

Convention Relating to the Status of Refugees

Canada has acceded to the Convention Relating to the Status of Refugees (Convention) and the Protocol Relating to the Status of Refugees (Protocol), as of 4 June 1969.

Adoption: The Convention was adopted 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons held in Geneva.

The Protocol Relating to the Status of Refugees was adopted by the United Nations General Assembly on 31 January 1967.

Entry into force: The Convention entered into force on 22 April 1954. The Protocol entered into force on 4 October 1967.

Number of signatories and ratifications/accessions: As of April 2015, there are 145 State Parties to the 1951 Convention and 146 State Parties to the 1967 Protocol.

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Summary information

The [Convention Relating to the Status of Refugees](#) (Convention) specifies the obligations that States Parties shall accord to refugees within their territories. In Article 1, the Convention defines a refugee as a person who is outside the country of his/her nationality and unable or unwilling to return to it, "owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." Subsequent articles detail the rights States Parties agree to grant to refugees.

The Convention was adopted in 1951. It entered into force on 22 April 1954 ninety days after six States had ratified or acceded to it. A [Protocol Relating to the Status of Refugees](#) was adopted in 1967. Canada acceded to the Convention and the Protocol on 4 June 1969 and made a reservation concerning its interpretation of the phrase "lawfully staying" as referring only to refugees admitted for permanent residence. Refugees admitted for temporary residence will be accorded the same treatment with

respect to Public Relief, Labour Legislation and Social Security as is accorded visitors generally.

States Parties are required to cooperate with the United Nations High Commissioner for Refugees (UNHCR, also known as the UN Refugee Agency), which is mandated by the General Assembly to supervise implementation of the Convention and Protocol. UNHCR encourages states to accept and adhere to the Convention and operates programs to promote fulfillment of Convention-based goals for refugee protection.

History

According to the [UNHCR brochure](#) on the 1951 Convention and its 1967 Protocol, in the aftermath of World War I (1914 -1918), millions of people fled their homelands in search of refuge. Governments responded by drawing up a set of international agreements to provide travel documents for these people. The number of refugees increased dramatically during and after World War II (1939-1945), as millions more were forcibly displaced, deported and/or resettled.

Throughout the 20th century, the international community steadily assembled a set of guidelines, laws and conventions to ensure the adequate treatment of refugees and protect their human rights. Refugees have existed throughout history, but an awareness of the responsibility of the international community to provide protection and find solutions for refugees dates primarily from the time of the League of Nations. The League of Nations initially defined refugees by categories, in relation to their country of origin. In August 1921 the Council of the League appointed a High Commissioner for Russian Refugees. By 1923, the word "Russian" was deleted from the title and the position was then called High Commissioner for Refugees, for in the meantime the problem of Greek and Armenian refugees had arisen. On 1 January 1925 responsibility was transferred to the Refugee Section of the International Labour Office (ILO). The High Commissioner's Office remained within the administration of the ILO until 1929. On 1 January 1930 the High Commissioner's Office returned to the Secretariat of the League of Nations.

In 1939, the League Inter-Governmental Committee for Refugees (IGCR) was created. The IGCR worked until 1947 when it, in its turn, ceased to exist. It was replaced by the International Refugee Organization (IRO), an institution under the authority of the United Nations set up to deal with the problem of refugees in Europe in the aftermath of World War II. IRO was to be terminated by 30 June 1950. It was soon apparent, however, that the comprehensive nature of the task it had been assigned— to address every aspect of the refugee problem from registration and determination of status, to repatriation, resettlement, and "legal and political protection"— precluded winding up of that international effort. There was also a growing conviction of the importance of a multilateral approach to resolving refugee problems.

Thus, in December 1949 the UN General Assembly decided to replace the IRO with the High Commissioner for Refugees (UNHCR), which was established for an initial period of three years, as a subsidiary organ of the General Assembly under Article Twenty-two of the UN Charter. On 14 December 1950 the General Assembly adopted the Statute of the UNHCR. UNHCR's tasks were to provide international protection for refugees and to seek permanent solutions to their problems by assisting governments to facilitate their voluntary repatriation or their assimilation within new national communities.

On 28 July 1951 the Convention Relating to the Status of Refugees was adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. The Convention originally protected the hundreds of thousands of persons displaced during World War II and applied only to persons in Europe who became refugees prior to 1951. As the refugee problem continued throughout the world in the following decades, the UN recognized the need for an international legal framework to protect all refugees. A 1967 Protocol to the Convention extended protection under the Convention to all refugees, regardless of when or where they became refugees.

These instruments clearly spell out who is a refugee and the kind of legal protection, other assistance and social rights a refugee is entitled to receive. They also define a refugee's obligations to host countries and specify certain categories of people, such as war criminals, who do not qualify for refugee status.

They have also helped inspire important regional instruments. In 1969, the Organization of African Unity Convention on the Specific Aspects of Refugee Problems in Africa (OAU Convention) established a significant advance from the 1951 Convention in its recognition of the security implications of refugee flows, in its more specific focus on solutions— particularly on voluntary repatriation, in contrast to the integration bias of the 1951 Convention— and through its promotion of a burden-sharing approach to refugee assistance and protection. In 1984, a group of Latin American governments adopted the [Cartagena Declaration](#), which like the OAU Convention, added more objectivity based on significant consideration to the 1951 Convention. Both regional instruments expanded the definition of refugee to more realistically account for contemporary root causes of flight, such as war, internal conflict, and massive human rights abuses.

The Convention and the Protocol together remain the legal cornerstone of refugee protection. The Convention entered into force internationally on 22 April 1954 and the Protocol entered into force on 4 October 1967.

Key Provisions

The Convention acknowledges that the Charter of the United Nations and the Universal Declaration of Human Rights “affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination.” To address the profound concern for refugees and its desire to revise and consolidate previous international agreements relating to the status of refugees, the Parties drafted the Convention,

acknowledging that the granting of asylum may place unduly heavy burdens on certain countries. The Convention sets out the rights to be granted to refugees and the mechanism for monitoring compliance by States Parties with the Convention in the following broad areas:

- Juridical Status (Chapter II);
- Gainful Employment (Chapter III);
- Welfare (Chapter IV); and
- Administrative Measures (Chapter V).

Article 2 of the Convention imposes duties on the refugee that he/she “conform to the laws and regulations as well as to measures taken for the maintenance of public order” of the country in which he/she has sought refuge.

The Convention sets out rights States Parties are to grant to refugees relating to:

- Non-discrimination as to race, religion, or country of origin (Article 3);
- Personal status (such as marriage) (Article 12);
- Movable and immovable property (Article 13);
- Artistic rights and industrial property (Article 14);
- Right to association (Article 15);
- Access to courts (Article 16);
- Wage-earning employment (Article 17);
- Self-employment (Article 18);
- Liberal professions (Article 19);
- Rationing (Article 20);
- Housing (Article 21);
- Public education (Article 22);
- Public relief (Article 23);
- Labour legislation and social security (Article 24);
- Administrative assistance (such as documents or certifications) (Article 25);
- Freedom of movement (Article 26);
- Identity papers (Article 27);
- Travel documents (Article 28);
- Fiscal charges (Article 29);
- Transfer of assets (Article 30);
- Refugees unlawfully in the country of refuge (Article 31);
- Expulsion (Article 32);
- Prohibition of expulsion or return (“refoulement”) (Article 33); and,
- Naturalization (Article 34).

Article 35 requires the States Parties to co-operate with the UNHCR and to provide information on:

- The condition of refugees;
- The implementation of the Convention; and,

- Laws, regulations and decrees that are, or may hereafter be, in force relating to refugees.

The cornerstone of the Convention is the principle of non-refoulement contained in Article 33. According to this principle, a refugee should not be returned to a country where he or she faces serious threats to his or her life or freedom. A refugee seeking protection must not be prevented from entering a country as this would amount to refoulement. The principle of non-refoulement is considered a rule of customary international law. As such it is binding on all States, regardless of whether they have acceded to the 1951 Convention or 1967 Protocol. This protection may not be claimed by refugees who are reasonably regarded as a danger to the security of the country, or having been convicted of a particularly serious crime, are considered a danger to the community.

Some basic rights, including the right to be protected from refoulement, apply to all refugees. A refugee becomes entitled to other rights the longer they remain in the host country, which is based on the recognition that the longer they remain as refugees, the more rights they need.

The 1967 Protocol broadens the applicability of the 1951 Convention. The 1967 Protocol removes the geographical and time limits that were part of the 1951 Convention. These limits initially restricted the Convention to persons who became refugees due to events occurring in Europe before 1 January 1951.

Canada's Commitments and Responsibilities

Canada acceded to the Convention and the Protocol on 4 June 1969 and made a reservation concerning its interpretation of the phrase "lawfully staying" as referring only to refugees admitted for permanent residence. Refugees admitted for temporary residence will be accorded the same treatment with respect to Public Relief, Labour Legislation and Social Security as is accorded visitors generally.

International Monitoring and Implementation

The Office of the United Nations High Commissioner for Refugees (UNHCR also known as the UN Refugee Agency) was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide.

States Parties are required to cooperate with the United Nations High Commissioner for Refugees (UNHCR), which is mandated by the General Assembly to supervise implementation of the Convention and Protocol. UNHCR encourages states to accept and adhere to the Convention and operates programs to promote fulfillment of Convention-based goals for refugee protection. State Parties undertake to provide the UN with information and statistical data.

Although UNHCR predated the Convention, it has been mandated by the United Nations General Assembly to seek international protection and permanent solutions for refugees. It also has the responsibility to supervise the implementation of the Convention by States Parties. States Parties are required to cooperate with UNHCR, and provide relevant information and statistical data. UNHCR's role complements that of States, contributing to the protection of refugees by:

- Promoting accession to, and implementation of, refugee conventions and laws;
- Ensuring that refugees are treated in accordance with internationally recognized legal standards;
- Ensuring that refugees are granted asylum and are not forcibly returned to the countries from which they have fled;
- Promoting appropriate procedures to determine whether or not a person is a refugee according to the Convention definition and/or to other definitions found in regional conventions; and
- Seeking durable solutions for refugees.

The UNHCR maintains an active presence in Canada and also includes information on Canada on its [North American subregional profile](#).

References

[Convention Relating to the Status of Refugees](#)

[Convention Relating to the Status of Refugees \(in English and French\)](#)

[Protocol Relating to the Status of Refugees](#)

[States Parties to the 1951 Convention on the Status of Refugees and the 1967 Protocol](#)

[1951 Convention Relating to the Status of Refugees and Its 1967 Protocol, brochure by the Office of the UN High Commissioner for Refugees \(UNHCR\)](#)

[Pamphlet No. 12 on Protection of Refugees Who Belong to Minorities: The UN High Commissioner for Refugees by the Office of the UN High Commissioner for Human Rights \(UNHCHR\)](#)

[UNHCR - Canada 2015 UNHCR subregional operations profile - North America and the Caribbean](#)

[International Justice Resource Center, "Asylum and the Rights of Refugees"](#)

["The Evolution of the International Refugee Protection Regime," Erika Feller, Washington University Journal of Law and Policy, Vol. 5:129](#)

[Historical development of international refugee law. Prezi timeline developed independently by Joline Doedens](#)