



REFUGEES AND HUMAN RIGHTS

# Rethinking Refugee Law

Niraj Nathwani

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# Rethinking Refugee Law Refugees And Human Rights V 7

**Eeva Nykänen**



## **Rethinking Refugee Law Refugees And Human Rights V 7:**

*The Refugee in International Law* Guy S. Goodwin-Gill, Jane McAdam, 2007-03-22 Millions of people today are forced to flee their homes as a result of conflict systemic discrimination persecution and other violations of their human rights The core instruments on which they must rely to secure international protection are the 1951 Convention relating to the Status of Refugees and its 1967 Protocol now complemented by international and regional human rights treaties This book the leading text in a field where refugee law is now a subject of global importance examines key challenges to system of international protection including those arising from within the asylum process increased controls over the movements of people and the new concern with security The situation of refugees is one of the most pressing and urgent problems facing the international community and refugee law has grown in recent years to a subject of global importance In this long awaited third edition each chapter has been thoroughly revised and updated every issue old and new has received fresh analysis and complementary or human rights based protection is given special attention Features include analysis and assessment of developments in interpreting the refugee definition with particular reference to social group exclusion procedures and the impact of European Union harmonization initiatives In addition this book reviews the situation of refugee women and children the plight of Palestinian refugees the protection of internally displaced persons the role and responsibilities of the UNHCR including in the administration of camps and settlements the current status in general international law of the fundamental principles of non refoulement asylum and the right to seek asylum and the extent of protection possibilities in human rights treaties particularly the European Convention on Human Rights *The New Asylum Seekers: Refugee Law in the 1980's* David A. Martin, 2021-09-27 **Documenting the Undocumented** Veronica P. Fynn, 2010 Proceedings of the annual conference held Apr 16 17 2009 at York University Political Refugees Armin Danesh, Alison Assiter, 2022-03-14 Many books about refugees focus on their trauma loss and victimhood Refugees are often regarded as problems for governments and social services in the countries where they seek asylum This unique book presents a very different view Coupling existential themes with politics and psychology *Political Refugees* tells the story of a number of Iranian political refugees through case studies and through Armin Danesh's own life story Danesh has more than three decades of experience of working with refugees who have survived trauma and who continue to work for the causes close to their hearts All the refugees presented here were politically engaged and suffered as a consequence In their new home country however they not only survived but were reborn and forged new opportunities The book demonstrates people's capacity to transform themselves through crisis The stories told will be invaluable for organizations or individuals who study or work with refugees or anyone who has suffered extreme adversity **The Refugee Definition in International Law** Hugo Storey, 2023 In international law the definition of refugee is widely seen as unclear This book systematically analyses the interpretation ordering and interrelationship of the definition's components as well as the disputes that have arisen around it The volume

seeks to clarify propositions and demonstrate there is progress toward a working definition      **Rethinking Peacekeeping, Gender Equality and Collective Security** G. Heathcote, D. Otto, 2014-09-01 This book examines how the Security Council has approached issues of gender equality since 2000 Written by academics activists and practitioners the book challenges the reader to consider how women's participation gender equality sexual violence and the prevalence of economic disadvantages might be addressed in post conflict communities      *Current Publications in Legal and Related Fields*, 2003

*Beyond Law and Development* Sam Adelman, Abdul Paliwala, 2022-04-27 The book highlights new imaginaries required to transcend traditional approaches to law and development The authors focus on injustices and harms to people and the environment and confront global injustices involving impoverishment patriarchy forced migration global pandemics and intellectual rights in traditional medicine resulting from maldevelopment bad governance and aftermaths of colonialism New imaginaries emphasise deconstruction of fashionable myths of law development human rights governance and post coloniality to focus on communal and feminist relationality non western legal systems personal responsibility for justice and forms of resistance to injustices The book will be of interest to students and scholars of development law and development feminism international law environmental law governance politics international relations social justice and activism

*Protection of Human Life at Sea in International Law* Aphrodite Papachristodoulou, 2025-05-30 The law of the sea imposes a long established duty to rescue persons in distress which connotes one of the most important tools in safeguarding safety of life at sea Other rules of international law namely international human rights and refugee law also come into play in drawing the legal parameters for the conduct of rescue operations Amid the thousands of people undertaking perilous sea journeys in search of safety European legal responses have primarily focused on the securitization of migration This book exposes the human rights violations that may be perpetrated against migrants attempting to cross the Mediterranean and strongly advocates for the development of a framework for operationalizing the protection of human rights and life at sea It combines theory and practice in which philosophical theories of rights are applied to create a framework for legal analysis and the development of practical legal standards The study presents an innovative evaluation of selected judgments of the European Court of Human Rights and other international human rights bodies pertaining to complex questions of extraterritorial jurisdiction and a State's human rights obligations towards persons in distress at sea The book will be of interest to all those engaging with migration and security studies international human rights scholarship international law of the sea refugee and migration law and legal philosophy whether generalist or specialist      *Fragmented State Power and Forced Migration* Eeva Nykänen, 2012-06-14 The relative decline of state power and the increase in the significance of various non state actors is one of the greatest challenges faced by the legal framework for the international protection of refugees and other forced migrants over previous decades A large number of asylum seekers applying for protection in Europe and other industrialized states originate from countries where the state structure is weak if not non existent and

where the threats faced by individuals stem primarily from actors other than the state authorities The legal framework for international protection which rests on a state centric paradigm is struggling with claims for protection arising from such situations Drawing extensively on international and European law international and national case law as well as academic writings this study analyzes the legal obligations that states have towards refugees and other forced migrants facing threats emanating from non state actors exploring the transformative possibilities embedded in the law in this respect *Domestic Violence in Diverse Contexts* Sarah Wendt, Lana Zannettino, 2014-09-15 Overwhelmingly it is women who are the victims of domestic violence and this book puts women s experiences of domestic violence at its centre whilst acknowledging their many diverse and complex identities Concentrating on the various forms of domestic abuse and its occurrence and manifestations within different contexts it argues that gender is centrally implicated in the unique factors that shape violence across all these areas Individual chapters outline the experiences of Mothers Older women Women with religious affiliations Refugee women Rural women Aboriginal women Women in same sex relationships Women with intellectual disabilities Exploring how domestic violence across varying contexts impacts on different women s experiences and understandings of abuse this innovative work draws on post structural feminist theory and how these ideas view and potentially allow gendered explanations of domestic violence *Domestic Violence in Diverse Contexts* is suitable for academics and researchers interested in issues around violence and gender **The Human Rights of Migrants in European Law** Cathryn Costello, 2016 A critical discussion of EU and ECHR migration and refugee law this book analyses the law on asylum and immigration of third country nationals It focuses on how the EU norms interact with ECHR human rights case law on migration and the pitfalls of European human rights pluralism **International Handbook of Migration and Population Distribution** Michael J. White, 2015-12-11 This Handbook offers a comprehensive collection of essays that cover essential features of geographical mobility from internal migration to international migration to urbanization to the adaptation of migrants in their destinations Part I of the collection introduces the range of theoretical perspectives offered by several social science disciplines while also examining the crucial relationship between internal and international migration Part II takes up methods ranging from how migration data are best collected to contemporary techniques for analyzing such data Part III of the handbook contains summaries of present trends across all world regions Part IV rounds out the volume with several contributions assessing pressing issues in contemporary policy areas The volume s editor Michael J White has spent a career studying the pattern and process of internal and international migration urbanization and population distribution in a wide variety of settings from developing societies to advanced economies In this Handbook he brings together contributors from all parts of the world gathering in this one volume both geographical and substantive expertise of the first rank The Handbook will be a key reference source for established scholars as well as an invaluable high level introduction to the most relevant topics in the field for emerging scholars **Citizen Humanitarianism at European Borders** Maria Gabrielsen Jumbert, Elisa

Pascucci,2021-06-16 At a time of escalating conflict between states and NGOs engaged in migrant search and rescue operations across the Mediterranean this book explores the emerging trend of citizen led forms of helping others at the borders of Europe In recent years Europe s borders have become new sites of intervention for traditional humanitarian actors and governmental agencies but also increasingly for volunteer and activist initiatives led by ordinary citizens This book sets out to interrogate the shifting relationship between humanitarianism the securitization of border and migration regimes and citizenship Critically examining the do it yourself character of refugee aid practices performed by non professionals coming together to help in informal and spontaneous manners the volume considers the extent to which these new humanitarian practices challenge established conceptualisations of membership belonging and active citizenship Drawing on case studies from countries around Europe including Greece Turkey Italy France and Russia this collection constitutes an innovative and theoretically engaged attempt to bring the field of humanitarian studies into dialogue with studies of grassroots refugee aid and more explicitly with political forms of solidarity with migrants and refugees which fall between aid and activism This book is key reading for advanced students and researchers of humanitarian aid European migration and refugees and citizen led activism The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license

**Responses to Sea Migration and the Rule of Law** Katia Bianchini,2024-08-22 In the current debates on sea migration there is a dearth of works drawing on the rule of law This important book addresses this failing Considering the question from that conceptual framework it is able to broaden the sometimes fragmented and incomplete perspective of existing scholarship The book takes as its central case study the experience of Italy exploring the legal issues at play there and its institutional practices and policies From here its focus broadens out to the wider EU experience looking in particular at those problems common to southern EU states such as failures and delays in assisting migrants in distress at sea and contested legal grounds and practices concerning interceptions at sea It combines both legal and empirical data charting both the black letter law and how it operates in practice In a field as complex as this this clarity is key it allows lawyers political scientists and policymakers to truly engage with the challenges sea migration poses today *The Oxford Handbook of International Refugee Law* Cathryn Costello,Michelle Foster,Jane McAdam,2021-06-02 The Oxford Handbook of International Refugee Law is a comprehensive critical work which analyses the state of research across the refugee law regime as a whole Drawing together leading and emerging scholars the Handbook provides both doctrinal and theoretical analyses of international refugee law and practice It critiques existing law from a variety of normative positions with several chapters identifying foundational flaws that open up space for radical rethinking Many authors work directly in the field and their contributions demonstrate how scholarship and practice can mutually inform each other Contributions assess a wide range of international legal instruments relevant to refugee protection including from international human rights law international

humanitarian law international migration law the law of the sea and international and transnational criminal law Geographically contributors examine regional and domestic laws and practices from around the world with 10 chapters focused on specific regions This Handbook provides an account as well as a critique of the status quo and in so doing it sets the agenda for future academic research in international refugee law

**Climate Change, Migration and Human Rights** Dimitra Manou, Andrew Baldwin, Dug Cubie, Anja Mihr, Teresa Thorp, 2017-05-12 Climate Change already having serious impacts on the lives of millions of people across the world These impacts are not only ecological but also social economic and legal Among the most significant of such impacts is climate change induced migration The implications of this on human rights raise pressing questions which require serious scholarly reflection Drawing together experts in this field Climate Change Migration and Human Rights offers a fresh perspective on human rights law and policy issues in the climate change regime by examining the interrelationships between various aspects of human rights climate change and migration Three key themes are explored understanding the concepts of human dignity human rights and human security the theoretical nexus between human rights climate change and migration or displacement and the practical implications and challenges for lawyers and policy makers of protecting human dignity in the face of climate change and displacement The book also includes a series of case studies from Alaska Bangladesh Kenya and the Pacific islands which aim to improve our understanding of the theoretical and practical implications of climate change for human rights and migration This book will be of great interest to scholars of environmental law and policy human rights law climate change and migration and refugee studies

**Statelessness and Citizenship** Victoria Redclift, 2013-06-26 What does it mean to be a citizen In depth research with a stateless population in Bangladesh has revealed that despite liberal theory's reductive vision the limits of political community are not set in stone The Urdu speaking population in Bangladesh exemplify some of the key problems facing uprooted populations and their experience provides insights into the long term unintended consequences of major historical events Set in a site of camp and non camp based displacement it illustrates the nuances of political identity and lived spaces of statelessness that Western political theory has too long hidden from view Using Bangladesh as a case study Statelessness and Citizenship Camps and the creation of political space argues that the crude binary oppositions of statelessness and citizenship are no longer relevant Access to and understandings of citizenship are not just jurally but socially spatially and temporally produced Unpicking Agamben's distinction between political beings and bare life the book considers experiences of citizenship through the camp as a social form The camps of Bangladesh do not function as bounded physical or conceptual spaces in which denationalized groups are altogether divorced from the polity Instead citizenship is claimed at the level of everyday life as the moments in which formal status is transgressed Moreover once in possession of formal status internal borders within the nation state render rights bearing citizens effectively stateless and the experience of citizens is very often equally uneven While statelessness may function as a cold instrument of exclusion certainly it is neither fixed nor static just

as citizenship is neither as stable nor benign as the dichotomy would suggest Using these insights the book develops the concept of political space an analysis of the way history and space inform the identities and political subjectivity available to people In doing so it provides an analytic approach of relevance to wider problems of displacement citizenship and ethnic relations Shortlisted for this year s BSA Philip Abrams Memorial Prize      *Exporting the European Convention on Human Rights* Maria-Louiza Deftou, 2022-10-20 This book explores how the European Convention on Human Rights operates and influences on the global stage The ECHR and its interpretation by the European Court of Human Rights ECtHR considerably echo in and outside Europe To what degree has that influence translated into its norms doctrines and methods of interpretation being exported into equivalent systems which also enact the protection of fundamental rights This book answers that question by exploring the judicial dialogue of the ECHR system with comparable legal orders Through a horizontal and multifaceted study of regional and global systems the book identifies the impact of the ECHR within the confines of their jurisprudence to provide scholars in the field of international human rights law with an essential text Discussing the extent to which the ECHR penetrates into the judicial production of the most affected legal systems the book mostly focuses on the case law of the Court of Justice of the European Union the Inter American Court of Human Rights and the UN Human Rights Committee It also investigates whether there is room for cross fertilisation between them and finally moves on to explore the legal consequences of the interplay of these mechanisms with the ECtHR and what it means for the overall functioning of international human rights law      *Palestinian Refugee Women from Syria to Jordan* Afaf Jabiri, 2024-01-11 Based on four years of field research in Palestinian camps in Jordan including unique interviews with Palestinian refugee women aid workers and representatives of international organisations and NGOs in Jordan the book reveals the extraordinary layers of discrimination suffered by Palestinian women from Syria displaced to Jordan The women s experiences show them caught between settler colonialism militarism nationalism refugees global governance and gender regimes that subjected them to multiple forms of structural gender based violence The book argues for a feminist analysis of settler colonialism s epistemic violence of anti Palestinianism to expose the history and geopolitics of intersecting oppressive systems that work through and upon gendered bodies of Palestinian refugee women in humanitarian settings The book also highlights how local women s groups and frontline workers attempt to fill service gaps Using a rich theoretical lens to understand the experiences of women in refugee camps this book attempts to decolonise issues around migration displacement refugees and women Previous work on the Syrian refugee crisis has overlooked the very particular experiences of Palestinian refugee women which has weakened feminist analysis of gendered processes of humanitarianism and feminist transnational and intersectional solidarity This book offers a vital critique of how feminists adoption of a universality based analysis of the Syrian refugee crisis has contributed to the further marginalisation of Palestinian refugee women from Syria



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