

P.N.D.C.L. 305D
REFUGEE ACT, 1992

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P.N.D.C.L. 305D
REFUGEE ACT, 1992(1)

AN ACT to provide for the status of refugees in the Republic and to provide for related matters.

Prohibition of Expulsion of Refugees

1. Prohibition of expulsion or return of refugees

(1) Despite any other law to the contrary but subject to this Act, a person who is a refugee within the meaning of this Act shall not be refused entry into the Republic, expelled or extradited from the Republic or returned to the frontiers of a territory if as the result of that refusal, expulsion or return that person is compelled to return to or remain in a country where

- (a) that person's life or freedom would be threatened on account of that person's race, religion, nationality, membership of a particular social group or political opinion, or
- (b) that person's life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously disrupting public order in that country or any part of it.

(2) Subsection (1) does not apply to a refugee who

- (a) is a danger to the security of the Republic,
- (b) has committed a serious non-political criminal offence outside the Republic prior to that person's entry into the Republic, or
- (c) having been convicted of a serious criminal offence in the Republic, constitutes a real danger to the public.

2. Illegal entry or presence in the Republic of a refugee

Despite a provision of the Immigration Act, 2000 (Act 573) but subject to this Act, a person claiming to be a refugee within the meaning of this Act, who illegally enters the Republic or is illegally present in the Republic shall not

- (a) be declared a prohibited immigrant,
- (b) be detained, or
- (c) be imprisoned or penalised in any other manner,

merely by reason of that person's illegal entry or presence pending the determination of that person's

application for a refugee status.

3. Detention and expulsion of refugees

A refugee may be detained or expelled for reasons of national security or public order except that a refugee shall not be expelled to a country where the refugee has reason to fear persecution.

Establishment of Refugee Board

4. Establishment and membership of the Refugee Board

- (1) There is hereby established a Board to be known as the Refugee Board.
- (2) The Board shall consist of
 - (a) the chairman,
 - (b) one representative each of
 - (i) the Ministry of the Interior not below the rank of a Director,
 - (ii) the Ministry of Foreign Affairs not below the rank of a Director,
 - (iii) the Immigration Service not below the rank of an Assistant-Director of Immigration,
 - (c) the Inspector-General of Police or the representative of the Inspector not below the rank of an Assistant Commissioner of Police,
 - (d) *omitted,2(2)*
 - (e) one representative each of
 - (i) the Ministry of Employment, Youth and Social Welfare not below the rank of a Director,
 - (ii) the Bureau of National Investigation with the equivalent rank of an Assistant Commissioner of Police,
 - (iii) the Ministry of Justice not below the rank of a Principal State Attorney,
 - (iv) the Ministry of Education not below the rank of an Assistant Director of Education,
 - (v) the National Mobilisation Programme not below the rank of a Director, and
 - (f) one representative of the Office of the United Nations High Commissioner for Refugees in Ghana who shall participate in deliberations of the Board as an observer.

5. The functions of the Board

The functions of the Board are to

- (a) receive and consider applications for refugee status;
- (b) recognise a person as a refugee or a group of persons as refugees, for the purposes of this Act;
- (c) register, and keep a register of, persons recognised as refugees under this Act;
- (d) seek co-operation with non-governmental organisations on matters relating to refugees;

- (e) assist in seeking employment or education for refugees and members of their families;
- (f) endeavour to ensure the provision of adequate facilities, advice and services for the reception and care of refugees in Ghana;
- (g) administer and manage the Refugee Fund established under this Act;
- (h) advise the Minister on matters relating to refugees;
- (i) perform all functions conferred upon it under this Act; and
- (j) perform any other function that may be assigned to it by the Minister.

6. Meetings of the Board

(1) The Board shall meet at least once every two months, at the times and at the places determined by the chairman.

(2) The chairman shall preside at the meetings of the Board and in the absence of the chairman, the members present shall elect one of their number to preside.

(3) Six members of the Board constitute a quorum at a meeting of the Board.

(4) Questions proposed at meetings of the Board shall be determined by a simple majority of the members present and voting and in the event of an equality of votes the chairman or the person presiding shall have a casting vote.

(5) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of a member.

(6) The Board may co-opt a person to act as an adviser or assist it at any of its meetings but a co-opted person is not entitled to vote on a matter before the Board.

(7) Except as otherwise provided in this section the Board shall regulate its own procedure for its meetings.

7. Committees of the Board

(1) The Board may appoint the committees it considers necessary to assist it in the performance of its functions.

(2) A committee of the Board may consist of members of the Board or non-members or both but the committee shall have as its chairman a member of the Board.

Procedure for Application and Grant of Refugee Status, Appeals

8. Application for refugee status

(1) A person who is within the boundaries of the Republic, whether that person entered lawfully or unlawfully who wishes to remain in the Republic as a refugee within the meaning of this Act, shall within fourteen days of the entry into the Republic or a further period that the Board may allow, make an application for recognition as a refugee to the Board through the nearest immigration officer at the point of entry, through an immigration officer, a police officer or through the office of the United Nations High Commissioner for Refugees in Ghana.

(2) The officer through whom or the office through which the application is made shall within seven

days of the receipt of the application, forward the application, together with the documents or any other information which the applicant is able to provide in support of the application to the Board.

(3) The Board shall consider each application referred to it within thirty days of the receipt of the application and shall within the thirty days or thereafter make an inquiry or investigation as the Board thinks necessary into the application and may for the purpose of its investigation, invite the applicant to appear before it.

(4) After its investigation, the Board may recognise or refuse to recognise the applicant as a refugee; and shall notify the applicant of its decision in writing.

9. Appeal on refusal to grant refugee status

(1) A person who is aggrieved by a refusal of the Board to grant that person a refugee status, may within thirty days of being notified of the refusal, appeal in writing to the Minister.

(2) Where an appeal is made to the Minister under subsection (1), the Minister may confirm or reverse the decision of the Board and shall in writing notify the applicant of the decision on the matter.

(3) Before reaching a decision on an appeal under this section, the Minister may do all or any of the following:

- (a) invite the representative in Ghana of the United Nations High Commissioner for Refugees to make oral or written representation on the matter;
- (b) refer the matter back to the Board for further inquiry and investigation to be made;
- (c) make any further inquiry and investigation into the matter that the Minister thinks necessary.

(4) While awaiting the final decision of the Board, the applicant shall be allowed to remain in the country.

10. Residence in the Republic pending recognition

(1) Despite the provisions of any other law, a person who has applied for recognition as a refugee, and each member of that person's family shall have the right to remain within the Republic

- (a) until that person has been recognised as a refugee,
- (b) in the event of the application being unsuccessful, until the applicant has had the opportunity to exhaust the right of appeal under section 9, or
- (c) where an appeal has been dismissed, until the applicant has been allowed a reasonable time not exceeding three months, to seek admission to a country of the person's choice.

(2) The Minister may on an application made to the Minister by the person concerned, extend the period referred to in subsection (1) (c) where the Minister is satisfied that there is a reasonable likelihood of that person being admitted to a country of that person's choice within the extended period.

Rights and Duties of Refugees

11. Rights and duties of refugees

(1) A person granted refugee status in the Republic is entitled to the rights and is subject to the duties specified in

- (a) the articles of the United Nations Convention relating to the Status of Refugees of 1951 set

out in Part One of the Schedule;

- (b) the Protocol Relating to the Status of Refugees of 1967 set out in Part Two of the Schedule; and
- (c) the Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa set out in Part Three of the Schedule.

(2) A person who has been granted a refugee status under this Act and the members of the family shall, subject to the provisions of this Act be

- (a) issued with identity cards in the prescribed form,
- (b) issued with a residence permit,
- (c) issued with the United Nations Travel Document where appropriate, and
- (d) subject to all the laws in force in the Republic.

12. Further provisions relating to family members of recognised refugees

(1) A member of the family of a person granted refugee status in the Republic shall, subject to the provisions of this Act, be permitted to remain in the Republic for as long as the refugee is permitted to remain in the Republic and shall be entitled to the same benefits and rights as the refugee.

(2) Where a member of the family of the refugee is within the Republic by virtue of subsection (1) and the member ceases to be a family member by reason of marriage, attainment of age of majority or the cessation of the dependence on the refugee, the member shall be permitted to continue to remain in the Republic.

(3) On the death of the person with refugee status or on that person's divorce or legal separation from a spouse, a person who immediately before the death, divorce or legal separation was within the Republic by virtue of this section as a member of the family of the refugee shall be permitted to continue to remain in the Republic.

(4) A person who has been permitted to remain in the Republic by virtue of subsections (2) and (3) may apply for a refugee status.

13. Designated areas for refugees

The Minister may, by notice in the *Gazette* or by any other means appropriate, designate places and areas in the Republic where

- (a) persons with refugee status,
- (b) persons who have applied under this Act for refugee status, and
- (c) members of the families of persons referred to in paragraphs (a) and (b),

or any class of refugees shall live.

14. Naturalisation

Subject to the relevant laws and regulations relating to naturalisation, the Board may assist a refugee who has satisfied the conditions applicable to the acquisition of Ghanaian nationality to acquire Ghanaian nationality.

15. Withdrawal of refugee status

(1) The Board may withdraw the recognition where the Board considers that there are reasonable grounds for believing that a person who has been recognised as a refugee

- (a) should not have been so recognised, or
- (b) has ceased to qualify as a refugee for the purposes of this Act.

(2) A withdrawal of refugee status shall be communicated in writing to the person concerned.

(3) A person aggrieved by a decision of the Board to withdraw the recognition as a refugee, may within fourteen days of being notified of the withdrawal appeal in writing to the Minister.³⁽³⁾

(4) The Minister may before reaching a decision on an appeal under this section, do all or any of the following:

- (a) invite the representative in the Republic of the office of the United Nations High Commissioner for Refugees to make oral or written representation in the matter,
- (b) refer the matter back to the Board for further investigation,
- (c) make any further inquiry and investigation that the Minister thinks fit into the matter.

16. Effect of withdrawal of recognition

(1) Where the Board has by virtue of section 15 withdrawn the recognition of a person as a refugee, that person shall cease to be a refugee, and the protection granted to members of that person's family, shall cease with effect from

- (a) fourteen days after the date on which the Board notified the person concerned of the withdrawal of recognition, or
- (b) where an appeal has been lodged with the Minister under subsection (3) of section 15, the date on which the Minister notifies the refugee confirming the decision of the Board.

(2) A member of the family who may be affected by this section may apply for refugee status.

17. Cessation of refugee status

A person shall cease to be a refugee for the purposes of this Act if that person

- (a) voluntarily re-avails the protection of the country of that person's nationality;
- (b) becomes a Ghanaian citizen or acquires the nationality of another country and enjoys the protection of the country of the new nationality;
- (c) voluntarily re-establishes in the country which that person left, or outside which that person remained owing to that person's fear of persecution;
- (d) can no longer, because of the circumstances in connection with which that person was granted a refugee status have ceased to exist, continue to refuse to accept the protection of that person's country of nationality; except that this paragraph shall not apply to a person who satisfied the Board that that person has compelling reasons arising out of previous persecution, for refusing to accept the protection of that person's country of nationality or refusing to return to the country of habitual residence; or
- (e) refugee status is withdrawn.

Miscellaneous

18. Establishment of Refugee Fund

- (1) There is hereby established a fund to be known as the Refugee Fund.
- (2) The sources of the Refugee Fund are,
 - (a) contributions from the Government,
 - (b) contributions from local and international organisations,
 - (c) contributions from foreign governments,
 - (d) moneys realised from projects of the Fund, and
 - (e) contributions from any other sources.

19. Objects of the Fund

- (1) The Refugee Fund shall be used for the
 - (a) provision of relief aid for refugees,
 - (b) establishment of settlement projects for refugees, and
 - (c) funding of any other purposes relating to refugees as may be determined by the Board.
- (2) The applications for grants from the Refugee Fund for any purposes shall be submitted to the Board for its consideration and approval.

20. Bank account

- (1) The moneys received for the Fund shall be deposited in the bank accounts authorised by the Accountant-General and shall be operated by the Board.
- (2) The payments from the bank account specified in subsection (1) shall be made on the authority of the Board for the purposes specified in section 19.

21. Annual report of the Board

The Board shall submit to the Minister, not later than three months after the end of each year, a report on its activities during that preceding year.

22. Audit

- (1) The books and account of the Board shall be audited each year by the Auditor-General.
- (2) The Auditor-General shall submit a report on the audit under this section to the Board within six months after the end of the year to which the report relates.⁴⁽⁴⁾

23. Staff for the Board

The Minister shall provide the Board with the services of the staff required by the Board for the performance of its functions.

24. Offences relating to false information and penalty

A refugee or person claiming to be a refugee who

- (a) makes a false statement, return or representation to an authorised officer or any other person lawfully performing a function under this Act,
- (b) refuses to produce to an authorised officer or that other person a document or to furnish that officer or that other person with an information reasonably required for the purposes of this Act,
- (c) obstructs a person in the performance of functions under this Act, or
- (d) alters a certificate or document issued or made under this Act,

commits an offence and is liable on conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment not exceeding one month or to both the fine and the imprisonment.

25. Regulations

(1) The Minister may, on the advice of the Board, by legislative instrument, make Regulations for the effective implementation of this Act.

(2) Regulations made under subsection (1) may provide for

- (a) the procedure for the consideration of applications for grant of refugee status;
- (b) method of appeal;
- (c) the issue of identification and travel documents to refugees and their families; and
- (d) forms to be used for application for grant of refugee status and for other purposes of this Act.

26. Interpretation

(1) In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**authorised officer**” means an immigration officer, a police officer or a public officer authorised by the Minister to implement any provision of this Act;

“**Board**” means the Board established under section 4;

“**country of nationality**” in relation to a person who has more than one nationality, means each of the countries of which that person is a national;

“**member of family**” in relation to a refugee means

- (a) a spouse of the refugee,
- (b) an unmarried child of the refugee under the age of eighteen years, or
- (c) any other person who is related to the refugee by blood or marriage and who by reason of old age, infirmity or minority is dependent on the refugee;

“**Minister**” means Minister responsible for the Interior;

“**refugee**” means a person who

- (a) falls within the definition provided in,
 - (i) Article 1 of the 1951 United Nations Convention set out in Part One of the Schedule; or
 - (ii) Article 1 of the 1967 Protocol Relating to the Status of Refugee, set out in Part Two of the Schedule; or
 - (iii) Article 1 of the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa set out in Part Three of the Schedule; or
 - (b) belongs to a class of persons declared by the Minister as refugees.
- (2) A person shall not be considered to be a refugee under this Act
- (a) when there are serious reasons to believe that, that person has committed a crime against peace, a war crime or a crime against humanity, as defined in an international instrument to which Ghana is a party and which has been drawn up to make provisions in respect of those crimes; or
 - (b) if that person has been guilty of acts contrary to the purposes and principles of the Organisation of African Unity.

27. Modification of the Aliens Act

The Immigration Act, 2000 (Act 573), applies with the modifications that are necessary to give full effect to this Act.

Schedule

UN CONVENTION RELATING TO THE STATUS OF REFUGEES

[Section 11 (a)]

DONE AT GENEVA ON 28 JULY, 1951

E27

Entry into force: 22 April 1954, in accordance with Article 43

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PART ONE

CHAPTER ONE

Preamble

The High Contracting Parties

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December, 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

Considering that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

Considering that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,

Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognised the international scope and nature cannot therefore be achieved without international co-operation,

Expressing the wish that all States, recognising the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognising that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

Have agreed as follows:

ARTICLE 1 DEFINITION OF THE TERM “REFUGEE”

A. For the purposes of the present Convention, the term “**refugee**” shall apply to any person who

(1) Has been considered a refugee under the Arrangements of 12 May, 1926 and 30 June, 1928 or under the Conventions of 28 October, 1933 and 10 February, 1938, the Protocol of 14 September, 1939 or the Constitution of the International Refugee Organisation;

Decisions of non-eligibility taken by the International Refugee Organisation during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section.

(2) As a result of events occurring before 1 January, 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term “**the country of his nationality**” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words, “events occurring before 1 January, 1951” in Article 1, Section A, shall be understood to mean either

(a) “events occurring in Europe before 1 January, 1951”; or

(b) “events occurring in Europe or elsewhere before 1 January, 1951”,

and each Contracting State shall make a declaration at the time of signature, ratification or accession,

specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if

- (a) he has voluntarily re-availed himself of the protection of the country of his nationality; or
- (b) having lost his nationality, he has voluntarily re-acquired it; or
- (c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- (d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- (e) he can no longer, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; or
- (f) being a person who has no nationality he is, because the circumstances in connexion with which he has been recognised as a refugee have ceased to exist, able to return to the country of his former habitual residence:

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognised by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that

- (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

ARTICLE 2 GENERAL OBLIGATIONS

Every refugee has duties to the country in which he finds himself, which require in particular that he conforms to its laws and regulations as well as to measures taken for the maintenance of public order.

ARTICLE 3 NON-DISCRIMINATION

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

ARTICLE 4 RELIGION

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

ARTICLE 5 RIGHTS GRANTED APART FROM THIS CONVENTION

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

ARTICLE 6 THE TERM "IN THE SAME CIRCUMSTANCES"

For the purpose of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature, a refugee is incapable of fulfilling.

ARTICLE 7 EXEMPTION FROM RECIPROCITY

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.
2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.
5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in Articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

ARTICLE 8 EXEMPTION FROM EXCEPTIONAL MEASURES

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which,

under their legislation, are prevented from applying the general principle expressed in this Article, shall, in appropriate cases, grant exemptions in favour of such refugees.

ARTICLE 9 PROVISIONAL MEASURES

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

ARTICLE 10 CONTINUITY OF RESIDENCE

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

ARTICLE 11 REFUGEE SEAMEN

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

CHAPTER TWO JURIDICAL STATUS

ARTICLE 12 PERSONAL STATUS

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognised by the law of that State had he not become a refugee.

ARTICLE 13 MOVABLE AND IMMOVABLE PROPERTY

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

ARTICLE 14
ARTISTIC RIGHTS AND INDUSTRIAL PROPERTY

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

ARTICLE 15
RIGHTS OF ASSOCIATION

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

ARTICLE 16
ACCESS TO COURTS

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.
3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

CHAPTER THREE
GAINFUL EMPLOYMENT

ARTICLE 17
WAGE-EARNING EMPLOYMENT

1. The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions
 - (a) he has completed three years' residence in the country;
 - (b) he has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his spouse;
 - (c) he has one or more children possessing the nationality of the country of residence.
3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under

immigration schemes.

ARTICLE 18 SELF-EMPLOYMENT

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

ARTICLE 19 LIBERAL PROFESSIONS

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognised by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States, shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

CHAPTER FOUR WELFARE

ARTICLE 20 RATIONING

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

ARTICLE 21 HOUSING

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

ARTICLE 22 PUBLIC EDUCATION

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

ARTICLE 23 PUBLIC RELIEF

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

ARTICLE 24
LABOUR LEGISLATION AND SOCIAL SECURITY

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

- (a) in so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;
- (b) social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:
 - (i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
 - (ii) national laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting States.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

CHAPTER FIVE
ADMINISTRATIVE MEASURES

ARTICLE 25
ADMINISTRATIVE ASSISTANCE

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded him by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by

or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this Article shall be without prejudice to Articles 27 and 28.

ARTICLE 26 FREEDOM OF MOVEMENT

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

ARTICLE 27 IDENTITY PAPERS

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

ARTICLE 28 TRAVEL DOCUMENTS

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory, they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognised and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

ARTICLE 29 FISCAL CHARGES

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

ARTICLE 30 TRANSFER OF ASSETS

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the

purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

ARTICLE 31 REFUGEES UNLAWFULLY IN THE COUNTRY OF REFUGE

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees, who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularised or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

ARTICLE 32 EXPULSION

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

ARTICLE 33 PROHIBITION OF EXPULSION OR RETURN

(“refoulement”)

1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of particularly serious crime, constitutes a danger to the community to that country.

ARTICLE 34 NATURALISATION

The Contracting States shall as far as possible facilitate the assimilation and naturalisation of refugees. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as

possible the charges and costs of such proceedings.

CHAPTER SIX
EXECUTORY AND TRANSITORY PROVISIONS

ARTICLE 35
CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning

- (a) the condition of refugees;
- (b) the implementation of this Convention; and
- (c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Travel Document

Paragraph 1

1. The travel document referred to in Article 28 of this Convention shall be similar to the specimen annexed hereto.

2. The documents shall be made out in at least two languages, one of which shall be English or French.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The documents shall have a validity of either one or two years at the discretion of the issuing authority.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the formal document.

2. Diplomatic or consular authorities, specially authorised for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognise the validity of the documents issued in accordance with the provisions of Article 28 of this Convention.

Paragraph 8

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.

2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of Article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue, if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with Article 28 of this Convention shall be re-admitted to its territory at any time during the period of its validity.

2. Subject to the provisions of the preceding subparagraph, a Contracting State may require the holder

of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorised for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particular as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

ANNEX
SPECIMEN TRAVEL DOCUMENT

The document will be in booklet form (approximately 15 x 10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 July, 1951" be printed in continuous repetition on each page, in the language of the issuing country.

<p><i>(Cover of booklet)</i> TRAVEL DOCUMENT (Convention of 28 July, 1951)</p>
<p>No.</p>
<p>(1) TRAVEL DOCUMENT (Convention of 28 July, 1951)</p>
<p>This document expires on unless its validity is extended or renewed.</p>
<p>Name</p>
<p>Forename(s)</p>
<p>Accompanied bychild (children)</p>
<p>1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.</p>

2. The holder is authorised to return to
(state here the country whose authorities are issuing the document) on or before
unless some later date is hereafter specified.

(This period during which the holder is allowed to return must not be less than three months).

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.]*

(This document contains pages exclusive of cover).

*The sentence in brackets to be inserted by Governments which so desire.

(2)

Place and date of birth

Occupation

Present residence

*Maiden name and forename(s) of wife

.....

*Name and forename(s) of husband

.....

Description

Height

Hair

Colour of eyes

Nose

Shape of face

Complexion

Special peculiarities

Children accompanying holder

Name

Forename(s)

Place and date of
birth

Sex

.....

.....

.....

.....

*Strike out whichever does not apply.

(This document contains pages, exclusive of cover).

(3)

Photograph of holder and stamp of issuing authority Finger-prints of holder (if required)

Signature of holder
(This document contains pages, exclusive of cover).

(4)

1. This document is valid for the following countries:

.....
.....
.....
.....

2. Document or documents on the basis of which the present document is issued.

.....
.....
.....

Issued at

Date

.....
*Signature and stamp of authority issuing the
document*

Fee paid:
(This document contains pages, exclusive of cover).

(5)

Extension or renewal of validity

Fee paid: From

To

Done at Date

.....
*Signature and stamp of authority extending or
renewing the validity of the document*

.....
Extension or renewal of validity

Fee paid: From

To

Done at Date

.....

*Signature and stamp of authority extending or
renewing the validity of the document*

(This document contains pages, exclusive of cover).

(6)
Extension or renewal of validity

Fee paid: From
To

Done at Date

.....
*Signature and stamp of authority extending or
renewing the validity of the document*

Extension or renewal of validity

Fee paid: From
To

Done at Date

.....
*Signature and stamp of authority extending or
renewing the validity of the document*

(This document contains pages, exclusive of cover).

(7-32)
Visas

The name of the holder of the document must be repeated in each visa.
(This document contains pages, exclusive of cover).

Entry into force: 4th October, 1967, in accordance with Article VIII

Text: United Nations Treaty Series No. 8791, Vol. 606, p. 267

The States Parties to the present Protocol

Considering that the Convention relating to the Status of Refugees done at Geneva on 28th July, 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January, 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January, 1951,

Have agreed as follows:

ARTICLE I
GENERAL PROVISIONS

1. The States Parties to the present Protocol undertake to apply Articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term “**refugee**” shall, except as regards the application of paragraph 3 of this Article, mean any person within the definition of Article 1 of the Convention as if the words “As a result of events occurring before 1 January, 1951 and ” and the words “ as a result of such events”, in Article 1A (2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with Article 1B (1) (a) of the Convention, shall, unless extended under Article 1B (2) thereof, apply also under the present Protocol.

ARTICLE II
CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

1. The States Parties to the present Protocol undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.

2. In order to enable the Office of the High Commissioner, or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning

- (a) the condition of refugees;
- (b) the implementation of the present Protocol;
- (c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

ARTICLE III
INFORMATION ON NATIONAL LEGISLATION

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

ARTICLE IV SETTLEMENT OF DISPUTES

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ARTICLE V ACCESSION

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialised agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE VI RESERVATIONS AND DECLARATIONS

1. At the time of accession, any State may make reservations in respect of Article IV of the present Protocol and in respect of the application in accordance with Article I of the present Protocol of any provisions of the Convention other than those contained in Articles 1, 3, 4, 16 (1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this Article shall not extend to refugees in respect of whom the Convention applies.

2. Reservations made by States Parties to the Convention in accordance with Article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.

3. Any State making a reservation in accordance with paragraph 1 of this Article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

4. Declarations made under Article 40, paragraphs, 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of Article 40, paragraphs 2 and 3, and of Article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

ARTICLE VII DENUNCIATION

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

ARTICLE VIII NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall inform the States referred to in Article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

ARTICLE X
DEPOSIT IN THE ARCHIVES OF THE SECRETARIAT OF THE UNITED NATIONS

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in Article V above.

APPENDIX
GENERAL ASSEMBLY RESOLUTION 2198 (XXI)

Protocol Relating to the Status of Refugees

The General Assembly,

Considering that the Convention relating to the Status of Refugees, signed at Geneva on 28 July, 1951 covers only those persons who have become refugees as a result of events occurring before 1 January, 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention, irrespective of the date-line of 1 January, 1951,

Taking note of the recommendation of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees that the draft Protocol relating to the Status of Refugees should be submitted to the General Assembly after consideration by the Economic and Social Council, in order that the Secretary-General might be authorised to open the Protocol for accession by Governments within the shortest possible time,

Considering that the Economic and Social Council, in its resolution 1186 (XLI) of 18 November, 1966, took note with approval of the draft Protocol contained in the addendum to the report of the United Nations High Commissioner for Refugees and concerning measures to extend the personal scope of the Convention and transmitted the addendum to the General Assembly.

1. *Takes note* of the Protocol relating to the Status of Refugees, the text of which is contained in the addendum to the report of the United Nations High Commissioner for Refugees.

2. *Requests* the Secretary-General to transmit the text of the Protocol to the States mentioned in Article V thereof, with a view to enabling them to accede to the Protocol.

1495th plenary meeting, 16 December, 1966.

PART THREE
OAU CONVENTION GOVERNING THE SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN

AFRICA
[Section 11 (c)]

Adopted by the Assembly of Heads of State and Government at its Sixth Ordinary Session (Addis Ababa, 10 September, 1969).

Entry into Force: 20 June, 1974, in accordance with Article XI.

Text: United Nations Treaty Series No. 14691.

PREAMBLE

We, the Heads of State and Government assembled in the city of Addis Ababa, from 6–10 September, 1969.

1. *Noting with concern* the constantly increasing numbers of refugees in Africa and desirous of finding ways and means of alleviating their misery and suffering as well as providing them with a better life and future,

2. *Recognising* the need for and essentially humanitarian approach towards solving the problems of refugees,

3. *Aware*, however, that refugee problems are a source of friction among many Member States, and desirous of eliminating the source of such discord,

4. *Anxious* to make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside,

5. *Determined* that the activities of such subversive elements should be discouraged, in accordance with the Declaration on the Problem of Subversion and Resolution on the Problem of Refugees adopted at Accra in 1965,

6. *Bearing* in mind that the Charter of the United Nations and the Universal Declaration of Human Rights have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

7. *Recalling* Resolution 2312 (XXII) of 14 December, 1967 of the United Nations General Assembly, relating to the Declaration on Territorial Asylum,

8. *Convinced* that all the problems of our continent must be solved in the spirit of the Chapter of the Organisation of African Unity and in the African context,

9. *Recognising* that the United Nations Convention of 28 July, 1951, as modified by the Protocol of 31 January, 1967, constitutes the basic and universal instrument relating to the status of refugees and reflects the deep concern of States for refugees and their desire to establish common standards for their treatment,

10. *Recalling* Resolutions 26 and 104 of the OAU Assemblies of Heads of State and Government, calling upon Member States of the Organisation who had not already done so to accede to the United Nations Convention of 1951 and to the Protocol of 1967 relating to the Status of Refugees, and meanwhile to apply their provisions to refugees in Africa,

11. *Convinced* that the efficiency of the measures recommended by the present Convention to solve the problems of refugees in Africa necessitates close and continuous collaboration between the Organisation of African Unity and the Office of the United Nations High Commissioner for Refugees.

Have agreed as follows:

ARTICLE I
DEFINITION OF THE TERM “REFUGEE”

1. For the purposes of this Convention the term “**refugee**” shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or owing to such fear, is unwilling to return to it.

2. The term “**refugee**” shall also apply to every person who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

3. In the case of a person who has several nationalities, the term “**a country of which he is a national**” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

4. This Convention shall cease to apply to any refugee if

- (a) he has voluntarily re-availed himself of the protection of the country of his nationality; or
- (b) having lost his nationality, he has voluntarily re-acquired it; or
- (c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- (d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- (e) he can no longer, because the circumstances in connection with which he was recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; or
- (f) he has committed a serious non-political crime outside his country of refuge after his admission to that country as a refugee; or
- (g) he has seriously infringed the purposes and objectives of this Convention.

5. The provisions of this Convention shall not apply to any person with respect to whom the country of asylum has serious reasons for considering that

- (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
- (b) he committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) he has been guilty of acts contrary to the purposes and principles of the Organisation of African Unity;
- (d) he has been guilty of acts contrary to the purposes and principles of the United Nations.

6. For the purposes of this Convention, the Contracting State of Asylum shall determine whether an

applicant is a refugee.

ARTICLE II ASYLUM

1. Member States of the O.A.U. shall use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.

2. The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State.

3. No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article 7, paragraphs 1 and 2.

4. Where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Member States and through the O.A.U., and such other Member States shall in the spirit of African solidarity and international co-operation take appropriate measures to lighten the burden of the Member State granting asylum.

5. Where a refugee has not received the right to reside in any country of asylum, he may be granted temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangement for his re-settlement in accordance with the preceding paragraph.

6. For reasons of security, countries of asylum shall, as far as possible settle refugees at a reasonable distance from the frontier of their country of origin.

ARTICLE III PROHIBITION OF SUBVERSIVE ACTIVITIES

1. Every refugee has duties to the country in which he finds himself which require in particular that he conforms with its laws and regulations as well as with measures taken for the maintenance of public order. He shall also abstain from any subversive activities against any Member State of the O.A.U.

2. Signatory States undertake to prohibit refugees residing in their respective territories from attacking any State Member of the O.A.U., by any activity likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio.

ARTICLE IV NON-DISCRIMINATION

Member States undertake to apply the provisions of this Convention to all refugees without discrimination as to race, religion, nationality, membership of a particular social group or political opinions.

ARTICLE V VOLUNTARY REPATRIATION

1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.

2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of refugees who request repatriation.

3. The country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.

4. Refugees who voluntarily return to their country shall in no way be penalised for having left it for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the Administrative Secretary-General of the O.A.U., inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without fear of being disturbed or punished and that the text of such appeal should be given to refugees and clearly explained to them by their country of asylum.

5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, shall be given every possible assistance by the country of asylum, the country of origin, voluntary agencies and international and inter-governmental organisations, to facilitate their return.

ARTICLE VI TRAVEL DOCUMENTS

1. Subject to Article III, Member States shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto, for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. Member States may issue such a travel document to any other refugee in their territory.

2. Where an African country of second asylum accepts a refugee from a country of first asylum, the country of first asylum may be dispensed from issuing a document with a return clause.

3. Travel documents issued to refugees under previous international agreements by States Parties thereto shall be recognised and treated by Member States in the same way as if they had been issued to refugees pursuant to this Article.

ARTICLE VII CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE ORGANISATION OF AFRICAN UNITY

In order to enable the Administrative Secretary-General of the Organisation of African Unity to make reports to the competent organs of the Organisation of African Unity, Member States undertake to provide the Secretariat in the appropriate form with information and statistical data requested concerning

- (a) the condition of refugees;
- (b) the implementation of this Convention; and
- (c) laws, regulations and decrees which are, or may here-after be in force relating to refugees.

ARTICLE VIII CO-OPERATION WITH THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

1. Member States shall co-operate with the Office of the United Nations High Commissioner for Refugees.

2. The present Convention shall be the effective regional complement in Africa of the 1951 United Nations Convention on the Status of Refugees.

ARTICLE IX
SETTLEMENT OF DISPUTES

Any dispute between States signatories to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the Commission for Mediation Conciliation and Arbitration of the Organisation of African Unity at the request of any one of the Parties to the dispute.

ARTICLE X
SIGNATURE AND RATIFICATION

1. This Convention is open for signature and accession by all Member States of the Organisation of African Unity and shall be ratified by signatory States in accordance with their respective constitutional processes. The instruments of ratification shall be deposited with the Administrative Secretary-General of the Organisation of African Unity.

2. The original instrument, done if possible in African languages, and in English and French, all texts being equally authentic, shall be deposited with the Administrative Secretary-General of the Organisation of African Unity.

3. Any independent African State, Member of the Organisation of African Unity, may at any time notify the Administrative Secretary-General of the Organisation of African Unity of its accession to this Convention.

ARTICLE XI
ENTRY INTO FORCE

This Convention shall come into force upon deposit of instruments of ratification by one-third of the Member States of the Organisation of African Unity.

ARTICLE XII
AMENDMENT

This Convention may be amended or revised if any member State makes a written request to the Administrative Secretary-General to that effect, provided however that the proposed amendment shall not be submitted to the Assembly of Heads of State and Government for consideration until all Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of the Member States Parties to the present Convention.

ARTICLE XIII
DENUNCIATION

1. Any Member State Party to this Convention may denounce its provisions by a written notification to the Administrative Secretary-General.

2. At the end of one year from the date of such notification, if not withdrawn, the Convention shall cease to apply with respect to the denouncing State.

ARTICLE XIV

Upon entry into force of this Convention, the Administrative Secretary-General of the O.A.U. shall register it with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XV
NOTIFICATIONS BY THE ADMINISTRATIVE SECRETARY-GENERAL OF THE
ORGANISATION OF AFRICAN UNITY

The Administrative Secretary-General of the Organisation of African Unity shall inform all Members of the Organisation

- (a) of signatures, ratifications and accessions in accordance with Article X;
 - (b) of entry into force, in accordance with Article XI;
 - (c) of requests for amendments submitted under the terms of Article XII;
 - (d) of denunciations, in accordance with Article XIII.
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Endnotes

1 (Popup - Footnote)

1. The Act was issued as the Refugee Law, 1992 (P.N.D.C.L. 350), made on the 30th December, 1992 and notified in the *Gazette* on 27th August, 1993. The preamble reads,

“WHEREAS the United Nations Convention Relating to the Status of Refugees of 1951 and the United Nations Protocol Relating to the Status of Refugees of 1967 have been ratified by the Government of Ghana:

WHEREAS the organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of September, 1969 was ratified by the Government of Ghana:

AND WHEREAS it is necessary to give effect to the said Conventions and Protocol in order that the provisions of these shall have the force of the law in Ghana:

NOW THEREFORE in pursuance of the Provisional National Defense Council (Establishment) Proclamation, 1981 this Act is hereby made:”

2 (Popup - Footnote)

2. The reference to the Committee for the Defence of the Revolution has been omitted as that organisation does not now exist.

3 (Popup - Footnote)

3. The reference to the finality of the decision of the Minister has been omitted as offending [article 125](#) of [the Constitution](#).

4 (Popup - Footnote)

4. See [article 187](#) of [the Constitution](#).