

RIGHTS ON THE MOVE

Refugees, asylum-seekers, internally displaced people and migrants

Every day people leave their homes, communities and countries. Some leave because they fear for their lives, and for the lives of their children and loved ones. Others leave because they and their families face poverty, insecurity or discrimination.

Refugees, asylum-seekers, internally displaced people and migrants, like everyone else, have human rights. This includes the right not to suffer discrimination. Whether in refugee camps or in towns and cities, people on the move often live in squalid conditions. They are vulnerable to abuse and exploitation. Their lives are disrupted and many are separated from their families. Women and girls are particularly vulnerable to violence, including sexual violence.

Yet, all over the world, governments and the media portray people on the move as a problem, rather than as people fleeing human rights abuses or seeking a measure of economic security. They are described as greedy and even as “terrorists”, with little or no regard to the political or human rights crises they have left. Highly charged debates give little or no credit to the contributions refugees and migrants make to their new societies. Sophisticated immigration controls show governments’ determination to prevent refugees, asylum-seekers and migrants from even setting foot on their territories.

Who is a refugee?

A refugee is a person who has fled from their own country because their government cannot or will not protect them from serious human rights abuses. International refugee law obliges states to protect people from being returned to their country of origin if they risk serious human rights abuses there because of who they are or what they believe.

People on the move have rights

There are an estimated 12 million refugees and asylum-seekers in the world – about 0.2 per cent of the world’s population of 6.5 billion. Most are in Africa, Asia and the Middle East, which between them host about 11 million refugees and asylum-seekers.

Cover photo:

Men wave goodbye to their families at Kuliab train station, Tajikistan, 2004. Many young men leave Tajikistan for Russia looking for work, often sleeping in the streets for months, working and saving money to take home to their families. © Karen Robinson/Panos

Right: Refugees building a makeshift home in a refugee camp in Huay Nam Khao in Thailand, where approximately 6,000 ethnic Hmong from Laos are seeking asylum. © AI

Refugees’ rights

Like all other human beings, refugees have human rights. As refugees, they are also entitled to international protection.

Refugees’ rights include:

- protection from being forcibly returned to a country where they would be at risk of serious human rights abuses
- protection from discrimination
- the right to identity and travel documents
- the rights to work, housing and education
- protection from penalties for illegal entry
- the right to freedom of movement

What happens to refugees and their families must also include a long-term solution. The three possible solutions are integration in the country of asylum, resettlement in another country, or voluntary repatriation to the country of origin. If refugees go back home, this must be voluntary and in conditions of safety and dignity.

Experience shows that if people are compelled to return to a situation that is still insecure, they may be forced to leave their homes again.

Who is an asylum-seeker?

An asylum-seeker is someone who has left their country in search of international protection, and is waiting for a state or the UN refugee agency, UNHCR, to decide on their claim for refugee status. While they are waiting for a final decision on their status, they cannot be returned to their country of origin.

Asylum-seekers' rights

Everyone has the right to seek and enjoy asylum from persecution, according to Article 14 of the Universal Declaration of Human Rights – the foundation of human rights.

Amnesty International works to ensure that asylum-seekers:

- are not returned to a country where they would be at risk of serious human rights abuses
- are not prohibited from entering a country to seek asylum
- have access to fair procedures to determine whether they are refugees, and to lawyers, interpreters and organizations that can help them
- have access to UNHCR
- are not unlawfully detained
- have basic economic, social and cultural rights, for example, to education and health care
- are not separated from their families

Detention of asylum-seekers

Asylum-seekers are often unlawfully detained in the countries where they are seeking safety. They are sometimes automatically detained for prolonged and sometimes indefinite periods. The impact of detention on mental and physical health can be severe, particularly for children. Australia, Malaysia, Thailand and the USA are among countries where children seeking asylum are locked up.

left: A Palestinian family salvages belongings from the rubble of their destroyed house after an Israeli army operation in the Rafah refugee camp, Gaza Strip, October 2006. © AP Photo/Khalil Hamra

right: Uzbekistani refugees in Kara Darya, Kyrgyzstan, after fleeing violence and killings in Andizhan, Uzbekistan, May 2005. © EMPICS

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

The right to return

Many refugees and internally displaced people 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. They are unlikely to wish to return if those responsible for human rights abuses against them are still in their home area or are in positions of authority.

Refugees at risk

At least 187 people were killed when government troops opened fire on demonstrators in Andizhan, Uzbekistan, on 13 May 2005. That night hundreds of men, women and children, walking in large groups, crossed the border into neighbouring Kyrgyzstan. In the weeks that followed, the Uzbekistani government tried to get them back, using unlawful methods. For example, four men were seized from a refugee camp, handed over to Uzbekistani security forces and taken back to Uzbekistan. Many Uzbeks who were forcibly returned were subsequently tortured or sentenced to death after unfair trials. In July 2005 UNHCR airlifted 439 Uzbek refugees out of Kyrgyzstan to a temporary centre in Romania.

Who are internally displaced people?

Internally displaced people have fled from one part of a country to another. They might have left their home because of armed conflict, natural disasters, ethnic violence, environmental degradation or religious persecution. Unlike refugees, internally displaced people have not crossed an international border and therefore cannot claim protection under international refugee law. There are nearly twice as many internally displaced people in the world as refugees.

The rights of internally displaced people

Internally displaced people have the same rights as other nationals of their country. Their governments are obliged to protect their human rights, but often cannot or will not do so. The UN Guiding Principles on Internal Displacement provide a framework for protection based on international law.

Women wait in line for food distribution, at a camp for internally displaced people in Ardamatta, Darfur, Sudan. © AI

There are an estimated 21 million internally displaced people. The majority are in Africa, Asia and the Middle East. In Sudan an estimated 5.3 million people are internally displaced, and in Colombia an estimated 3 million.

Families communicate through the border fence that divides Mexico from California. In the 1990s fences were erected to prevent migrants crossing from Mexico into the USA along the border with California and Texas. Hundreds of thousands of people attempt the crossing every year, and every year hundreds die in the attempt. © Gerd Ludwig/Panos

Who is a migrant?

A migrant is a person who moves from one country to another to live, and usually to work, either temporarily or permanently. Some migrants move voluntarily. Others feel impelled to leave because of economic hardship or other problems in their home country. Many move for a mixture of reasons.

Migrants' rights

Like everyone, migrants – regardless of their legal status – have human rights. Some of these rights include the right to freedom from slavery and servitude, and to freedom from arbitrary detention. The Migrant Workers' Convention, an international treaty, provides that all migrants without any exception have the right to education, freedom of religion and expression, equal access to courts, and rights at work, among others. In addition, some International Labour Organization treaties cover migrant workers' rights at work.

Trafficking in people

The desperation of poverty pushes many people into irregular migration, as legal avenues are not available to them. Many are unable to cover their travel costs and are drawn, often unwittingly, into trafficking networks. Threatened, coerced, deceived or abducted by members of organized criminal networks, they are taken far from home, stripped of their identity documents and are forced into slavery-like conditions, prostitution, sweatshop labour and forced marriage.

An estimated 200 million people out of a global population of 6.5 billion live outside the country in which they were born – approximately 3 per cent of the world's population.

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 and migrants webpage: www.amnesty.org/refugees
- ✎ Join Amnesty International's Urgent Action network
- ✎ Make a donation to support Amnesty International's work.

Find out more

Contact the Amnesty International office in your country at the address in the box on the right.
Or contact Amnesty International, International Secretariat, Peter Benenson House, 1 Easton Street, London WC1X 0EDW, United Kingdom.
Or visit www.amnesty.org

Amnesty International campaigns for the rights of people on the move. We seek to secure their rights and to strengthen their protection throughout migration, whether forced or voluntary. We expose the abuses that make people leave home, that occur during their journey, in countries of transit, on arrival and in the country of asylum or destination, and if a person returns home.

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 people on the move.

Amnesty International seeks to influence international policy making and standard setting in order to strengthen the international protection framework. We call on states to share responsibility for protecting refugees, asylum-seekers, internally displaced people and migrants and urge governments to live up to their obligations under international law.

We do not represent individuals in asylum processes, although we may take action on individual cases or issues. AI's non-involvement in a particular case implies no position on the merits of that case. Asylum-seekers, lawyers and officials making decisions during asylum processes often refer to Amnesty International's country information and analysis.

Back cover: Migrants' clothing caught in razor wire as they tried to cross the frontier to Spain from Morocco at the Spanish enclave of Melilla, October 2005. © José Palazón/PRODEIN

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