

THEME: CITIZENSHIP, REFUGEES AND HUMAN RIGHTS IN THE CONTEMPORARY WORLD

INTRODUCTION

Citizenship is the status, which is given to those who are the full members of the State. But the grant of such status is an exclusive domain of a State; and each has its own criteria to determine the eligibility for citizenship. However, the emergence of globalisation and the global economy have posed new challenges to the traditional notions of citizenship. In the contemporary times, the citizens of one country migrate to another country due to economic, social and other such reasons. In this context, the concept of human rights is of utmost importance. The emergence of human rights has led to the conceptualisation of human life even outside the realm of citizenship rights. The States are under an obligation to uphold the human rights not only of the citizens but also of every person living within the territory of the State irrespective of their citizenship status. For example, certain Fundamental Rights granted by the Indian Constitution extend not only to the citizens but also to any person living within the territory of India.

STATEMENT OF PROBLEM

There is always an inherent conflict between the duties of the state towards its citizen and its obligations towards the non-citizens. Such conflict between the duties and obligations becomes apparent in the context of refugees and stateless persons. The states have the duty to provide economic and social benefits to its citizens on the one hand and to follow the international obligations of non-refoulment on the other. In this context, there is a need to analyze the problems faced by the refugees within the context of human rights law and constitutional law.

The Universal Declaration of Human Rights which affirms the idea that “everyone has the right to a nationality” is an effort by the international community to prevent statelessness. Inconsistencies between domestic citizenship laws and the international framework often lead to the situation of statelessness. For example, the Citizenship Act, 1955 does not provide nationality to children born in India to parents who are not citizens of India and are without a nationality. While the Convention on the Reduction of Statelessness, 1961 mentions that the territory of a Contracting State shall be considered as the nationality for the child born in that territory, the status quo in countries like India pose a huge challenge to the

object of Statelessness. With India not acceding to the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness, it faces a huge challenge even in identifying these stateless individuals due its census methodology, Since under the Census Act, 1948 read along with its Rules of 1990, the population without nationality or unknown nationality are not taken into consideration while collecting information. Though India is not a party to the 1954 and 1961 Conventions, there are several other international instruments to which India is a party, and thus it furthers the idea of combating statelessness.

The major objective of the seminar is to analyse and bring out the current state of human rights in relation to citizenship in India with particular emphasis on the position of refugees and stateless persons. Further the impact of violence, war and persecution will also be discussed in this seminar.

SUB-THEMES

- 1) State Obligation Towards Refugees: Balance between Human Rights and National Interest
- 2) Role of International Organizations in Refugee Crisis: A Critical Study of UNHCR since its inception.
- 3) Feminist Jurisprudence and Refugees: A Case of Double Discrimination
- 4) Environmental Refugees and India: Issues and Challenges
- 5) Stateless Person and Citizenship: Prospect of International Citizenship Law
- 6) Exigency of a Domestic Law on Refugees: Need for a Coherent Asylum and Refugee Policy

SCOPE

The idea of citizenship has now gone beyond the rudimentary concept of statelessness and has now entered the domain of human rights. The increase of conflict regions in last decades has caused an unprecedented displacement of people from their homes. One in every 113 people on the planet is now a refugee. Around the world, someone is displaced every three seconds, forced from their homes by violence, war and persecution. By the end of 2016, the number of displaced people had risen to 65.6 million - more than the population of the United Kingdom. The number is an increase of 300,000 on the year before, and the largest number ever recorded, according to the UN Refugee Agency, UNHCR. In such trying times,

the idea of protection of refugees, human rights of refugees, citizenship and refugees are gaining strength. It is very pertinent now that the world cannot close its eyes against its fellow human beings. India which has been the home for persecuted for centuries has always been looked upon as a country which has provided its helping hand to fellow human beings. Though India is not a party to the Convention Relating to Status of Refugees, 1951, and its additional protocol, there are several other international instruments to which India is a party, and thus it furthers the idea of universal solidarity.

In furtherance, the concept of Dual-Citizenship is also being predominantly accepted by many nations in the past two decades. This is seen as a welcome step by the countries to affirm the rights of the stateless residents in their territory, and a probable solution for problems posed migration due to globalization. The great changes in the pattern of global migrations pose a severe threat to the basic human rights of the stateless residents. Hence, there exists a vacuum in the global arena especially with regard to the protection of interests of the migrants, refugees and the stateless residents.