

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 14: Right to Asylum

In 1950, two years after the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR), it created the United Nations High Commissioner for Refugees (UNHCR). The agency was to have three years to help the millions of Europeans who had fled or lost their homes during the Second World War, and then was to be disbanded.

Decades later, the UN Refugee Agency is still in business, and the number of displaced people in the world is over 68 million. Of that total, 25 million are refugees – people fleeing conflict or persecution – who have crossed an international border, while 40 million are displaced within their own country. The remainder are asylum-seekers – people who may, or may not, ultimately be determined to be refugees.

Article 14 of the UDHR grants the right to seek and enjoy asylum from persecution. This right, in addition to the right to leave one's own country (Article 13), and the right to nationality (Article 15), can be traced directly to events of the Holocaust. Many countries whose drafters worked on the UDHR were acutely aware that they had turned away Jewish refugees, likely condemning them to death. In addition, many Jews, Roma and others hunted by the Nazis had been unable to leave Germany to save their lives.

Under the umbrella of Article 14, more fully articulated in the 1951 Refugee Convention, over the decades millions of people have been given life-saving protection as refugees, been able to rebuild their lives and often have gone home again once the danger has passed. Many have also been resettled in generous third countries, where they use their skills to contribute to their new homelands. And some can settle permanently in the countries where they found refuge, like more than 170,000 Burundians who fled the country in 1972 and received Tanzanian citizenship in what is believed to be the world's biggest naturalization of refugees.

The right to seek asylum is not unfettered. Article 14 makes it clear people cannot be granted asylum simply to avoid prosecution for “non-political crimes or acts contrary to the purposes and principles of the United Nations.” So war criminals, and those guilty of a crime against the peace or a crime against humanity, do not qualify for asylum.

Cross-border displacement – including migrants, asylum-seekers and refugees – has become hugely controversial around the world in recent years. In order to exercise the right articulated in Article 14, people have to actually enter another country, and today countries all over the world are slamming the doors shut, keeping out refugees and other migrants with barbed-wire fences, walls and armies.

“We can’t deter people fleeing for their lives. They will come. The choice we have is how well we manage their arrival, and how humanely.”

**-UN Secretary-General
António Guterres**

Advocates say people flee – and will continue to flee – because of the dangers behind them, regardless of the dangers and obstacles that lie ahead. Despite efforts to erect a “Fortress Europe,” refugees and migrants continue to risk their lives in unseaworthy boats, trying to cross the Mediterranean to Europe. Since 2014, every year at least 3,000 have lost their lives in this way, and in 2016 nearly 5,000 people died at sea. Many others perish during overland journeys.

People on the move are also at considerable risk from those who prey on their vulnerability, including state authorities who try to profit from, rather than protect, them, as well as unscrupulous people smugglers who treat fellow humans as highly profitable commodities as they try to circumvent land and sea borders.

“We commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees.”

**-UN General Assembly, Declaration
for Refugees and Migrants
19 September 2016**

Countries have the right to control their borders. However, as the UN has been pointing out for years, an orderly migration system grounded in the human rights principles enshrined in the UDHR, would not only address countries’ legitimate security concerns, but would also honour the rights that belong to both refugees and migrants.

In 2016, the 193 member states of the United Nations unanimously adopted the New York Declaration for Refugees and Migrants to protect those forced to flee, and support countries that shelter them. It paved the way for the adoption of two new global compacts in 2018: a global compact on refugees, and a global compact for safe, orderly and regular migration.

Many people who have clear protection needs, and leave their homes for reasons beyond their control, are not granted asylum because they do not fall under the accepted definition of ‘refugee.’ So-called ‘climate refugees’ are a good example of today’s protection gaps and challenges. It is not clear how many people have been displaced across borders by climate change, but statistics on internal displacement are illustrative. The Internal Displacement Monitoring Centre estimates that from 2008-2016, weather-related disasters displaced, on average, 21.7 million people within their own countries every year. This does not include problems that build more slowly because of more insidious forms of climate change, such as rising sea levels, ground water turning salty, or farming and grazing land turning into deserts.

Similarly, people displaced by famine are in many cases not considered refugees within the definition of the 1951 Refugee Convention, or the various expanded forms

of refugee protection. Yet clearly, they are in need of protection and assistance – and if they cannot get it at home, they have no option but to go abroad.

The Global Compact for Migration calls on countries to “cooperate to identify, develop and strengthen solutions for migrants compelled to leave their countries of origin owing to slow-onset natural disasters, the adverse effects of climate change, and environmental degradation.” For such people not able to return to their home country, solutions envisioned in the Compact include planned relocation and new visa options.

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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