



# Right to Asylum



Federal Ministry  
for Foreign Affairs  
of Austria



**“Everyone has the right to seek and to enjoy in other countries asylum from persecution”**

**Art. 14(1), Universal Declaration of Human Rights, 1948.**

- ▶ By the end of **2013** in the world...
  - ... **16.7** million persons were refugees.
  - ... **1.2** million persons were asylum-seekers.
  - ... **33.3** million persons were internally displaced persons.
  
- ▶ Of all refugees...
  - ...more than **50%** live in Asia.
  - ...close to **28%** are located in Africa.

The **right to seek and enjoy asylum** as a human right is contained in several international documents, mainly:

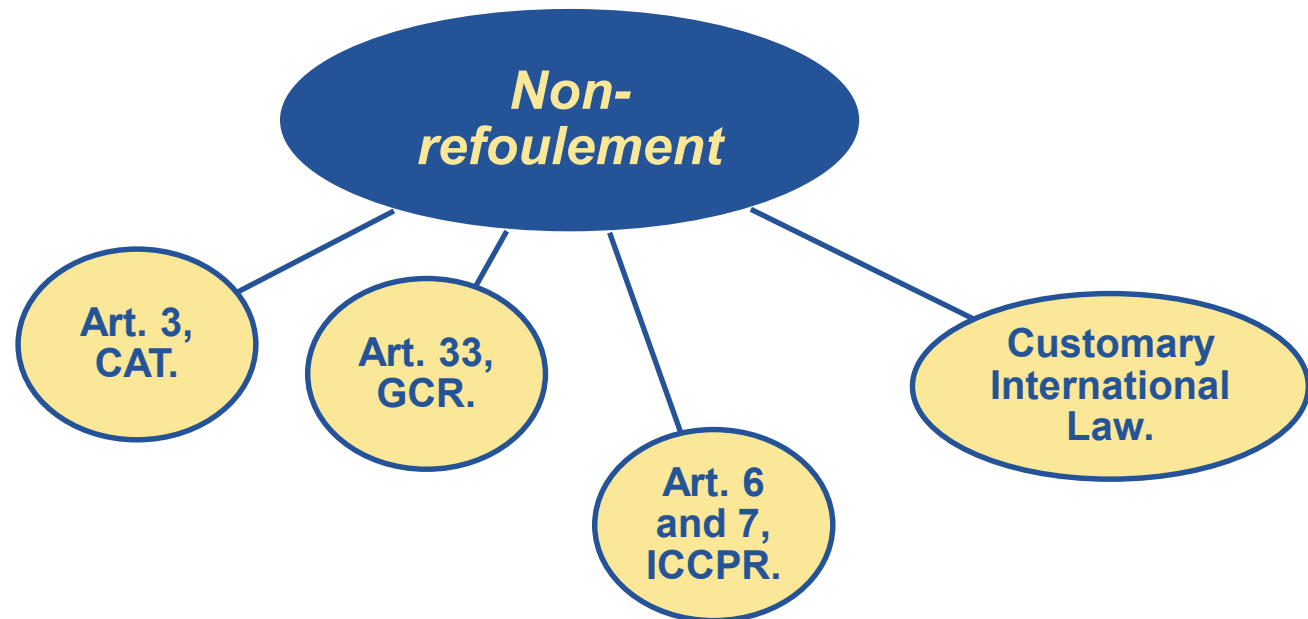
- ▶ The **1951 Geneva Refugee Convention (GRC)** and the **1967 Protocol relating to the Status of Refugees** as “*the Magna Carta*” of refugees and asylum-seekers.
- ▶ The **Universal Declaration of Human Rights** in its **Art. 14**.

- ▶ **A refugee**, as defined in Art. 1 of the GRC, is “a person who, being outside her/his country of nationality or habitual residence, has a well-founded fear of being persecuted for reasons of ethnicity, religion, nationality, membership in a particular social group or political opinion, and is unable or unwilling to avail herself/himself of the protection of that country or to return there, owing to the fear of persecution.”
- ▶ **An asylum-seeker** is a person who declares she or he as a refugee, but whose claim has not been clarified by national authorities in an asylum procedure.

- ▶ **Prima-facie Refugees**, in cases of mass movement of refugees.
  - ▶ **Internal Flight Alternative**, the possibility of internal relocation in the country of origin.
  - ▶ **Stateless Persons.**
  - ▶ **Migrants**, to whom the GRC is not applicable.
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- ▶ **Exclusion from Refugee Status** to those who are prosecuted for a non-political crime or for acts contrary to the principles and purposes of the UN, (Art. 14 (2) UDHR).
  - ▶ **Vulnerable Groups:** Persons with disabilities, People affected with diseases and the Elderly, Children and Women.

## The Principle of *Non-refoulement*

- ▶ No person shall be expelled or returned to a state where she/he might be subject to persecution and “his life and freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”.



## International Instruments

- ▶ **The United Nations High Commissioner for Refugees (UNHCR)** supervised the GRC and its 1967 Protocol with the cooperation of the states (art. 35 GRC).
- ▶ States parties shall inform **the UN Secretary-General** about laws and regulations adopted to ensure the GRC application (art. 36 GRC).

## Regional Instruments

- ▶ **European Court of Human Rights.**
- ▶ **Bangkok Principles on Status and Treatment of Refugees** (Asian-African Legal Consultative Committee).
- ▶ **Convention Governing the Specific Aspects of Refugee Problems in Africa** (Organization of African Unity).
- ▶ **The Cartagena Declaration** (Central America, Mexico and Panama).



- ▶ **Family reunification** after conflict or natural disasters, facilitated by the International Committee of the Red Cross and Red Crescent societies.
- ▶ **“Refworld”**: a platform ruled by the UNHCR with necessary information for taking decisions on refugee status.
- ▶ The **Refugees Emancipation Project** in Germany aims to reduce the isolation of asylum-seekers and refugees.

- ▶ The situation of **Internally Displaced Persons** and **Irregular migration by sea**.
- ▶ **Growing racism and xenophobia** towards Migrants, Refugees and Asylum seekers.
- ▶ **Sharing the burden of refugees** between industrialised and developing countries is essential.

- 1948 Universal Declaration of Human Rights.
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 1951 Convention relating to the Status of Refugees (Geneva Refugee Convention).
- 1954 Convention relating to the Status of Stateless Persons.
- 1961 Convention on the reduction of Statelessness.
- 1966 International Covenant on Civil and Political Rights.
- 1966 Bangkok Principles on Status and Treatment of Refugees (Asian-African Legal Consultative Committee).
- 1967 Protocol relating to the Status of Refugees.

- 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (Organization of African Unity).
- 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.
- 1984 Cartagena Declaration on Refugees (Colloquium on the International Protection of Refugees in Central America, Mexico and Panama).
- 1985 UN General Assembly Declaration on the Human Rights of Individuals who are not Nationals of the Country which they live.
- 1992 UN Special Rapporteur on Internally Displaced Persons.
- 1998 Guiding Principles on Internal Displacement.