’ has a broader definition than any other intergovernmental mechanism on refugees, which helps to convey the worldwide scope of the issue.

## **THE ROLE OF THE REFUGEE RIGHTS MOVEMENT IN SHAPING LEGAL STANDARDS**

Sometimes, like outcasted people, refugees are also treated as people who have no nationality, but we have seen that the presence of laws has deeply helped them secure their basic human rights. The International Human Rights Law plays a very significant role in shaping the rights of refugees when it comes to their migration.<sup>8</sup> Not only the refugees but also the treatment of a variety of migrants, including migrant women, men, children, refugees, stateless people, migrant Labourers, and migrant victims of trafficking, are also mentioned under international law.

**How Grassroots Movements Influence Refugee Policies:** Grassroots movements spotlight the issue through campaigns, protests, and educational programs.<sup>9</sup> They frequently call attention to crises that are often acknowledged by governments or international organizations. When a group of persons addresses the issues, shattering stereotypes, and xenophobia, it tends to impact policymaking on a national as well as an international level.

Grassroots organizations frequently lobby at the local, national, and international levels for governments to embrace and implement policies that safeguard refugee rights through enhanced asylum procedures and legal protections.

Due in large part to grassroots movements, refugee policies have been reshaped in ways both large and small, with those movements pushing back against exclusionary frameworks that limit legal categories to the most vulnerable individuals, and instead demanding broader definitions

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<sup>8</sup> ‘International standards governing migration policy’ (*United Nations*) <<https://www.ohchr.org/en/migration/international-standards-governing-migration-policy>> accessed 11 November 2024

<sup>9</sup> Gabriela Bucher, ‘Grassroots activities are leading the way on human rights’ (*The Fund for Global Human Rights*, 15 December 2023) <<https://globalhumanrights.org/commentary/grassroots-activists-are-leading-the-way-on-human-rights/>> accessed 11 November 2024

of refugee status. These activists in the movements oppose the government's differentiation between 'refugees who are deserving' and 'economic migrants who are undeserving' as they strive for increased access to housing and legal rights for all displaced people.<sup>10</sup>

These movements also play an essential role in repealing discriminatory legislation and establishing new legal protections for marginalized peoples, including refugees. Grassroots organizations mobilize communities and lead collective actions to shape the information and influence policies to dismantle oppressive systems and advance more equitable policies.

In addition, grassroots volunteers frequently take part in political action, participating actively in crisis to offer assistance and push for legislative reforms, as well as Protest against stringent refugee regulations.

### **Influence of NGOs and International Organizations in shaping Refugee Rights:**

NGOs have a crucial impact in addressing the refugees' rights; NGOs work for the changes that are to be made to policies that sometimes affect the refugees.<sup>11</sup> It's a centre that offers the basic needs of the refugees, such as medical care, learning institutions, homes, and vocational training, which are basic needs for human beings as they seek to reconstruct their lives. By producing awareness programs, NGOs help people know the situation of refugees and advocate for good policies on refugees' integration.<sup>12</sup> They also directly provide the policymakers with research information and advice that determines the refugee's welfare. Second, those NGOs are also involved in bringing increased public awareness of reforms aimed at enhancing the conditions of refugees.

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<sup>10</sup> Marco Perolini, "We are all refugees': how migrant grassroots activism disrupts exclusionary legal categories' (2022) 22(4) Social Movement Studies <<https://www.tandfonline.com/doi/full/10.1080/14742837.2022.2047642#abstract>> accessed 11 November 2024

<sup>11</sup> Yusuf Olalekan Adebayo et al., "The impact of international NGOs on refugee support and policy influence: A global analysis' (2024) 13(1) International Journal of Science and Research Archive <<https://ijsra.net/content/impact-international-ngos-refugee-support-and-policy-influence-global-analysis>> accessed 11 November 2024

<sup>12</sup> Eve Lester, 'A Place at the table: The Role of NGOS in Refugee Protection: International Advocacy and Policy-Making' (2005) 24(2) Refugee Survey Quarterly <<https://academic.oup.com/rsq/article-abstract/24/2/125/1557245>> accessed 11 November 2024

## CURRENT GLOBAL REFUGEE CRISIS AND HUMANITARIAN LAW

With millions of people displaced by conflict, persecution, natural catastrophes, and unstable economies, the current worldwide refugee crisis can be considered a threat to humanitarian law. Based on the May 2024 Global Trends report,<sup>13</sup> The forced displacement officially reached more than 120 million people<sup>14</sup> Who on a global scale were forced to flee their homes because of persecution, conflict, violence, and other forms of human rights violations. Of these, 43.4 million are refugees who have crossed the border to seek protection, 63.3 million are internally displaced persons who have fled within their own countries, 6.9 million are Refugees awaiting protection, and 5.8 million including Venezuelans in dire need of international protection.<sup>15</sup>

**Role of Humanitarian Law in Refugee Crisis:** Sheltered by humanitarian law, the problem of refugees occupying a significant position in world practice is viewed as an important task because they are forced to leave their homes due to persecution, confrontation, or violence. However, because of The United Nations Convention on the Status of Refugees, 1951 provides a clear definition of a refugee. This provision makes sure all persons falling in the criteria are given international protection on which legal frameworks and global responsibilities are based.

A key feature of both humanitarian and refugee law is the principle that affords protection to a refugee against being returned to a place where their life has been threatened or their freedom will be jeopardized. This principle means that affected persons should not be vulnerable to any form of harm, which is the existence of a principle to protect refugees recognizing their value for their safety in case of such incidents.

Legal protection is also provided to refugees and internally displaced persons through humanitarian law, which ensures that the refugees provide the necessary framework for their reconstruction. Such rights include the right to seek legal representation, education, the right to health, and the right to have and get jobs in host countries. These rights play a role in protecting

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<sup>13</sup> 'Refugee Statistics' (USA for UNHCR The UN Refugee Agency) <<https://www.unrefugees.org/refugee-facts/statistics/>> accessed 11 November 2024

<sup>14</sup> Lauren Parater, '10 infographics that show the scale of global displacement' (UNHCR The UN Refugee Agency, 20 June 2015) <<https://www.unhcr.org/innovation/10-infographics-that-show-the-scale-of-the-global-displacement-crisis/>> accessed 11 November 2024

<sup>15</sup> Refugee Statistics (n 13)

the refugees to adapt to the new society and enhance integration as being hooded by the humanitarian law.

The United Nations High Commissioner for Refugees (UNHCR) also plays an important role in dealing with issues with refugees.<sup>16</sup> As it automatically links global attempts at offering assistance to refugees and even livelihood opportunities and legal services, among other things. With the help of such principles and mechanisms, humanitarian law not only safeguards refugees' rights but also contributes to building international cooperation, calling upon states to assume equal responsibility for dealing with the problems of displacement.

### **CHALLENGES FACED BY REFUGEES**

We know how a person in one country goes to another country to earn money which is highly developed but when it comes to the case of refugees they don't always have proper documentation like visas, passports, identity cards, and no citizenship in the country they are staying.

#### **Refugees worldwide face numerous challenges -**

**Poverty:** A significant number of refugees live in poverty, this is because they are sometimes not treated properly in the country they seek protection.

**Limited Employment Opportunities:** Despite legal rights to work in many countries, refugees often face problems with having a proper mode of living and formal employment, hindering their ability to support themselves and contribute to the local economy.

**Access to Education:** Refugee children frequently face obstacles in accessing quality education.<sup>17</sup>

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<sup>16</sup> 'Protection Leadership: The Role of UNHCR in Humanitarian Crises' (*UNHCR The UN Refugee Agency*, July 2024) <<https://www.refworld.org/policy/strategy/unhcr/2024/en/148131>> accessed 11 November 2024

<sup>17</sup> Nefti-Eboni Bempong et al., 'Critical reflections, challenges and solutions for migrant and refugee health: 2nd M8 Alliance Expert Meeting' (2019) 40(3) *Public Health Review* <<https://publichealthreviews.biomedcentral.com/articles/10.1186/s40985-019-0113-3#citeas>> accessed 11 November 2024



**Healthcare Access:** We know how healthcare systems are sometimes too costly in some countries. Limited access to healthcare services leaves refugees vulnerable to untreated illnesses and poor health outcomes.

**Legal Protection:** Navigating complex legal systems to obtain asylum or refugee status can be daunting, leaving many without official recognition or protection.

**Social Integration:** Cultural and language barriers are common along with discrimination, this impedes refugees' ability to socialize in the country they are now residing as the people often discriminate against them for being outsiders to their country.

**Safety and Security Reasons:** Refugees sometimes face ongoing threats, including violence and mental trauma.

## **SOME LANDMARK JUDICIAL DECISIONS IN REFUGEE PROTECTION**

When it comes to the state and its functioning, every state must protect its citizens and those who are non-citizens as well. When it comes to justice, we often say that we will seek justice from the court this implies people have faith in the judiciary.

**Suresh v Canada:**<sup>18</sup> The Canadian government had claimed that a Sri Lankan Tamil recognized in Canada as a refugee, Manickavasagam Suresh, had links to a terrorist organization. In response, the government attempted to deport him to Sri Lanka, despite fears that he could be tortured if he returned. Supreme Court of Canada gave the decision that deportation to a country where the individual faces a risk of being tortured is against the Charter of Rights and Freedoms in Canada. However, the Court did not rule out the possibility that deportation would be justified in some exceptional circumstances in which the individual poses a significant risk to 'the security of Canada.' The Court stated that the possibility of torture must be carefully balanced against the harm to national security when making such determinations.

According to the Court's ruling, Suresh was entitled to a new hearing about his deportation. The government was instructed to provide him a fair chance to state his case and to take into consideration the risk that he might be tortured if he were deported back to Sri Lanka.

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<sup>18</sup> *Suresh v Canada (Minister of Citizenship and Immigration)* [2002] SCC 1

This case gives a clear example of how refugees' fundamental rights are protected as well as the chance to be heard before the court by giving them the freedom to represent themselves.

**Canada v Ward:**<sup>19</sup> This particular case was of a nature that made a very significant impact on Canadian refugee laws. The case involved a man called Patrick Francis Ward, who fled to Canada asking for refugee status after he received threats from the INLA, a military group seeking to overthrow the Irish government, and the Irish government admitted that it could not protect Ward. This raised some intriguing considerations, such as: according to Canadian law, who is a refugee?

The judgment also enunciated several vital propositions. First, it concluded that individuals who are persecuted by private entities or individuals who cannot get protection from their government may be able to seek refugee status. This meant that, unlike in Canada, government involvement in persecution was not part of the refugee definition. The Court further ruled that if protection from a certain government is not possible, it is not essential to formally request it. However, the Court set a general proposition that nations can usually defend their citizens but that proposition is one of prejudice that can be rebuttal with evidence. On the other hand, if a person establishes that his or her country is unable to protect him or her, then it is implied in a way that he/she has a fear of persecution.

In Ward's case, the court ruled that his political views against INLA's operations, not his affiliation with the organization, were the cause of his persecution. To distinguish him for refugee status, this was essential. To determine whether Ward could receive protection in Britain since he also possessed British nationality, the case was subsequently returned to the Refugee Board. A Favourable shift in refugee law was Signed by the Ward judgment, which shifted the focus from declaring enemy states to immigration to defending human rights. Because of this, it was one of the most comprehensive rulings on refugee law ever given by a senior national court at the time.

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<sup>19</sup> *Canada (Attorney General) v Ward* [1993] 2 SCR 689

## **A PATH TOWARDS CHANGE**

Along with the other social problems, part of the first solution to start making a real change in the lives of refugees is to raise awareness.

Social media has allowed us to share real information and the stories of refugees, personal stories, and campaigns. It is relevant to fight against the stereotypes with which refugees and asylum seekers are surrounded and to try to debunk those misconceptions where possible. Another form of contribution is through lobbying for policy change. This can be done by composing letters to legislators and leaders or even expressing an online petition demanding governments be more sympathetic and tolerant toward refugees and supporting treaties that regard refugees' rights. We can also act by offering our time by keeping ourselves updated with UNHCR, Amnesty International, or a local shelter that supports refugees and contributes to charities that enhance the standards of living for refugees. Informing is as important as expanding the possibility of participation the stories of refugees are essential not only because they reveal the lives of refugees but also because they tell of their victories.

Another way that we as a group of persons can do this is to support causes that refugees themselves are leading because those are impactful too. Mainly, the focus is on establishing a healthy environment where people of refugee status feel comfortable. Promoting refugees' businesses and projects could assist a community in feeling that they belong and are provided with job openings. Digital activism also plays a part; that would entail engaging in an online campaign, hosting a webinar, or even a fundraising campaign.

## **CLIMATE-INDUCED DISPLACEMENT**

Spring, summer, autumn, and winter bring us joy and are reasons to visit some beautiful places. But sometimes this climate change can lead to disastrous famine state. Climate refugees refer to people who are displaced because of climatic reasons within the same region or are affected by gradual processes such as sea level rise. Climate refugees are probably the most urgent and at the same time the most legally ambiguous issue in the contemporary world. Over 376 million

people have been displaced by climate disasters since 2008, with 32.6 million people displaced in 2022.<sup>20</sup>

In West and Central Africa, where most of the population relies on a natural resource base for survival, the pressures induced by climatic changes have led to migration pressures. This was estimated at 9,850,000,<sup>21</sup> Many of them shift internally due to disasters and other low-frequency incidents such as drought, and desertification, among others. These environmental problems not only affect people's lives but also distort standard migration forms, especially those of the nomadic communities who have to change their way and direction to the conditions.

## CONCLUSION

We have laws on an international level as well as on a national level for some countries which helps in refugee protection. But to address the issues relating to refugees on the ground level the important work is raising awareness about the same and campaigning for policy improvements. As anyone knows, social media has the best potential to share real-life stories and counteract the stereotypical view of refugees. We have the potential to make a lot of change when it comes to displaced people due to war or climate change by participating in given campaigns offering our time to organizations such as UNHCR or Amnesty International or supporting other causes by refugees. Such actions also speak as part of inclusion but more importantly, make refugees feel that they are welcome and belong to those societies.

The complex nature of the difficulties refugees encounter especially those who fled from climate change could and should be solved with systemic measures. One has to engage in an awareness campaign through the sharing of information on social sites, ensuring that policies need to be changed by writing and organizing for change and the support of refugee lead projects goes a long way in changing the perception of the community towards refugees as well as improving their living standards. Nevertheless, much work remains to be done to have strong legal bases that might justify the status of climate refugees. As such although there continues to be progress

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<sup>20</sup> Joanna Apap and Sami James Harju, 'The concept of 'climate refugee': Towards a possible definition' (European Parliament, October 2023)

<[https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS\\_BRI\(2021\)698753\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS_BRI(2021)698753_EN.pdf)> accessed 11 November 2024

<sup>21</sup> 'Climate Migration and its Challenges to Legal Frameworks' (IOM Regional Office for West and Central Africa, 08 August 2024) <[https://rodakar.iom.int/sites/g/files/tmzbd1696/files/documents/2024-08/cn-agenda-climate-migration-and-challenges-to-legal-frameworks\\_050824.pdf](https://rodakar.iom.int/sites/g/files/tmzbd1696/files/documents/2024-08/cn-agenda-climate-migration-and-challenges-to-legal-frameworks_050824.pdf)> accessed 11 November 2024

in the achievement of laws being made for refugees the rights of vulnerable groups still face difficulties in international law. Therefore, the campaign for legal consideration of climate refugees should persist until humanitarian and environmental laws are developed further to accommodate the needs of displaced persons because of climate change. It is high time to underline that only through concerted efforts and legal measures one could create a more protective environment for those who have already become climate refugees.