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"TEACHING AND DISSEMINATION OF HUMAN RIGHTS INSTRUMENTS
ON THE PROTECTION OF REFUGEES"

Report prepared by the Office of the United
Nations High Commissioner for Refugees

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The views expressed by the author do not necessarily reflect the
standpoint of Unesco

1. Introduction

1.1 The international protection of refugees is one of the most important tasks of the organized international community. The need for international protection arises from the fact that the refugee finds himself in a special situation, without protection and without any legal status. First of all he cannot benefit from the national protection which an ordinary alien enjoys. It is therefore necessary to substitute for this national protection the international protection provided by the international community through its competent bodies. The development and reinforcement of this concept of international protection - already established by the League of Nations - constitutes one of the major achievements of the United Nations. The recognition of basic human rights finds expression in the Charter of the United Nations and in the whole network of legal instruments that aim at promoting social progress and equality of rights for all human beings, including refugees.

It is evident that the preparation and adoption of international instruments providing and defining basic standards for the protection of refugees is only a first step in the process of the achievement of fundamental human rights for refugees. It is also necessary to ensure that these standards are implemented and translated into effective day-to-day practice through the adoption of the appropriate national legislation. In this regard the dissemination of basic human rights of refugees by adequate means (information, publications, education, teaching) at international and national levels is a very important

task which could not only facilitate but also contribute to the respect and full implementation of basic human rights as a whole. Many of the activities of the Office of the UNHCR in the field of the international protection of refugees are concerned with these problems of implementation.

1.2 The promotion of international instruments on the protection of refugees is one of the fundamental tasks and functions of the United Nations High Commissioner for Refugees. Article 8a of the Statute of the Office of the UNHCR states that the Office is competent to promote the conclusion and ratification of international conventions for the protection of refugees and to supervise their application. Concerning the execution of the Convention relating to the Statute of Refugees, article 35 of this Convention provides that the Contracting States shall undertake to co-operate with UNHCR in the exercise of its functions, and shall, in particular, facilitate its duty of supervising the application of the provisions of this Convention. In order to enable UNHCR to report to the competent bodies of the United Nations, the Contracting States undertake to provide it with information concerning the condition of refugees, implementation of this Convention and laws in force relating to refugees.

From the above-mentioned functions and competencies derives a very important function for UNHCR in the field of the dissemination of international instruments on the protection of refugees by teaching and education, in particular at university level.

1.3 The most important international instruments on refugees belong to the Human Rights system, more precisely to the UN Human Rights system. These instruments are an organic part of the Law of Human Rights. The Convention relating to the status of refugees, which is the

basic international instrument on the protection of refugees, contains provisions dealing with the protection of refugees as well as their fundamental rights and freedoms, such as the right of movement and residence, owning property, practising religion, entering into associations, social security, and education. Since these are almost identical with the rights enumerated in the Universal Declaration of Human Rights, it can be argued that the Geneva Convention on refugees undertakes to invest foreigners residing as refugees in a host country with the rights and freedoms specified in the Universal Declaration. In this sense, we may call it the "Convention on Human Rights for Refugees".

But some of the fundamental rights of refugees are also included in several international instruments belonging to the International Humanitarian Law applicable in armed conflicts, such as the four Geneva Conventions of 1949 for the protection of victims of war, and the two Additional Protocols to these Conventions of 1977, which form the basis of this Law.

It should also be pointed out that some other international instruments drawn up by international specialized agencies, such as UNESCO, ILO and WIPO, contain important provisions concerning the protection of refugees in different domains (copyright, industrial property, labour and social security, education - recognition of diplomas and degrees - etc.).

1.4 The very constructive action and efforts of UNESCO in the field of further promotion and encouragement of human rights and fundamental freedoms by the teaching of human rights in the world are fully supported by ECOSOC and other UN bodies as well as by competent international organizations and institutions. UNHCR, as a member of

the UN family and in conformity with its Statute and Convention relating to Refugees, takes whatever measures are necessary to give its active support to action in the field of the promotion and dissemination of fundamental Human Rights, in particular the rights of refugees to protection, as laid down by the Human Rights and other international instruments. In this regard, UNHCR is already co-operating with certain academic institutions working in this field, such as the International Institute of Human Rights in Strasbourg and the International Institute of Humanitarian Law in San Remo, which have already organized and included in their programmes special meetings and lectures on the international protection of refugees. UNHCR will also organize several preliminary meetings in university centres in Europe, Africa, Latin America and Asia in order to discuss how to introduce special items on the protection of refugees into general subjects of International Law. The organization of regional meetings on this question will also be discussed.

2. Elaboration of Preliminary Draft Programmes

21. A preliminary draft programme on the international human rights instruments relating to refugees could be prepared, first of all as part of university courses on Human Rights, in co-operation with UNESCO, the appropriate academic institutions and some university centres, representing, if possible, the main regions of the world.

Depending on the general programme on Human Rights which might be introduced as a special university subject (in particular in the faculties of Law, Economic Sciences, Political Sciences, etc.) or within international law courses in general or other similar subjects at university level, two kinds of training in the human rights of refugees could be considered.

2.2 BASIC TRAINING : this would deal with all the international aspects of the protection of refugees, priority being given to the specific aspects of refugee problems at regional levels, in particular to the developing countries, and to the advanced students at the faculties of law, political science, international relations.

The following programme could be provided for this basic training :

General Introduction

- (i) Short historical development in respect of the problem of refugees.
(Chronological account, area by area, of the problems of refugees faced by the International Community, specifically by UNHCR).
- (ii) Human Rights system and the international protection of refugees.
(Human Rights as basis of the protection of refugees).
- (iii) International Humanitarian Law and refugees.
(Protection of refugees in armed conflict situations).

I. Refugees

- A. The general concept of refugees
(Notion, general concept with pragmatic and ideological aspects, international protection, categories of refugees).
- B. The most important elements for a legal definition of the term "Refugee", international and national levels.
(General definition, evolution of the definition in international law).
- C. Refugees and Displaced Persons.
(Relationship and distinction).

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II. Asylum Institution

- A. Asylum and International Law
(General and nature of asylum, Refugee Convention and asylum, Draft Convention, OAU Convention).
- B. Asylum and the Internal Law of States
(Constitutions and other legal texts).
- C. Asylum and Human Rights Instruments
(Declaration on territorial asylum, UN resolutions, Council of Europe).

III. Protection of Refugees laid down by Human Rights Instruments

- A. International Instruments of universal application :
 - a) Universal Declaration of Human Rights.
 - b) International Convention on Civil and Political Rights.
 - c) International Convention on economic, social and cultural rights.
 - d) International Convention on the elimination of all forms of racial discrimination.
 - e) Convention on the prevention and punishment of the crime of genocide.
 - f) Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.
 - g) Final Act of the International Conference on Human Rights (Proclamation of Tehran).
- B. International instruments relating to Refugees :
 - a) UN General Assembly Declaration on Territorial Asylum.
 - b) Convention relating to the status of refugees.

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- c) Protocol relating to the Status of Refugees.
- d) Statute of the Office of the United Nations High Commissioner for Refugees.
- e) Convention relating to the Status of Stateless persons.
- f) Convention on the Reduction of Statelessness.
- g) Agreement and Protocol Relating to Refugee Seamen.

C. International instruments of regional application :

- a) OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- b) European Convention for the protection of Human Rights and fundamental freedoms.
- c) American Convention on Human Rights signed at the Inter-American specialised Conference on Human Rights.
- d) The Latin American Asylum Conventions.
- e) European Agreement on the Abolition of Visas for Refugees.

IV. Protection of Refugees laid down by the International Humanitarian Law :

- A. Geneva Convention relating to the protection of civilian persons in time of war.
- B. Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the protection of victims of international armed conflicts.

V. International institutions for the protection of refugees

A. Introduction

(Criteria of distinction of institutions, missions and functions, field of actions, juridical and technical aspects of institutions).

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B. Intergovernmental institutions

(a) United Nations High Commissioner for Refugees

- The functions of the institution
- Criteria for action
- International protection of refugees under the mandate of UNHCR
- Material assistance to refugees
- Use of good offices by the High Commissioner
- Protection of displaced persons
- The co-ordination of major humanitarian tasks.

(b) United Nations Relief and Works Agency for Palestine Refugees in the Near East

- The functions of the Agency
- Material assistance to refugees

C. Non-governmental organizations

(a) International Red Cross

- International Committee of the Red Cross
- League of National Red Cross Societies

(b) International Voluntary Organizations

VI. Basic Human Rights principles on the protection of Refugees

- A. What are the basic Human Rights principles relating to refugees ?
(Notion, definition, how to determine basic Human Rights principles).
- B. Relationship between general principles of International Law and basic Human Rights principles relating to refugees.
- C. Basic Human Rights principles - fundamental humanitarian principles on the protection of refugees - (Minimum Humanitarian Standards)
- (a) Respect of human beings
 - (b) Right to life, liberty and security
 - (c) Granting of Asylum
 - (d) Non-refoulement
 - (e) Limitation of expulsion
 - (f) Economic and Social Rights
 - (g) Family Unity - Reunification of refugee families.

VII. Further prospects in the development of the international protection of refugees

- A. Towards a special branch of Human Rights : Refugee Law.

2.3 GENERAL TRAINING

Without prejudicing the conceptual unity of Human Rights, the general training might be given to all university students including persons who follow special university courses on different subjects. This training could give the general knowledge in the field of international protection of refugees and in principle does not insist on legal aspects of this protection.

The following programme could be provided :

General introduction

- (i) Short historical development in respect of the problem of refugees faced by the International Community.
- (ii) Human Rights as basis of the protection of refugees.

I. Refugees

- A. Notion and definition of the term "Refugee".
- B. Different categories of refugees
- C. Refugees and displaced persons

II. Granting of Asylum

- A. Notion and definition of asylum
- B. National constitutions and granting of asylum
- C. Asylum and international protection of refugees.

III. Protection of refugees provided by Human Rights instruments

- A. Basic Human Rights instruments applicable to the protection of refugees
- B. International instruments relating to the protection of refugees
- C. Regional instruments for the protection of refugees.

IV. United Nations and the protection of refugees

A. Role of the United Nations.

B. United Nations High Commissioner for Refugees.

C. United Nations Relief and Works Agency for Palestine Refugees
in the Near East.

V. International Red Cross (and other voluntary organizations) and
the protection of refugees

VI. Minimum Humanitarian standards for the protection of refugees