

Redefining Refugee: A critical Analysis of the 1951 Refugee Convention

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Abstract

The 1951 Refugee Convention, a bedrock of international refugee law, is more and more inadequate in addressing the complex and evolving nature of worldwide displacement. My research critically examines the definition of a refugee under the 1951 Refugee Convention, highlighting its limitations in light of latest challenges. The Convention's main focus on "well-founded fear of persecution" based on specific grounds, while historically significant, demonstrates insufficient for many human beings seeking protection. The paper explores how this definition preclude those fleeing situations of generalised violence, climate change, and other non-persecution-related threats. Furthermore, the Convention's firm framework and the challenges linked with its implementation are discussed. The paper explores the role of state sovereignty, international cooperation, and judicial interpretation in forming refugee protection. In conclusion, my research is an argument for a more comprehensive and adaptable definition of a refugee that is in line with the evolving humanitarian landscape. By re-evaluating the fundamental principles of refugee protection, the international community can better address the needs of displaced persons globally. "No one leaves home unless home is the mouth of a shark"

Keyword: Agriculture, Agricultural Products, Kirkuk, Government Planning and Policy.

Introduction

The crisis of refugees occupies the pinnacle of international crises, and it is not an exaggeration to call it the crisis of the century, since World War II, when more immigrants than ever before living in a country other than the country in which they were born. Millions around the world seek to escape from persecution, poverty, wars and instability in their countries and head towards countries that they consider stable and are able to secure a better future for them, but on the other hand, the response of the international community is not up to what is required. The process of developing a set of laws, conventions and guidelines aimed at protecting refugees began in the first half of the twentieth century under the League of Nations, the international body that preceded the United Nations.¹ Under the United Nations, these attempts culminated on July 25, 1951, when the United Nations General Assembly approved refugee status under a Special Convention.

The United Nations Convention Relating to the Status of Refugees attempts to make sure that refugees are accorded the widest fundamental rights and freedoms without discrimination². The issue of what constitutes a 'refugee' has been changing over time and there needed to be a definition of who is a refugee?³ The 1951 Convention relating to the Status of Refugees, specifically in Article 1, sets some criteria for considering persons who are outside their country as refugees, This research explores the definition of refugee in the Convention and discusses those criteria which were introduced as key elements of this definition finally after evaluating the definition, provides a logical conclusion.

Methodology

To explore the different aspects of the refugee definition in the convention, I will depend on the primary sources which include international and regional treaties, and case law of different judicial organs. Secondary sources will clarify the primary sources or reflect them and will include scholarly articles, books, journals, newspapers and relevant websites.

¹ IRRC September 2001, vol. 83 No. 843, p 729, Gilbert Jaeger, On the history of the international protection of refugees. Available online at:
[http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/57JREE/\\$File/727_738_jaeger.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/57JREE/$File/727_738_jaeger.pdf).

² The 1951 convention relating to the status of refugees, preamble.

³ L. W. Marshall, 'Toward A New Definition Of 'Refugee': Is The 1951 Convention Out Of Date?' (2010) 37 European Journal of Trauma and Emergency Surgery.

Assessing the definition of refugees in the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol

Before starting to explore the refugee definition in the 1951 convention Relating to the Status of Refugees, it is necessary to look at the roots and origins of the Convention and why it was drafted, then it would be easy to assess it in terms of its coverage of this contemporary problem according to human rights standards.

The 1951 Convention Relating to the Status of Refugees was created for the post-war period, it was drafted after World War II, and legally recognized—for the first time—refugees in the region based on their experience of displacement, rather than their country of origin.⁴ It can be argued that this convention was a critical step in providing protection to European refugees, but the 1967 Protocol expanded the scope of the mandate of the United Nations High Commissioner for Refugees after the problem of displacement spread to various parts of the world.⁵ in other words, the drafters of the convention were looking at this issue from a European perspective and did not provide a global solution to the issue. For these reasons, it can be said that the context of the Convention was not a universal instrument in origin and not suitable for the new world because the refugee crisis is not a regional problem anymore but has a global dimension. In the era of the modern human rights system, there is no comprehensive and integrated global legal system of ‘rights’ regarding the status of refugees to present an adequate definition with their appropriate status. The definition of refugees in the 1951 Convention relating to the Status of Refugees focuses on a “well-founded fear of persecution”, as the basis for the definition as is being discussed below.

Well-founded fear of persecution

According to article one of the Convention, for any person to qualify as a refugee and be protected under the refugee law, they must meet certain criteria. A well-founded fear of persecution is the necessary criterion in the definition of refugees in the convention. The

⁴ Asylum Access ‘What is the 1951 Refugee Convention-and How Does It Support Human Rights?’

(Asylum Access July 24, 2021) < <https://asylumaccess.org/what-is-the-1951-refugee-convention-and-how-does-it-support-human-rights/> > accessed 7 May 2022.

⁵ UNHCR What is 1951 convention relating to the status of refugees? ‘Is it a source of help or a source of disability?’ (UNHCR 2021-2022) <<https://www.unhcr.org/ar/4be7cc27201.html>> accessed 15 May 2022.

drafters went a long way toward advancing refugee law by not requiring the presence of (Persecution) Rather, they were satisfied with the existence of (well-founded fear of persecution) as a necessary condition. The concept of a well-founded fear of persecution contains two main elements, one of them is “well-founded fear”, the convention does not come with details about how to extract this element, as usual, and followed widely, the burden of proof falls on the applicant or refugees themselves, they must provide convincing evidence to the judicial or administrative authorities to prove their situation and the existence of a “well-founded fear”. Sometimes refugees will be required to provide official documentation about their claim, or the burden of proof required is too high and it is beyond their ability as a result they fall outside the protection of the Convention, it can be said that this is unfair treatment towards them, so how can a person who fled his homeland for fear of persecution provide satisfactory documents and evidence in all cases? In addition, there are no details concerning the form of evidence required, and each state can impose its own policy on the standards of evidence provided. The situation may be clear in some cases, and there is no need to provide different documents to prove the situation like the situation in Rwanda, where there was a war, and it was clear to everyone that the fear of being persecuted is well-founded. However, in the majority of cases is not as clear as in the Rwanda refugees’ cases/ For instance when a case concerns a person who has fled a dictatorship, it is difficult to provide the host state with proof, in the form of specific evidence from refugee’s country of origin. The bureaucracy plays a significant role in this field, in some cases it reduced the rigor of the burden of proof on the refugees, in the case of *Immigration and Naturalization Service v. Cardoza-Fonseca*,⁶ The United States Supreme Court stated that the standard for preventing deportation, set out in *INS v. Stevic*⁷, it was a standard too high for asylum seekers to meet and also stated that the applicant only has to demonstrate a “well-founded fear” of persecution this is in line with the standard demanded by the United Nations. This opinion comes with a high level of sense of humanity and a great example of judicial developing to the deadlock provisions of the convention, as a result, gives a flexible context to the definition.

⁶ *Immigration and Naturalization Service v. Cardoza-Fonseca*, 480 U.S. 421; 107 S. Ct. 1207; 94 L. Ed. 2d 434; 55 U.S.L.W. 4313, United States Supreme Court, 9 March 1987

⁷ *Immigration and Naturalization Service v. Stevic*, 467 U.S. 407; 104 S. Ct. 2489; 81 L. Ed. 2d 321; 52 U.S.L.W. 4724, United States Supreme Court, 5 June 1984

The second aspect relates to the definition of persecution, there is no universally accepted definition of the term "persecution", and this term is used to describe the acts that an individual or group of people are subjected to because of common grounds that make them different, and the grounds are different, for example, religion or way of worship, nationality and political views, Persecution is usually used to refer to the actions of the state, but it can be practiced by military or terrorist groups such as ISIS, or by tribes as happened in Rwanda during the conflict between Tutsis and Hutus, sometimes the concept of persecution can also be used to describe the acts of an individual.

In refugee law and modern human rights law, the concept of a refugee cannot be defined without presenting persecution as a core element of the legal definition, in other words, there is no refugee in the 1951 Convention relating to the Status of Refugees if there is no well-founded fear of persecution. The criteria listed for defining a refugee in the Convention must be related to the fear of persecution. Excluding convention with a clear definition of persecution leads to multiple definitions of the concept, because it will be defined separately by the different judicial organs and bodies and, as a consequence, will have a different context for persecution. The statute of the international criminal court defines persecution as "the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity".⁸ The ICTY, in the case of Vasiljevic,⁹ held that the list of acts of persecution is not exhausted in other words persecution could be in different forms. The ICTR Trial Chamber in the case of Nahimane et al¹⁰ stated that "persecution is broader than direct and public incitement, including advocacy of ethnic hatred in other forms." Also indicated that the gravity of acts of persecution are not equal, in more detail it held that a hate speech could be defined as an act of persecution.¹¹

Council of the European Union defines persecution at the article 9 of the council directive and states that persecution acts "must be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights..." and mentions several non-exhausted

⁸ ICC Statute (1998), Art. 7.2.g

⁹ *The PROSECUTOR v Mitar VASILJEVIC* (Trial Judgement), IT-98-32-T (29 November 2002) [246].

¹⁰ *The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze* (Judgement and Sentence), ICTR-99-52-T (3 December 2003) [1078].

¹¹ Ibid [986].

examples of persecution acts indicating that it could be physical or mental violations including acts of sexual violence. and according to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the basic human rights mentioned above are non-derogable rights including the right to life, prohibition of torture, prohibition of slavery and no-punishment without law.¹² The failure of the state to provide protection is a key point while talking about persecution, and applicants who are fully protected by their state may not be eligible to be a refugee as can be seen in Lord Hoffman's opinion in the case of (Islam Shah) where he stated that:

"Domestic violence such as was suffered by Mrs. Islam, and Mrs. Shah in Pakistan is regrettably by no means unknown in the United Kingdom. It would not however be regarded as persecution within the meaning of the Convention. This is because the victims of violence would be entitled to the protection of the state. The perpetrators could be prosecuted in the criminal courts and the women could obtain orders restraining further molestation or excluding their husbands from the home under the Domestic Violence and Matrimonial Proceedings Act 1976."¹³ Interestingly Australian judicial authorities have focused on the 'serious harm' criterion as a condition of persecution against those who claim it, in the "RRT Case" the Australian Refugee Review Tribunal clarified the serious harm and stated;

"The expression "serious harm" includes, for example, a threat to life or liberty, significant physical harassment or ill-treatment, or significant economic hardship or denial of access to basic services or denial of capacity to earn a livelihood, where such hardship or denial threatens the applicant's capacity to subsist: s.91R(2) of the Act".¹⁴

Reasons of persecution for determining who is a refugee

The 1951 Convention Relating to the Status of Refugees, referred to the grounds for persecution to determine who was a refugee, and Article 1(2) stated the reasons in an exhausted

¹² European Convention for the Protection of Human Rights and Fundamental Freedoms, Art 2-10.

¹³ *Islam (A.P.) v. Secretary of State for the Home Department; R v. Immigration Appeal Tribunal and Another, Ex Parte Shah (A.P.)* [1999] Imm AR 283, [1999] INLR 144, 6 BHRC 356, [1999] 2 WLR 1015, [1999] 2 All ER 545, [1999] 2 AC 629, [1999] UKHL 20. (Hoffmann UKHL).

¹⁴ *RRT Case No. 0807462*, [2009] RRTA 266,[13].

way to include race, religion, nationality, and membership of a particular social group or political opinion, each one of them will be discussed briefly.

- **Race**

The concept of race was clearly identified in the Convention as one of the main causes of persecution. In the modern world, racial persecution is a term used to describe a situation in which an individual is discriminated against, on the basis of his or her racial background and this discrimination can occur in various forms, including social, economic, administrative and political discrimination. It can be exercised by several means including but not limited to unequal treatment, unequal protection, and unequal participation in society. The term race has been clarified in several international instruments, most notably Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, which defines racial discrimination as follows:

“In this Convention, the term "racial discrimination" shall mean any distinction! exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

Race as a ground for persecution is self-explanatory, and no need for further discussion but it is important to mention that this form of persecution has a long history and for this reason, the drafters of the refugee convention have connected it to the definition of refugees.

- **Religion**

Religion in the Convention is another reason for persecution to grant refugee status to those who claim it, it is not surprising that more than 70 years ago during the drafting of the Refugee Convention, religion was a cause of persecution and was also linked to the recognition of refugee status, but it is strange that in the twenty-first century and in the era of a human rights system Modern man, millions of people have fled because of their religion and the difference in the way of worship, the last example being the Rohingya refugees in Burma. In August 2017, the Myanmar army's deadly crackdown on Rohingya Muslims drove hundreds of thousands of Rohingyas to flee across the border into Bangladesh in addition to killing a large number of

them.¹⁵ Another tragic example of persecution based on religion is the attacks of ISIS in Iraq, which led to genocide and massacres of the Yazidi minority, a Kurdish religious minority that resides mainly in northern Iraq, southeastern Turkey, northern Syria, the Caucasus region and parts of Iran, which is why thousands of them fled to different countries.¹⁶ Despite all the criticism of the Convention, the recognition of religion as a reason for persecution has been a successful step and remains of great importance in defining refugees and this is one of the strengths of the Convention.

- **Nationality**

Nationality persecution in refugee law is a human rights violation and abuse that is directed against a group or individual belonging to the same nationality or ethnic group. It is considered to be a form of persecution because it is intended to instil fear or insecurity in a group or individual. Persecution on the basis of nationality has a large number of practices in the field of refugee law, for example, claims brought by ethnic Russians from various Republics formerly within the former Soviet Union, or by ethnic Croats and Albanians from Yugoslavia are often based on fear of persecution because of their nationality”¹⁷

- **Membership of a particular social group**

It is clear that belonging to a particular social group presupposes that there are people with similar habits or social conditions or that there is a common ground connecting the members of the group to each other and it may be the source of persecution, a claim to fear of persecution under this heading may frequently overlap with a claim to fear of persecution on other grounds, i.e., race, religion or nationality.¹⁸

¹⁵ BBC, Myanmar Rohingya: ‘What you need to know about the crisis’ (BBC, 23/1/2020) <<https://www.bbc.co.uk/news/world-asia-41566561>> accessed 8 May 2022.

¹⁶ Britannica, The Editors of Encyclopedia ‘Yazidi’ (Encyclopedia Britannica, 27 Mar. 2020), <<https://www.britannica.com/topic/Yazidi>> Accessed 8 May 2022.

¹⁷ JOSÉ H. FISCHER DE ANDRADE, 'On the Development Of The Concept Of 'Persecution' In International Refugee Law' (2008) 2 Brazilian Yearbook of International Law 114.

¹⁸ HCR/IP/4/Eng/REV.1 Reedited, Geneva, January 1992, UNHCR 1979[77].

As this category has grown in importance in recent years, a wide interpretation can be observed by judicial organs, and it has been an important topic of the UNHCR discussions. Belonging to a social group is not enough to be an argument that can be built upon alone to grant someone refugee status, but rather this affiliation must coincide with special circumstances that expose the person to persecution or a well-founded fear of persecution, as is the case for other causes of persecution. Mentioning this reason for persecution was a great way out of many problems related to granting refugee status and was the reason for saving the agreement from complete stagnation or changing it into a neglected convention because recently different groups appeared and were subjected to persecution, and they were not mentioned in the agreement but were covered under the cover of the "membership of a particular social group". The judicial organs had a great impact in the development the term of "particular social group", in the case of *HJ (Iran) v Secretary of State for the Home Department*¹⁹, the United Kingdom Supreme Court has affirmed that being gay means belonging to a particular social group and that the fear is justified because of the asylum-seeking community's view of this sexual orientation, in other words, a person's different sexual orientation in some communities causes persecution against him, as a result of which he will be covered. These people are within a "particular social group". In some cases, being female is considered as belonging to a "particular social group" as the United Kingdom House of Lords stated in the case of *Islam v. Secretary of State for the Home Department Immigration Appeal Tribunal*.²⁰ Survivors of conflict-related sexual violence in some societies, are persecuted after surviving, for example after ISIS terrorist attacks on Yazidi minority territories in Iraq, they trafficked a large number of women and made them sex slaves, but after they survived and returned to their community, instead of health treatment. Physically and mentally, they were rejected by their society, and they were described by the religious authority as filthy, especially those who had a child of ISIS members, these victims were persecuted twice, first by the terrorist group and second by the society and the religious authority of this minority. The judicial organs in the UK took the right direction regarding this issue by considering the former victims of trafficking for sexual exploitation as the members of a "particular social group" as it is noted in the case of *Horvath v. Secretary of State for The*

¹⁹ *HJ (Iran) v Secretary of State for the Home Department* [2010] UKSC 31, [2011] 1 AC 596, [2010] Imm AR 729, [2011] AC 596, [2010] 3 WLR 386.

²⁰ *Islam (A.P.) v. Secretary of State for the Home Department; R v. Immigration Appeal Tribunal and Another, Ex Parte Shah (A.P.)*, Session 1998-1999, United Kingdom: House of Lords (Judicial Committee), 25 March 1999.

Home Department²¹ the tribunal clearly stated that this shared common background is an essential reason for being a member of this group and facing persecution and as a result the definition of refugee cover this category of a group.

Political opinion

In the new world, one of the gross violations of human rights is persecution for political opinion, it refers to the persecution of political groups because of their political beliefs or opinions of their members. Throughout history, this practice has occurred in different forms, related to the definition of a refugee, this is an important area because it has different dimensions, for example, it is associated with public freedom, the political system in the state and the relationship between governments and opposition groups. The core value underlying the protection of persons who fear persecution on account of their political opinions is the right of all persons to maintain their own political beliefs without having to fear persecution from those with whom they disagree²². Political groups do not always have to hold political beliefs sometimes, being neutral in a conflict is a form of political opinion and may cause persecution this form can be noticed in the case of *Rivera-Moreno v. I.N.S.*,²³ in this case, the United States Court of Appeals focused on the doctrine of "hazardous neutrality". Political opinion could be in the form of membership in social or ideological movements and activities, in the case of *Fatin v INS*²⁴, the United States Court of Appeals, considered being feminist as a form of political opinion for the purpose of persecution.

What has been explained above are the grounds for persecution according to the convention, for the granting of refugee status to any person there must be one or more of them, these grounds have been stated in an exhaustive manner, and no reasons outside the aforementioned list will be considered as grounds for persecution while the new world has several new grounds to flee towards a better life, some time without persecution people flee and cannot stay in their

²¹ *Horvath v. Secretary of State for The Home Department* [2000] 3 WLR 379, [2000] Imm AR 552, [2000] INLR 239, [2000] UKHL 37, [2001] 1 AC 489, [2000] 3 All ER 577, [2001] AC 489.

²² Sachin D. Adarkar, 'Political Asylum and Political Freedom: Moving towards a Just Definition of Persecution on Account of Political Opinion under the Refugee Act' (1994) 42 UCLA L Rev 181,219.

²³ *Rivera-Moreno v. I.N.S.*, 213 F.3d 481 (9th Cir. 2000)

²⁴ *Fatin v INS*, 12 F.3d 1233, 1242 (3rd Cir. 1993).

homeland, for example, problems related to climate, poverty, instability of the state, none of them are mentioned in the convention and they are a set of challenges for human society in modern times.

The role of the judiciary in defining refugees

Judicial organs in various modern legal systems have had a significant impact on the development of the term refugee by providing clarification and interpretation of the concept of persecution and the reasons for persecution as can be observed in the mentioned cases, but as usual, the judicial organs can interpret the existing texts, for this reason, judicial interpretation cannot provide a modern and comprehensive definition of the term refugee in response to the new world that must be followed globally. Another problem related to the judicial role is the affiliation with the various legal systems that exist around the world, any of which reflect the development of human rights in their society and the extent to which their countries adhere to international obligations in the field of human rights and as a result, Interpretations will vary, so despite the crucial role of judicial organs, they cannot fully respond to the needs of the modern world in terms of defining the concept of the refugee.

Modern Human Rights Law and the Definition of Refugees

the selecting approach permeating all components of the refugee definition has been substantially informed-and to some extent mitigated-by the subsequent development of human rights law.²⁵ There are many areas of human rights that are directly related to the definition of a refugee, for example, the right not to be subjected to torture or degrading treatment, the right to freedom of opinion and expression, the right to freedom of thought and religion, the right to life and freedom from discrimination, while talking about persecution for the definition of refugees one or more of these areas will be the basis for the formation of the decision, human right is helpful to clarify several concepts related to the definition of refugee but the human rights law view of the term refugee is different from refugee law in that human rights do not give much importance to borders and sovereignty State While this issue is a major problem in refugee law.

²⁵ Ruth Rubio-Marin, *Human Rights, and Immigration* (1st edn, Oxford University Press, 2014)23.

State sovereignty and the refugee definition

In the event that a person is defined as a refugee or someone claims refugee status in another country, other issues arise related to the state's obligation towards that person, and one of the most important obligations is the principle of non-refoulment, and this is a principle that states follow on the basis of refugee law. But this principle seems to conflict with the sovereignty of the state, especially when there is a group of people fleeing to another state which may cause several changes in this state in different aspects, Therefore, states sometimes refuse to follow the principle of non-refoulment under the pretext of protecting the balance between the right of the state over its territory versus the rights of these people. In this case, the asylum seeker is between two situations, persecution in their homeland and rejection by the other country. The 1951 Convention relating to the Status of Refugees does not come with a definitive solution for this situation.

To prevent asylum seekers from claiming the right of refugees, states have used the concept of "illegal refugees", to treat them as criminals and to give legal cover to any reaction against them, this term is not defined in the Convention and along with the refugee's law, this action by states is also inconsistent with human rights law as well.

The position of Ukrainian refugees in the definition

There is no explicit reference in the Convention to political instability and wars between states or internal wars within states as a basis for granting refugee status if there are no grounds for persecution as we mentioned, but in recent years this instability has led thousands of people to flee their countries. Ukrainians are the latest clear example, there is a serious question regarding this case, does the international community neglect all those people who fled due to instability because there is no basis for instability in the definition of refugees in the Convention or are they accepted as refugees? and does the definition of refugees in the convention include those who fled due to instability in their country? As it turns out, the will of some states is moving to accept those fleeing Ukraine as refugees, and some neighbouring countries of Ukraine such as Poland, Hungary, Moldova and Slovakia opened their borders to Ukrainian people, and some other countries announced other mechanisms to receive Ukrainians, for

example, the United Kingdom developed special programs to receive a significant number of them.²⁶

Bill Frelick, the director of Human Rights Watch's Refugee Rights Program from the USA and related to providing protection suggested that “This is needed not only for the Ukrainians fleeing war but also for others fleeing conflict and disasters who similarly need protection but may fall outside the exclusionary legal walls that leave them in danger”.²⁷ Acceptance of Ukrainians by states is more an administrative decision than a legal act, but this shows another fact, which is that the existing definition of refugee needs to be formally amended.

Conclusion

The 1951 convention relating to the status of refugees was written more than 70 years to deal with a regional crisis after World War II, and the definition of refugee in this convention reflects this period. It is true there is the fundamental basis for the status of refugees in the definition, and the convention was a suitable response to the situation of European fled people after world war II, and then the judicial organs have had a great impact in interpreting and expanding the context of the definition but in my opinion, the scope of the definition still is in dire need for changes, and cannot respond the refugee crisis in the new world. In addition, the fear of persecution is a cornerstone of the refugee definition, but as has been made clear, there are many other issues that are not clear in the Convention and that have resulted in multiple and varied criteria for dealing with this concept. Moreover, the reasons for persecution are mentioned in the convention in an exhausted list while nowadays there are other reasons for fleeing that the convention does not recognize, and I think in the future there will be other serious causes for fleeing, fleeing because of the climate changes will be one of the challenges to the refugee law which this list can not cover them. Modern human rights law has had a great influence in clarifying some of the terms in refugee law, but it does not have the ability to fundamentally change the definition of refugees. Finally, state sovereignty is another problem facing refugees which can hinder their application for refugee status. For the reasons mentioned

²⁶ BBC, ‘How many Ukrainians have fled their homes and where have they gone?’(BBC, 28 February 2022)< <https://www.bbc.co.uk/news/world-60555472> > accessed 15 May 2022.

²⁷ Human rights watch, ‘Ukrainians Are Refugees, but Our Laws Don’t Consider Them Such’(HRW,30 March 2022) < <https://www.hrw.org/news/2022/03/30/ukrainians-are-refugees-our-laws-dont-consider-them-such> > accessed 16 May 2022.

in this research, I believe that a new and comprehensive definition of the refugees is absolutely necessary to cover the different aspects of this field and respond to the needs of human beings in the twenty-first century.

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