

Summary

Now that the international community is finally beginning to pay attention to the existence of an estimated 2 million Iraqi refugees in the Middle East, Iraq's neighbors are closing off escape routes, leaving another 2 million internally displaced persons and untold numbers of other war-affected and persecuted Iraqis trapped and denied the fundamental right to seek asylum in other countries. As high-level government officials meet in Geneva today for the International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighboring Countries convened by the United Nations High Commissioner for Refugees (UNHCR), Iraq's neighbors are refusing entry, imposing onerous new passport and visa requirements, and literally building fences to keep out further refugees. And the legal status and living conditions for those who have managed to escape the armed conflict in Iraq is becoming more precarious by the day.

Conference participants should not only focus on apportioning humanitarian aid to Iraqis who have managed to escape or are displaced within Iraq, but should uphold the right, enshrined in the Universal Declaration of Human Rights, of all people to seek asylum in other countries by insisting on the right of Iraqis still clamoring to get out of Iraq to flee to neighboring countries for safety. The Conference should call on neighboring states to scrupulously observe the fundamental principle of *nonrefoulement*, including non-rejection at the border and ports of entry, and to admit at least temporarily all Iraqi asylum seekers and Palestinian refugees residing in Iraq who seek asylum at their borders. The valid security concerns of neighboring countries can be addressed, in part, by registering asylum seekers and providing them legal status, as well as by providing them the means to live in safety and dignity.

Human Rights Watch recently traveled to Jordan and Egypt to assess the situation of Iraqi asylum seekers and refugees (Syria denied visas to the Human Rights Watch researchers). In November 2006 Human Rights Watch published a 106-page report about the status of Iraqi refugees in Jordan, "The Silent Treatment: Fleeing Iraq, Surviving in Jordan" (<http://www.hrw.org/reports/2006/jordan1106/>), and a separate report, "Nowhere to Flee: The Perilous Situation of Palestinians in Iraq"

(<http://hrw.org/reports/2006/iraq0706>), on the conditions facing Palestinians in Iraq and those who have fled to Jordan and Syria, but there have been significant developments in Jordan since then. In other surrounding countries, the numbers of Iraqi refugees allowed in are so small and their situation so hidden that meaningful research into their situation cannot be conducted: Saudi Arabia is building a US\$7 billion high-tech barrier on its border with Iraq to keep Iraqis out; Kuwait is equally categorical in its rejection of Iraqis. Asked about its policy toward Iraqi refugees, Dr. Ahmad al-Salim, a high-ranking official in the Saudi Ministry of Interior, told Human Rights Watch in late November, “We do not take refugees. Why cannot the U.S. solve the situation?” Circumstances of refugee flight have largely spared Turkey and Iran from significant influxes, in marked contrast to the 1991 Persian Gulf War when hundreds of thousands of refugees were at their doors.

Notwithstanding restrictive measures they may be taking to prevent the entry of asylum seekers, the countries that are bearing the brunt of the Iraqi refugee crisis are not the ones responsible for creating it. The responsibility to provide and maintain asylum for Iraqi refugees cannot be allowed to rest on the recipient countries alone. As the two countries that undertook a war that has directly caused thousands of deaths, widespread fear and suffering, and forced displacement, and that precipitated a sectarian conflict that has caused additional violence, persecution, and displacement on a massive scale, the United States and the United Kingdom have a particular responsibility both to refugees living in the region and those still seeking refuge. While the willingness of the United States, belatedly, to resettle up to 7,000 Iraqi refugees this year (though only 3,500 are projected to be admitted), especially those being targeted because they worked for U.S. forces, is a welcome beginning, it represents a tiny fraction of the refugees in the region and, by itself, is not adequate burden sharing and does little to address the broader problem. The UK has not even committed to admit Iraqis under threat for having worked for British forces in Iraq, much less provided meaningful support to meet the humanitarian needs of refugees in the region.

As in any refugee crisis, the wider international community has a collective responsibility to share the burden that should not fall simply on those countries that happen to be located at the receiving end of a mass refugee exodus. The preamble

to the 1951 Refugee Convention notes that “the grant of asylum may place unduly heavy burdens on certain countries” and that refugee solutions “cannot therefore be achieved without international cooperation.” On the occasion of this critical, high-level international conference on the situation of Iraqi refugees and internally displaced persons, Human Rights Watch calls on all governments to heed the call of the Refugee Convention and join not only to address the humanitarian needs of Iraqi refugees and internally displaced persons, but their protection needs as well.

Human Rights Watch recognizes and applauds the openness and tolerance that Jordan and Syria, in particular, generally demonstrated toward Iraqi refugees for the first several years of the war, particularly by allowing asylum seekers to enter and remain. Both countries have limited resources and competing social needs both from their own citizens and from the hundreds of thousands of Palestinian refugees whom they have hosted. Both also have legitimate security concerns and understandable interests and sovereign rights in the management of immigration.

Today, however, there is a discernable hardening of response among all the neighboring countries who have played reluctant host to these refugees, and, in some particular cases, certain countries have taken restrictive measures (in some cases based on particularly odious religious discrimination) that seriously undermine asylum and violate fundamental principles of refugee protection, most notably the principle of *nonrefoulement*—the international customary law and treaty prohibition on the forcible return of persons to a place where they would face the risk of persecution or torture or serious threats to their lives and freedom because of indiscriminate violence and ongoing armed conflict. The obligation to respect the principle of *nonrefoulement* applies to the rejection of asylum seekers at borders and ports of entry when their rejection would subject them to such harms.

Recommendations

To All Countries Bordering Iraq

- Scrupulously observe the fundamental principle of *nonrefoulement*—including non-rejection at the border and ports of entry.
- Admit at least temporarily all Iraqi asylum seekers, Palestinian refugees, and Iranian Kurdish refugees residing in Iraq, who seek asylum at your borders.
- Cooperate with the UN High Commissioner for Refugees in the registration of Iraqi asylum seekers and refugees.
- Provide renewable residency permits and work authorization for Iraqis registered by UNHCR.
- Ensure the right of all children, regardless of residency status, to free and compulsory primary education, as guaranteed in the Convention on the Rights of the Child.
- Ensure compliance with the principle of family unity by allowing and facilitating the exit of family members from Iraq and their entry to countries of asylum where their relatives are located.
- Jordan, Kuwait, Saudi Arabia, and Syria should accede to the 1951 Refugee Convention and its 1967 Protocol, and Turkey should drop its geographical limitation to the Convention and Protocol. In consultation with UNHCR, all countries in the region should establish domestic refugee laws and build infrastructures for processing asylum claims and providing protection for refugees.

To Other Members of the Arab League

- Contribute quickly and generously both bilaterally and through UNHCR to meet the humanitarian and protection needs of Iraqi and Palestinian refugees from Iraq in Jordan, Syria, and other countries of first asylum, as well as internally displaced people inside Iraq.
- In a spirit of humanitarian solidarity with fellow Arab League members shouldering the double burden of Palestinian and now Iraqi refugees, and in order to convince those countries to maintain first asylum for Iraqi and new

Palestinian refugees from Iraq, consider a significant program of refugee resettlement to provide for more equitable burden sharing in a region that has deep cultural and historical ties with the Iraqi and Palestinian people.

To the United States and the United Kingdom

- Acknowledge your particular responsibilities for Iraqi refugees and internally displaced persons by contributing quickly and generously both bilaterally and through UNHCR to meet the humanitarian and protection needs of Iraqi and Palestinian refugees from Iraq in Jordan, Syria, and other countries of first asylum, as well as internally displaced people inside Iraq.
- Institute significant refugee resettlement programs not only to identify refugees of special humanitarian concern because of their ties to the United States or the United Kingdom, but also to preserve asylum and the right to seek asylum in neighboring countries.
- As a matter of urgency, facilitate the evacuation of Palestinian refugees seeking to leave Iraq. Encourage Israel, in the absence of a resolution of the broader Palestinian refugee issue, to allow Palestinian refugees from Iraq to return at least to areas now administered by the Palestinian National Authority. Offer to resettle Palestinians from Iraq to the United States and the United Kingdom who are unable or unwilling to return to their places of origin.
- Provide temporary or permanent asylum, as appropriate, to Iraqi asylum seekers on your territory and at your borders and ports of entry, and scrupulously observe the principle of *nonrefoulement*.
- Urge the governments of neighboring states not to deport Iraqi asylum seekers and refugees and Palestinian refugees from Iraq fleeing persecution and violence. While providing financial and resettlement support to these countries, insist that they keep their borders open to these refugees and asylum seekers and that refugees and asylum seekers fleeing Iraq be treated in accordance with international standards.

To All Donor Governments and the International Community

- Contribute quickly and generously both bilaterally and through UNHCR to meet the humanitarian and protection needs of Iraqi and Palestinian refugees

- from Iraq in Jordan, Syria, and other countries of first asylum, as well as internally displaced people inside Iraq.
- Provide both temporary and permanent asylum, as appropriate, to Iraqi and Palestinian refugees fleeing war and persecution in Iraq who seek asylum in the territories, borders, or ports of entry of any country, and scrupulously observe the principle of *nonrefoulement*.
 - Provide third-country resettlement possibilities for Iraqi refugees, Iranian Kurdish refugees, and Palestinian refugees from Iraq in order to maintain at least temporary asylum in Jordan, Syria, and other countries in the region that are struggling to cope with the influx of refugees from Iraq.
 - Urge the governments of neighboring states not to deport Iraqi asylum seekers and refugees and Palestinian refugees from Iraq fleeing persecution and violence. While providing financial and resettlement support to these countries, insist that they keep their borders open to these refugees and asylum seekers and that refugees and asylum seekers fleeing Iraq be treated in accordance with international standards.