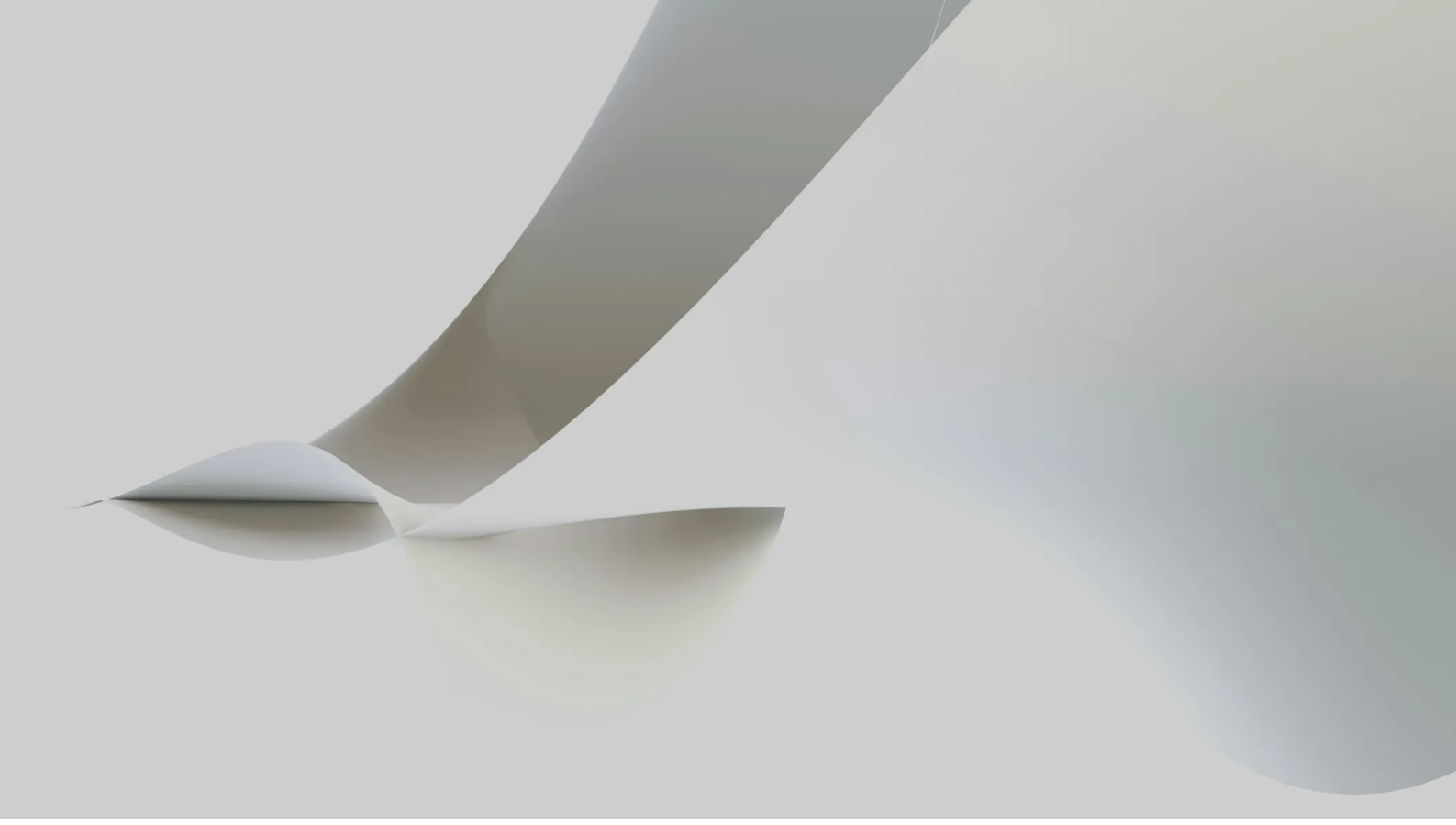


Symposium on the 1951 Refugee Convention at 75: Its Enduring Role in Human Rights Protection



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Introduction

This year we commemorate 75 years since the adoption of the [1951 Refugee Convention relating to the Status of Refugees](#). The 1951 Refugee Convention and its 1967 Protocol form the backbone of international refugee law, enshrining important recognition of the need to provide protection for those forced out of their home countries due to persecution.

In the UN Working Group on Arbitrary Detention, we regularly observe the essential role of the 1951 Refugee Convention and the normative framework it sets down for those in need of protection. [Article 31 of the Refugee Convention](#), for example, provides that States shall not penalize persons for irregular entry when seeking protection as refugees or be restricted in their freedom of movement unless necessary. (For detailed legal guidance on this article and its implementation, see UNHCR's 2024 [Guidelines on International Protection No.14](#).) In essence, claiming asylum is not a crime.

Yet, around the world, we see asylum-seekers and others in need of international protection held in prolonged and arbitrary detention. Children are all too often detained, or separated from their detained family members. Many detainees are denied access to the courts to contest their detention. People who have fled persecution or conflict are forced to choose between continued harsh detention or returning to mistreatment and torture, in violation of the non-refoulement principle. (On this issue, [General Comment 4](#), at paragraph 14 of the

Committee Against Torture is instructive.) In country visits to Mexico, Australia, and many other locations, the Working Group has witnessed first-hand the reality of refugees being detained for excessively prolonged periods, with sometimes Kafkaesque procedures restricting their ability to challenge the incarceration.

Our work seeks to cast sunlight onto these issues, so that resolutions can be found. Linking refugee law and human rights law is essential in this respect, as the provisions, principles and mechanisms are mutually reinforcing, forming a net of protection for those in need, built on the bedrock principle of liberty and security of the person.

At this juncture, and given the current global climate, it is useful to take stock of the role of the 1951 Refugee Convention and its Protocol – which sit alongside other key human rights instruments – and consider their continued relevance today.

The Enduring Role of the 1951 Refugee Convention

As of mid-2025, [according to the UN Refugee Agency](#), there were over 50 million asylum-seekers, refugees and others in need of international protection globally – part of the 117 million total forcibly displaced persons. Unfortunately, these international displacements involve multiple human rights violations, often at each stage of the journey. Persecution and war push people to flee across borders to seek safety and dignity. While in flight, many are exploited and persecuted by different groups, including State and non-State actors. And once they arrive in a new place to seek safety, these asylum-seekers and refugees may find themselves once again facing obstacles, both procedural and societal, to enjoying their human rights.

While there is certainly more that can be done to ensure the rights of those forced to flee for their lives and freedoms, the robust framework for protection provided by the 1951 Refugee Convention – together with international human rights norms and standards – remains today a critical tool to ensure protection and solutions for refugees.

Foundations of International Refugee and Human Rights Law

In the wake of the Second World War, the UN General Assembly adopted the [Universal Declaration of Human Rights](#) (UDHR) in 1948, laying the foundation for the modern system of international human rights law. The rights in the UDHR include critical foundations such as rights to non-discrimination, to life, to freedom from torture, and – importantly – the right to “seek and enjoy in other countries asylum from persecution” (Art. 14).

Eventually, these rights were translated into binding international law via various treaties and customary international law, along with judicial determinations. These included the [1951 Convention relating to the Status of Refugees, and its 1967 Protocol](#) (“1951 Refugee Convention”), as well as other core human rights instruments such as the International Covenant on Civil and Political Rights (“ICCPR”) and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”).

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from a common foundation, these provisions led to our modern human rights and refugee law machinery and mandates that together provide the framework for refugee protection and solutions.

For its part, the 1951 Refugee Convention laid out not only the definition of a refugee but also included the key cornerstone provision of non-refoulement and, critically, incorporated numerous rights guaranteed to refugees. These are of course complemented by regional human rights systems, like those in Africa and the Americas, each of which created a specific instrument (the [OAU Refugee Convention](#) in 1969 and the [Cartagena Declaration on Refugees](#) of 1984, respectively) to provide even more inclusive refugee definitions and protections based upon the regional realities.

Human Rights Mechanisms to Support Refugee Rights

The interconnection of these mandates and instruments for refugee protection is significant. And, while UNHCR has supervisory responsibility for the 1951 Refugee Convention's application, there are a number of other UN human rights mechanisms that play important and complementary roles in monitoring and enforcing human rights obligations toward asylum-seekers and refugees.

These UN mechanisms include the [Treaty Bodies](#) ("TB") which monitor States Parties' compliance with the nine core human rights Conventions, and the UN [Special Procedures](#) ("SP") independent experts with various thematic and country mandates. The [Universal Periodic Review](#) ("UPR"), a peer-to-peer process that reviews the human rights situation of all UN members States every four and a half years, also incorporates input from the TBs, SPs, other UN entities (like UNHCR), and other stakeholders in consideration of the reviews. These UN monitoring mechanisms are complemented by various regional bodies, commissions and courts, which play a critical role as well. Civil society also plays an essential part in the implementation of this system of rights. Non-governmental groups provide extensive information and support to UN bodies in the conduct of their mandates, serving as the eyes and ears gathering up to date information about violations of the protection framework.

From a global vantage point, it is interesting to consider the interaction of the international human rights law in refugee protection. Myriad human rights decisions, outcomes, recommendations, communications, reports, general comments, and country visits have focused on refugee protection and have complemented and expanded upon the 1951 Refugee Convention's critical provisions. A closer look at some of these decisions, recommendations and interpretive guidance can further illustrate the interplay between these important instruments and the importance of the 1951 Refugee Convention and its specific refugee protections yet today.

Treaty Bodies

A number of Treaty Bodies' General Comments or General Recommendations provide specific guidance on the interpretation of relevant convention provisions in relation to refugees and asylum-seekers' rights. For example, [General Recommendation No. 32](#) (2014) of the Committee on the Elimination of All Forms of Discrimination Against Women focuses on "the gender-related dimensions of refugee status, asylum, nationality and statelessness of

gender-related dimensions of refugee status, asylum, nationality and statelessness of women.” As indicated earlier, the Committee against Torture’s [General Comment No. 4](#) (2017) provides guidance “on the implementation of article 3 of the Convention...” And myriad country review outcomes and individual petition decisions from the various TBs highlight the interpretation of the various conventions’ norms in real-life cases. For example, in late 2024, the UN Human Rights Committee decided on two cases ([M.I. et al. v Australia](#) and [Nabhari v Australia](#)) regarding Australia, ruling that the State remained responsible for human rights violations of asylum-seekers even though they had physically transferred them to the island of Nauru where they were subjected to arbitrary detention.

Special Procedures

Special Procedures’ mandates are created and mandate holders appointed by the UN Human Rights Council. The SPs, of which the UN Working Group on Arbitrary Detention is one, utilize the broader human rights framework to interpret, monitor, analyze, and provide recommendations on country situations, themes, and cases.

Myriad Special Procedures engage regularly with various human rights relevant to refugees and asylum-seekers, providing unique insights into complementary protection issues such as freedom of expression (see [SR Freedom of Expression’s 2024 report](#) on “Journalists in exile”, regarding “the promotion and protection of the right to freedom of opinion and expression”) to sexual orientation and gender identity (see [IE SOGI’s 2025 report](#) entitled “Protection against violence and discrimination based upon sexual orientation and gender identity in relation to forced displacement”), to prevention and protection from trafficking in persons (see [SR Trafficking in Persons 2023 report](#) on “Refugee protection, internal displacement and statelessness.”) In the UN Working Group on Arbitrary Detention, we have issued decisions in individual cases such as Opinion 37/2024 (China and Democratic People’s Republic of Korea) and Opinion No. 20/2025 (Morocco), both finding that individuals seeking to escape persecution had been arbitrarily detained in third countries.

The Special Procedures’ individual communications process provides an array of examples of actions taken on behalf of persons in need of international protection, many of which call upon the complementary protections of the Refugee Convention and international human rights law instruments. (For numerous examples covering all regions of the World, see the [Special Procedures Communications Database](#).)

Universal Periodic Review

For its part, the Universal Periodic Review regularly includes recommendations on refugee protection – based in the refugee law and human rights law framework – and States that accept and “support” these recommendations endeavor to translate them into real-life protections through national implementation, in conjunction with other stakeholders.

Platform of Independent Experts on Refugee Rights (PIERR)

Given the constellation of UN procedures and instruments, it is essential to consider creative means to harness their potential and bolster this network of protection for refugees. One such

Idea involves reinforcing a multi-stakeholder model that maximizes various roles and mandates working together to stymie violations and to work toward comprehensive refugee protection.

The [Platform of Independent Experts on Refugee Rights \(PIERR\)](#) provides a compelling example of this phenomenon – taking advantage of the mandates and expertise of different regional and UN independent human rights experts working together to highlight challenges and create opportunities for rights protection and promotion. The 1951 Refugee Convention, UNHCR, OHCHR, States, human rights entities, host communities, and refugees themselves are critical partners in these efforts and will remain so.

In December 2023, the PIERR was officially launched in the context of the Global Refugee Forum. The PIERR brings together several independent UN and regional human rights experts to work jointly and consider how to best harness efforts to highlight the complementarity of their various mandates to promote and protect the human rights of asylum-seekers and refugees.

The current membership of the PIERR includes several UN Special Procedures mandate holders (on [Trafficking in Persons](#), [Human Rights of Migrants](#), [Arbitrary Detention](#), and [Enforced and Involuntary Disappearances](#), respectively), the UN [Committee against Torture](#), and regional independent human rights experts from the Inter-American Commission on Human Rights ([Rapporteurship on Human Mobility](#)), the African Commission on Human and Peoples' Rights ([SR on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants](#)), and the Council of Europe ([Committee for the Prevention of Torture](#)).

The PIERR is supported by a Co-Secretariat comprising UNHCR and OHCHR, which provides a critical link to these UN entities and illustrates further the importance of the refugee and human rights legal frameworks and collaborations to further the protection and promotion of refugees and asylum-seekers' human rights. It is one example of an inter-mandate platform designed to complement the existing mechanisms, increase the impact of their work, and contribute to harmonizing the frameworks of refugee protection and human rights.

Conclusion

Despite the many complications that force people to cross borders to flee and the difficulties for their protection, the continued validity of the international protection regime should not be in question. The complementarity of the 1951 Refugee Convention and the international human rights framework is critical, flexible, and able to provide the foundation for ensuring that refugees can access their rights. What is needed is political will, multi-stakeholder engagement, and continued efforts to protect and promote human rights of all, including those most vulnerable.

As the Chair of the PIERR and a member of the WGAD, I see in my work how critical the 1951 Refugee Convention is and how it interacts with international human rights law to create a robust framework of protection. While its interpretation will continue to evolve with contemporary challenges, its relevance and importance for the protection of those forced to flee their homes continues to be valid even 75 years later – and will remain so for the

foreseeable future.

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