

ANALYSIS OF THE NON-DISCRIMINATORY PRINCIPLE IN THE PROTECTION OF HUMAN RIGHTS AGAINST REFUGEES IN GLOBAL CONFLICT AREAS

Muh. Syah Quddus¹, Arika Dwi Astuti², Masrifah Nufitasari³

E-mail Korespondensi : muhsyahquddus017@gmail.com

¹Faculty of Law, Universitas Ahmad Dahlan, Indonesia

²Faculty of Law, Universitas Ahmad Dahlan, Indonesia

³Faculty of Law, Universitas Ahmad Dahlan, Indonesia

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Abstract

The protection of human rights for refugees in global conflict zones has become a crucial issue requiring greater attention, as many host countries implement selective policies based on political or economic interests. Although the principle of non-discrimination is established in international law, discriminatory practices against refugees based on geographic origin or religion frequently occur, particularly in Europe. This study aims to analyze the implementation of the non-discrimination principle in human rights protection for refugees and to identify gaps in its application at both international and national levels. The research employs a normative juridical approach by analyzing secondary data from primary, secondary, and tertiary legal materials. The findings indicate that non-discriminatory protection for refugees continues to face significant challenges despite the existing international legal framework, as host countries often fail to effectively implement this principle. Domestic legal reforms, strengthened monitoring mechanisms, and multilateral collaboration are necessary to establish a more equitable and just refugee protection system. International organizations such as UNHCR and IOM play a key role in ensuring the implementation of the non-discrimination principle through stricter oversight of host country policies and training for relevant authorities.

Keyword: *Non-Discrimination Principle, Human Rights, Refugees, Global Conflict*

Introduction

In the era of globalization and increasingly complex geopolitical dynamics, the protection of human rights (HAM) of refugees in global conflict areas has become one of the crucial issues that urgently needs to be analyzed in depth. Conflict-ridden regions, such as Syria, Myanmar, and Afghanistan, have led to



refugee crises involving millions of people who are forced to flee their homes for safety. According to data from the United Nations Refugee Agency (UNHCR), by the end of 2024, the number of global refugees will reach more than 35 million people, with the majority coming from areas of ongoing conflict (UNHCR 2024). Amidst this reality, the principle of non-discrimination, as one of the fundamental tenets of human rights, becomes a crucial topic in refugee protection. This principle is intended to ensure that every individual, regardless of race, religion, or nationality, receives equal protection under international law.

However, discriminatory practices continue to emerge in refugee-receiving countries. According to Lavergne (2024), many refugees from Sub-Saharan Africa or the Middle East face more hurdles than those from other regions like Ukraine, demonstrating unequal treatment in asylum procedures.

The principle of non-discrimination has been enshrined in several international legal instruments, including the 1948 Universal Declaration of Human Rights (UDHR), particularly Article 2, which affirms that every individual is entitled to all the rights and freedoms set forth in the Declaration without any discrimination, whether based on race, color, sex, language, religion, political opinion, nationality, or other status (Nations 1948). In addition, the 1951 Refugee Convention, which was adopted to protect the rights of refugees worldwide, underscores the need for non-discriminatory protection for refugees fleeing conflict and persecution. However, in practice, the implementation of this principle often faces various challenges in the field, especially when refugee destination countries impose selective policies based on political, economic, or national security interests.

This selective policy approach becomes evident in how certain European countries prioritize refugees from Ukraine, as seen in data from the European Union Agency for Fundamental Rights (FRA), while refugees from regions like Africa and the Middle East experience more stringent requirements and are frequently rejected. This double standard violates the principle of non-discrimination and undermines international efforts to create equitable refugee protection frameworks. One concrete example that illustrates the violation of the principle of non-discrimination can be seen in the refugee acceptance policies in several European countries that prioritize refugees from certain regions compared to other regions. For example, refugees from Ukraine fleeing the Russian invasion are prioritized for acceptance and protection in Europe compared to refugees from conflict-ridden countries in the Middle East or Africa. This reflects a double standard in refugee protection, which is contrary to the principle of non-discrimination. Data from the European Union Agency for Fundamental Rights (FRA) indicates inequalities in the application of refugee-related policies, with refugees from Sub-Saharan Africa and

the Middle East facing more refusals or obstacles in the asylum process.(Lavergne 2024).

This study aims to comprehensively examine how the principle of non-discrimination is implemented in the protection of human rights for refugees in global conflict zones, as well as to identify existing gaps in the application of this principle. This study is motivated by the fact that, despite the presence of various international legal instruments governing refugee protection, significant gaps in practical implementation remain evident. For instance, in the 1951 Refugee Convention and the 1967 Protocol, although the principle of non-discrimination is explicitly mentioned, there are regulatory loopholes regarding enforcement mechanisms and sanctions for countries that violate this principle. Moreover, Lavergne (2024) argues that while these legal instruments exist, enforcement remains problematic, especially when national policies prioritize geopolitical interests over international human rights obligations.

Although previous studies have focused on the legal aspects of refugee protection in general, few have specifically analyzed the application of the principle of non-discrimination, especially in the midst of contemporary geopolitical dynamics that further complicate the situation. A key contribution of this study is to expand the academic discourse on refugee human rights protection through the lens of non-discrimination, which has often been overlooked in previous studies. This research is also expected to provide more concrete policy recommendations to promote better implementation of this principle, particularly for refugee-hosting countries. Furthermore, this study will examine the extent to which differential treatment of refugees based on geographical origin or religious background violates fundamental human rights principles and international law, as well as identify the factors influencing such discriminatory policies.

From a legal perspective, Article 14 of the Universal Declaration of Human Rights states that everyone has the right to seek and enjoy asylum from persecution in other countries. However, this right is often restricted by national policies that prioritize security and domestic political considerations over international obligations to protect refugees (Nations 1948). Furthermore, Article 3 of the 1951 Refugee Convention also underlines the importance of non-discrimination in providing protection to refugees, regardless of their national origin, race, or religion (UNHCR 1966). The fact that there are countries that selectively accept refugees with certain cultural or religious backgrounds, while rejecting others, suggests that there is an imbalance that needs to be addressed through further research.

This research also seeks to fill the gap between normative principles and the realities that refugees face on the ground. For example, a recent study by Human

Rights Watch (2023) highlighted that refugees from the Middle East and Africa fleeing to Europe are often faced with stricter detention policies, while refugees from Ukraine receive much more favorable treatment. Although the principle of non-discrimination is enshrined in international law, in fact, refugees are often treated based on their geographical origin or social background, which implies a violation of their rights as individuals. (Moeckli 2009).

A multidisciplinary approach is necessary to analyze how national and international policies can be better harmonized to ensure that refugees, regardless of their geographical origin or religious background, receive equal protection. This study will also examine how international organizations such as the United Nations (UN), the United Nations High Commissioner for Refugees (UNHCR), and other human rights organizations can play a more proactive role in advocating for the implementation of the principle of non-discrimination in refugee-receiving countries. Given the significance of this issue in relation to human rights and international law, this research is expected to make a significant contribution to the development of more inclusive and equitable policies for refugees worldwide.

This study acknowledges that the greatest challenge in implementing the principle of non-discrimination lies in national interests, which often conflict with international commitments to human rights protection. Countries tend to prioritize national security and domestic political stability when formulating refugee policies, which frequently results in violations of the non-discrimination principle. Therefore, this research aims to provide an in-depth analysis of how this principle can be applied more consistently in the context of the global refugee crisis, taking into account the geopolitical complexities and national policy dynamics that influence human rights protection for refugees.

Research Method

The type of this research is juridical-normative. *Yuridis Normatif* is research conducted by examining library materials or secondary materials. This research will examine issues related to the use of non-discriminatory principles in the protection of human rights against refugees in global conflict areas. The Data Analysis Method will be carried out by collecting secondary data through the review of literature which includes legal materials, both primary namely the Universal Declaration of Human Rights, the 1951 Convention and Protocol on Refugees, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, OAU Convention Governing The Specific Aspects Of Refugee Problems In Africa.

Secondary legal materials are legal materials that explain primary legal materials, namely books, journals, articles, and documents related to the research theme. Tertiary Legal Materials are legal materials that complement primary and secondary legal materials, namely: Legal Dictionary, Indonesian Dictionary, and English Dictionary. The secondary data collection method is done by document study. After the data is collected, the data analysis used is qualitative data analysis. Qualitative data analysis is applied to find and describe field problems or structures and processes in routines and practices. (Quddus and Astuti 2024)

Result and Discussion

1.1 The Principle of Non-Discrimination in International Human Rights Law

The principle of non-discrimination in international human rights (HR) law is a fundamental concept ensuring that every individual has equal rights before the law, without discrimination based on race, gender, religion, nationality, political views, or other statuses (Pobjoy 2010). This principle serves as one of the core pillars underpinning human rights protection within various international legal instruments. In the context of international law, non-discrimination not only signifies formal equality before the law but also entails fair and equal treatment for all individuals, without exception or reduction of rights based on their characteristics or identity.

Theoretically this principle evolves alongside the concept of substantive equality, emphasizing that each individual must be treated according to their circumstances and needs. This theory is rooted in the notion that ignoring background differences may lead to injustice. In this regard, the principle of non-discrimination demands not only equal treatment for all individuals but also the implementation of policies sensitive to the specific conditions of vulnerable groups such as refugees, children, women, and minorities (M. Alvi Syahrin 2019). This understanding renders non-discrimination a dynamic concept, which not only prohibits explicit discriminatory treatment but also promotes broader protection for those vulnerable to unfair treatment.

The primary instrument defining the principle of non-discrimination is the Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948. Article 2 of the UDHR explicitly states that every individual is entitled to all the rights and freedoms outlined in the Declaration without any distinction, whether based on race, skin color, gender, language, religion, political views, or nationality (Nations 1948). This Declaration establishes international standards for respecting human rights and enshrines non-discrimination as a universal value.

Beyond the UDHR, various other instruments also reinforce the principle of non-discrimination, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which mandate states to guarantee civil, political, economic, social, and cultural rights equally without discrimination. Article 26 of the ICCPR specifically underscores this principle, stating that all individuals are equal before the law and entitled to legal protection without discrimination (UNHCR 1966).

The principle of non-discrimination in international human rights law is not merely a theoretical principle; it has concrete applications in various contexts, particularly for vulnerable groups such as refugees from global conflict zones. This principle obliges states and international actors to provide equal protection regardless of an individual's background, including in matters of refugee reception, access to asylum rights, and protection from persecution (Diakite 2025). The 1951 Refugee Convention serves as a key instrument governing refugee protection, adopting the principle of non-discrimination in Article 3, which mandates that signatory states must protect refugees without distinction based on race, religion, or country of origin (UNHCR 1966).

This principle has become increasingly relevant amidst today's global refugee crisis, where millions flee conflict zones such as Syria, Myanmar, and Afghanistan. The United Nations High Commissioner for Refugees (UNHCR) reports that over 35 million people have been displaced due to conflict and violence, with many facing discrimination when seeking protection in host countries. The application of the non-discrimination principle in this context is crucial, given that refugees often belong to minority groups at greater risk of unfair treatment both in their home and host countries.

From an international legal perspective, the principle of non-discrimination is a fundamental pillar ensuring that vulnerable groups, including refugees, receive appropriate protection without bias. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted in 1965, asserts that every individual is entitled to fundamental rights without discrimination based on race, skin color, or national origin (Bintarawati et al. 2023). This reflects a global commitment to non-discriminatory protection, explicitly encompassing refugees from conflict areas.

Refugees as a vulnerable group, face systemic discrimination in many countries. Selective policies prioritizing refugees from certain regions, as seen in the Ukrainian refugee crisis, demonstrate violations of the non-discrimination principle. Meanwhile, refugees from the Middle East and Africa often encounter rejection or discriminatory treatment in various European countries,

contradicting international commitments to protect them based on equality and justice. Such discriminatory practices indicate that while the principle of non-discrimination is universally recognized, its implementation on the ground frequently faces obstacles (M Almudawar and Ichsanoodin Mufty Muthahari 2021).

The importance of ensuring non-discrimination across various vulnerable groups is also evident when examining regional human rights systems. For instance, the European Court of Human Rights (ECtHR) has made landmark rulings on cases involving discrimination against minority groups, including the Roma population and refugees. In the case of *Hirsi Jamaa and Others v. Italy*, the ECtHR emphasized that states must uphold the principle of non-refoulement without discrimination, ensuring that no individual is sent back to countries where they face serious harm. Such judgments underscore the global legal consensus around non-discrimination and the necessity for states to respect human rights equally, regardless of an individual's background or origin (ECtHR, 2012).

While international human rights law presents a solid framework for non-discrimination, real-world applications continue to reveal discrepancies between legal standards and state practices. For example, research on asylum seekers in Australia highlights selective discrimination in immigration policies, where refugees from certain countries, such as Afghanistan and Iraq, face significantly higher rejection rates compared to others. This inconsistency reflects the broader challenge of translating international human rights principles into domestic policy that genuinely upholds equality for all individuals (M. Mares, 2015). Moreover, the reluctance of some states to accept refugees on the grounds of national security concerns has raised serious questions about the compatibility of these measures with international human rights obligations.

Theoretical perspectives also highlight the significance of non-discrimination as an integral component of the universal human rights concept. Thinkers such as John Rawls and Martha Nussbaum emphasize the importance of distributive justice and equality within the context of human rights, arguing that every individual should have the same opportunity to enjoy fundamental rights without discrimination. In his theory of justice, Rawls underscores that the principle of equality is a key element in ensuring that vulnerable individuals are not neglected by legal and political systems (Rawls 1921). Nussbaum, through her capabilities approach, suggests that fundamental rights should be implemented with consideration for individual needs, particularly for those most vulnerable.

Various international human rights instruments also emphasize the application of the non-discrimination principle as a crucial element in ensuring equal protection for all individuals. Another significant instrument is the Convention on the Rights of the Child (CRC), which requires states to protect children's rights without discrimination (UNHCR 1989). Similarly, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obliges states to eliminate discrimination against women in all areas of life, including in conflict and refugee contexts (UNHCR 1979).

The principle of non-discrimination in international law has a broad scope, encompassing various situations and vulnerable groups requiring special protection. As a fundamental principle in human rights law, non-discrimination demands that states not only refrain from discriminatory actions but also take proactive measures to ensure that vulnerable groups such as refugees receive equal protection (Gorlick 2000).

1.2 State Obligations in Implementing Non-Discriminatory Protection for Refugees

The obligation of states to provide non-discriminatory protection for refugees has been clearly established under international law, particularly through the 1951 Refugee Convention and the 1967 Protocol. Refugee protection is a shared responsibility that binds not only host states but also conflict-affected states, transit countries, and the broader international community. The principle of non-discrimination in refugee protection constitutes a fundamental tenet that all states must uphold, regardless of the refugee's race, religion, nationality, or social status (Moeckli 2009).

The 1951 Refugee Convention serves as the most comprehensive legal framework regulating state obligations in refugee protection. Article 3 of this Convention explicitly states that signatory states must apply the provisions of refugee protection without distinction, particularly on the grounds of race, religion, or country of origin (UNHCR 1966). This Convention mandates states to treat refugees with equal standards across all aspects, including civil, political, social, and economic rights. This reflects the non-discriminatory obligation that requires states to ensure fair and impartial treatment of all refugees, irrespective of their origin or identity (Edwards 2005).

The principle of non-discrimination in the refugee context is also closely linked to the right not to be returned to a place of danger (non-refoulement). Article 33 of the 1951 Refugee Convention stipulates that no state shall expel or return a refugee to a place where their life or freedom would be threatened (UNHCR 1966). This obligation is universal and non-derogable, meaning that protection from refoulement must be applied without discrimination against all refugees. States are prohibited from rejecting or returning refugees based on their race, religion, or political background. Refugees from certain regions, such

as the Middle East or Africa, often face discrimination in receiving countries. Such practices contravene international obligations and constitute violations of the principle of non-discrimination (Pobjoy 2010).

States involved in conflicts also bear the responsibility of preventing and mitigating conditions that could lead to discrimination against specific refugee groups. Armed conflicts frequently entail human rights violations, including systematic discrimination against certain ethnic, religious, or minority groups, forcing individuals to flee. States that are parties to conflicts are obligated to adhere to international humanitarian law and international human rights law, which require them to prevent discrimination and inhumane treatment of all civilians, including vulnerable groups at risk of becoming refugees (Mangensihi 2019). Discrimination against specific groups in conflict situations, such as the Rohingya in Myanmar or the Tutsi in Rwanda, has led to large-scale refugee movements, underscoring the responsibility of these states to eliminate discrimination before it triggers a refugee crisis.

Host states are required to ensure that refugees have equal access to fundamental rights without distinction. The principle of non-discrimination applies not only to the admission of refugees but also to their access to healthcare, education, employment, and religious freedom. Host countries often implement policies that indirectly discriminate against refugees, such as restrictions on employment rights or limited access to education, particularly for refugees from specific groups. The obligation of states to uphold non-discrimination extends to providing public facilities and services accessible to refugees without bias (Aspinall et al. 2010).

The implementation of the non-discrimination principle in refugee protection is further supported by various international human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 2 of the UDHR affirms that everyone is entitled to all rights and freedoms without distinction of any kind, including the right to seek asylum from persecution. This principle is reinforced by Article 26 of the ICCPR, which guarantees equality before the law and equal protection without discrimination (UNHCR 1966). States that are parties to this Covenant are obligated to ensure that refugees within their jurisdiction are treated equally to nationals in terms of legal protection.

Refugees often belong to groups that are already vulnerable to discrimination, such as ethnic, religious, or sexual minorities. LGBT refugees, for instance, frequently face dual discrimination in both their country of origin and host states, due to their sexual orientation and refugee status. The obligation of states to protect such vulnerable groups is explicitly outlined in the 1951 Refugee Convention, which mandates states to eliminate all forms of discrimination in providing protection and assistance to refugees. Host countries must establish protection mechanisms that are sensitive to the specific needs of vulnerable groups, including refugee women, children, and persons with disabilities, ensuring their equal access to fundamental rights (Yuliantiningsih 2008).

States also have an obligation to facilitate the integration of refugees into local communities without discrimination. Refugees often experience stigma and discrimination from host communities, which perceive them as threats to security or social welfare (Kusumo 2012). Host states have a responsibility to counter anti-refugee sentiment and racial discrimination through inclusive integration policies. These measures may include educational programs promoting tolerance and diversity, as well as policies encouraging refugee participation in economic and social life on an equal footing. The obligation of states to facilitate non-discriminatory integration is crucial in preventing marginalization and social exclusion of refugees.

The obligation of states to protect refugees without discrimination also extends to ensuring equitable humanitarian assistance. Many refugees residing in camps or temporary settlements lack adequate access to essential aid such as food, water, and healthcare. Host states and international organizations must ensure that aid distribution is conducted fairly and equitably, without discrimination based on the ethnic or religious background of refugees. Discriminatory humanitarian assistance not only violates international obligations but also exacerbates refugee living conditions and increases the risk of conflict among different refugee groups (Asmara and Syahrin 2019).

International donor states providing financial support to host countries also bear the responsibility of ensuring that their aid is effectively utilized to protect refugees without discrimination (Yuliantiningsih 2008). This obligation includes stringent oversight of aid utilization and ensuring that humanitarian programs funded by donors do not neglect vulnerable groups. International monitoring and accountability mechanisms are essential to prevent discrimination in aid distribution and refugee protection.

1.3 Discrimination in Refugee Management in Global Conflict Zones

The management of refugees in global conflict zones often reflects the inability of states to effectively implement the principle of non-discrimination. The cases of Syrian refugees, Rohingya from Myanmar, and Ukrainian refugees illustrate differing treatments of displaced persons, both in conflict zones and in receiving countries. The principle of non-discrimination is a fundamental pillar of international refugee law, enshrined in the 1951 Refugee Convention and the 1967 Protocol, which obliges states to provide protection regardless of race, religion, nationality, or political affiliation (Asmara and Syahrin 2019). However, in many cases, refugees experience differential treatment based on factors irrelevant to their need for protection.

The conflict in Syria has generated one of the largest refugee crises in the world. Receiving countries in Europe have demonstrated varying policies, with some, such as Germany, opening their doors to Syrian refugees on humanitarian grounds. Others, such as Hungary and Poland, have implemented strict and often discriminatory policies under the pretext of national security. In some countries, such as Greece, refugees are placed in camps under extremely poor conditions with limited access to basic services, including healthcare and

education. In many cases, factors such as religion and geographical origin influence state decisions on asylum eligibility. For instance, Christian Syrian refugees have, in certain cases, been prioritized over Muslim refugees, reflecting religious preferences that contradict the principle of non-discrimination (Pobjoy 2010).

The conflict in Myanmar involving the Rohingya ethnic group illustrates the global failure to protect one of the most vulnerable minorities. The Rohingya, a predominantly Muslim community, have long faced systematic discrimination by the Myanmar government, which does not recognize them as citizens. Persecution against the Rohingya has led to mass exoduses, primarily to neighboring countries such as Bangladesh. While Bangladesh has accepted large numbers of Rohingya refugees, many are confined to camps with extremely limited access to basic necessities, employment, and education (M. Alvi Syahrin 2019). The international community widely acknowledges that the treatment of the Rohingya reflects discrimination based on religion and ethnicity, particularly because they are perceived as distinct from the majority Buddhist population of Myanmar. Southeast Asian countries, including Malaysia and Indonesia, face moral dilemmas in handling Rohingya refugees. While there have been efforts to provide protection, responses have often been inconsistent and influenced by domestic political considerations.

The recent conflict in Ukraine has further highlighted the differential treatment of refugees, particularly when comparing how Ukrainian refugees have been received in Europe versus refugees from conflicts in the Middle East and Africa (Diakite 2025). Ukrainian refugees, who are predominantly Christian and of European descent, have been welcomed with open arms by many European countries, particularly Poland and Germany. They have been granted swift access to social services, including employment, education, and healthcare, in contrast to refugees from other conflict regions. This preferential treatment has drawn criticism from various groups who argue that racial discrimination plays a role in refugee policies. The privileged treatment of Ukrainian refugees suggests an implicit bias linked to race and geographical origin. While refugees from the Middle East, Africa, and South Asia often face stricter policies and prolonged asylum procedures, those from Eastern Europe are granted protection more readily. This situation underscores how the principle of non-discrimination is frequently violated, depending on the political and social context of receiving states (Besson and Kleber 2020).

The principle of non-discrimination in refugee management is explicitly outlined in Article 3 of the 1951 Refugee Convention, which states that refugees must not be treated differently based on race, religion, or nationality (UNHCR 1966). The Convention further emphasizes that refugees should receive protection regardless of the reasons for their persecution in their home country. However, in practice, states often invoke national security and political stability concerns to justify discriminatory refugee policies. Cases such as the treatment of Syrian and Rohingya refugees demonstrate how host states frequently fail to

uphold this principle, particularly when domestic political and economic interests come into play.

In the case of Rohingya refugees, discriminatory policies are also evident in transit countries. In Malaysia, although the country has not signed the 1951 Refugee Convention, there is limited commitment to providing protection for Rohingya refugees. They face discrimination in access to formal employment and healthcare services, with most being restricted to informal sectors that are not regulated by labor laws. This situation highlights the neglect of fundamental refugee rights, which should be recognized under international legal frameworks, even if Malaysia is not officially bound by the 1951 Refugee Convention.

The analysis of the Syrian, Rohingya, and Ukrainian refugee cases also underscores the crucial role of international actors in ensuring the implementation of the non-discrimination principle. International agencies such as the UNHCR bear the responsibility of monitoring and ensuring that host countries comply with their international obligations to protect refugees without discrimination (Bintarawati et al. 2023). However, the effectiveness of these international actors often depends on the willingness of states to cooperate and uphold the principles enshrined in international refugee law. The failure of many countries to provide fair and equal protection to all refugees highlights significant challenges in ensuring the consistent application of the non-discrimination principle.

1.4 The Role of International Organizations in Promoting Non-Discriminatory Protection for Refugees

International organizations play a central role in promoting non-discriminatory protection for refugees. These institutions act as guardians and facilitators of the implementation of fundamental principles established in international law, including the principle of non-discrimination. Organizations such as the UNHCR (United Nations High Commissioner for Refugees) and IOM (International Organization for Migration) have specific mandates to protect the rights of refugees and migrants worldwide (Kusumo 2012). Their role is not limited to providing humanitarian aid but also involves advocacy, policy development, and monitoring human rights violations that may occur in refugee crisis areas.

The UNHCR serves as the main institution responsible for overseeing the fulfillment of refugees' rights, particularly regarding the non-discrimination principle. This organization was established with a specific mandate to protect refugees and those affected by armed conflict. The UNHCR plays a crucial role in ensuring that countries that have signed the 1951 Refugee Convention and the 1967 Protocol adhere to their obligations to provide equal and fair protection to all refugees, regardless of race, religion, nationality, or political views. In the context of refugee camps and border areas, the UNHCR collaborates with local and regional governments to ensure that aid distribution and access to

healthcare, education, and legal protection are provided equally and non-discriminatory (Aspinall et al. 2010).

The UNHCR has implemented various mechanisms to address violations of the non-discrimination principle, including direct monitoring in refugee camps. For example, field observations and the preparation of annual reports on the refugee situation in various countries enable the UNHCR to identify discriminatory practices, whether from the host government or non-state actors (Kirchschläger et al. 2012). These monitoring mechanisms are complemented by advocacy programs that encourage countries to reform policies that tend to discriminate against or oppress certain refugee groups based on religion, race, or ethnicity. A concrete example of discrimination mitigation efforts can be seen in the handling of Rohingya refugees fleeing to Bangladesh. The UNHCR has actively ensured that Rohingya refugees do not face discrimination regarding access to shelter, food aid, and healthcare services.

The IOM has a broader mandate in addressing global migration, including forced migration due to conflict. This organization is not only involved in coordinating humanitarian operations in crisis-affected areas but also plays a role in developing policies related to safe, orderly, and non-discriminatory migration. The IOM focuses on protecting the rights of refugees and migrants regardless of their background. Mechanisms implemented by the IOM in the refugee context include social integration programs aimed at preventing discrimination in refugee destination countries. One example is the reintegration programs in Eastern European and North African countries, where refugees are given fair access to the labor market and education. These programs aim to reduce social tensions that may arise from discriminatory treatment of refugees from specific ethnic or religious groups (Gorlick 2000).

Regional organizations also play an important role in promoting non-discriminatory protection for refugees. In Europe, the European Union (EU) has adopted policies supporting refugee protection through a collective approach. Mechanisms such as the Common European Asylum System (CEAS) aim to align refugee protection standards across EU member states. This system includes non-discrimination principles in the asylum process, with the goal of preventing differential treatment based on race, religion, or nationality (Aspinall et al. 2010). The EU also integrates monitoring mechanisms through institutions such as the European Asylum Support Office (EASO), which helps member states manage asylum applications fairly and non-discriminatorily.

The case of Ukrainian refugees fleeing the Russian invasion illustrates how international organizations, including the EU and UNHCR, play a role in promoting non-discriminatory protection. Ukrainian refugees have been largely welcomed in European countries, including Poland and Germany, with quick access to social services and other basic rights. However, international organizations must work hard to ensure that protection is provided not only to refugees from Europe but also to refugees from other regions facing similar situations. The monitoring mechanisms implemented by the EU and UNHCR

include periodic evaluations of asylum policy implementation to ensure that no discrimination occurs based on race or nationality.

In Africa, the African Union (AU) has policies supporting refugee protection through regional conventions such as the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969 (UNHCR 1974). These policies include non-discrimination principles and emphasize the importance of solidarity among African countries in addressing refugee issues. The AU works with the UNHCR to monitor conditions in refugee camps and strives to ensure that refugees from various ethnic or religious groups receive equal protection. One challenge faced in Africa is ethnic conflicts, which often result in discriminatory treatment of refugees from minority groups. To address this, the AU and UNHCR have launched cross-cultural dialogue and inter-community cooperation programs aimed at mitigating discrimination in refugee camps.

Evaluations of refugee protection mechanisms show that efforts to mitigate discrimination are highly dependent on partnerships between international organizations and local governments. Close cooperation between the UNHCR, IOM, and regional organizations like the AU or the EU enables more effective monitoring of refugee conditions on the ground. Annual reports prepared by the UNHCR and IOM often serve as references for the international community in determining the necessary steps to address discrimination in refugee camps or border areas. These evaluations also serve as a tool to highlight successes and failures in implementing the non-discrimination principle, thus providing opportunities for policy improvement in the future.

1.5 Policy Recommendations to Enhance Non-Discriminatory Protection for Refugees

Enhancing non-discriminatory protection for refugees has become a major concern for both countries and international organizations, particularly given the increasing number of refugees due to armed conflicts, human rights violations, and natural disasters. The refugee phenomenon is a complex global issue that requires multilateral solutions and comprehensive policies to ensure refugees' rights are protected without discrimination. Protection for refugees is not only a moral obligation but also part of international legal commitments that every country must uphold (Asmara and Syahrin 2019). In this context, many countries still face gaps in providing equal protection for refugees, with discrimination based on nationality, religion, and ethnicity often occurring both in refugee camps and at borders.

International organizations such as the UNHCR and IOM have played important roles in promoting non-discriminatory protection for refugees. However, many domestic policies in host countries still exhibit weaknesses in implementing the non-discrimination principle. To improve this situation, there is a need for strong policy recommendations and effective implementation to enable refugees to access their rights equally, without discrimination. Countries and international organizations must focus on policy reforms and strengthening existing legal frameworks to address these disparities (Gorlick 2000). The

solutions proposed should include a multilateral approach that can balance responsibilities among countries in handling refugee issues, given the cross-border nature of this problem.

Here are policy recommendations that can be adopted to enhance non-discriminatory protection for refugees:

- 1. Reform of Refugee Legal Systems in Host Countries**

Every country that is a primary destination for refugees should update their legal systems to ensure non-discriminatory protection. National policies should align with international standards such as the 1951 Refugee Convention and the 1967 Protocol, which stipulate that refugees must be treated equally, regardless of their nationality, religion, or ethnic background. Many countries have not fully adopted these provisions, so it is essential for nations to reform their legal systems to align domestic policies with international law. By doing so, discrimination that frequently occurs at borders or in refugee camps can be minimized.

- 2. Strengthening the Mandates of UNHCR and IOM in Addressing Discrimination**

The UNHCR and IOM should be granted stronger mandates to identify and address cases of discrimination in refugee camps or in host countries. Both organizations should collaborate with local governments to ensure that mechanisms for preventing and addressing human rights violations are effectively implemented. For instance, the UNHCR could develop a more transparent reporting system for discrimination in refugee camps, and the IOM could provide support in the rehabilitation of discrimination victims. A more proactive involvement from these organizations is crucial to ensure that any violations of the non-discrimination principle are swiftly addressed.

- 3. Development of Binding Regional Policies**

Regions such as the European Union, ASEAN, and the African Union should formulate binding regional policies regarding refugee protection, including non-discrimination principles. Such regional policies can provide clear guidelines for member countries in handling refugees and ensure that no discrimination occurs during this process. For example, the European Union has taken significant steps in this area through the "Migration and Asylum Package" adopted by the European Council. ASEAN and the African Union should follow this example by developing similar frameworks to address refugees in their regions.

4. Training and Education for Government Officials

Immigration officials, border guards, and staff in refugee camps should receive training on the importance of the non-discrimination principle in dealing with refugees. Many discrimination cases arise from ignorance or personal biases of government officials against certain groups. By providing proper education on refugees' rights based on international law, including the obligation to treat them equally, the risk of discrimination can be reduced. Host countries can collaborate with the UNHCR and other international organizations to offer regular training for officials.

5. Strengthening Monitoring Mechanisms and Law Enforcement

Strengthening monitoring mechanisms for violations of the non-discrimination principle should be a priority in refugee protection policies. This can be achieved through the establishment of independent monitoring bodies tasked with overseeing the implementation of refugee policies in host countries. These bodies can act as intermediaries between refugees and governments, providing advice and recommendations for policy improvements. The existence of a strong monitoring body will help identify violations more quickly and provide refugees with access to report discriminatory treatment.

6. Multilateral Cooperation and Responsibility Sharing Among Countries

The refugee issue cannot be effectively addressed if it is solely burdened by certain countries. It is essential to encourage multilateral cooperation that involves sharing responsibilities among countries, both in terms of receiving refugees and providing resources for refugees' needs. Countries with greater capacity should provide financial and technical support to countries facing significant pressure from large numbers of incoming refugees. This step is crucial to prevent discriminatory treatment of refugees based on the policies of specific countries.

Strengthening non-discriminatory policies in refugee protection requires commitment from host countries, international organizations, and the global community. Legal reforms, strengthening the mandates of international organizations, and stricter monitoring are concrete steps that can be taken to ensure refugees' rights are respected and protected equally. The implementation of these policies will also have a positive impact on diplomatic relations between countries and strengthen adherence to international law.

Conclusion

Non-discriminatory protection for refugees is a critical aspect of human rights enforcement under international law. Discrimination against refugees based on nationality, religion, or ethnicity remains a major challenge for host countries and international organizations. Although international legal frameworks, such as the 1951 Refugee Convention, have established protection principles, many countries have not implemented them effectively. Additionally, the lack of awareness among officials and weak monitoring mechanisms have led to various forms of discrimination that negatively impact refugees' welfare.

The policy recommendations presented emphasize the importance of domestic legal reforms, strengthening the mandates of UNHCR and IOM, and enhancing multilateral cooperation in addressing refugee issues collectively. Education and training for government officials, the formulation of binding regional policies, and the strengthening of monitoring mechanisms are concrete steps that need to be implemented promptly. All these efforts are expected to create a more just and equitable protection system for refugees, regardless of their background.

It is also crucial for countries and international organizations to continue strengthening their commitment to protecting refugees' rights through non-discriminatory policies. This enhanced protection will not only reduce the potential for social conflict but also improve refugees' integration into host societies, thereby supporting global stability and development.

Recommendation

1. To Host Governments Immediately reform domestic legal systems to ensure refugee policies align with international standards regarding non-discriminatory protection. Additionally, strengthen training for government officials to better understand refugees' rights.
2. To International Organizations (UNHCR and IOM) Increase monitoring of non-discrimination violations in refugee camps and border areas and work more closely with host countries to support law enforcement and rehabilitation for victims of discrimination.
3. To Future Researchers It is recommended that further research be conducted on the effectiveness of non-discriminatory protection policies implemented

in different countries to identify factors determining the success or failure of these policies.

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Author's Brief Biography



Muh. Syah Quddus, S.E., is a Bachelor of Business Management graduate from Universitas Cendekia Mitra Indonesia in 2024 and is currently continuing his Bachelor of Law studies at Ahmad Dahlan University since 2021. He has a deep interest in law, particularly in Business Law, International Trade Law or International Legal issues, and Technology Law. In his academic journey, he has published several scientific publications indexed both nationally and internationally, including entitled *Implications law in ethics sustainable business in Indonesia*, *Utilization of Digital Twin in Intellectual Property Rights Protection as a Strategy in Optimizing the Potential of Halal Economy in Indonesia*, and *Copyright Challenges and Opportunities for the Integration of Generative Artificial Intelligence (GenAI) in Indonesian Higher Education Learning*. He also actively participates in various national and international conferences and international community service activities. He currently works as a Junior Editorial at one of the Scopus indexed law journals in Yogyakarta.



Arika Dwi Astuti is a Faculty of Law student at Ahmad Dahlan University since 2021. She is currently active as a 7th semester student, she has a deep interest in the field of law, especially in Constitutional Law, and International Law. She is active in participating in academic activities, including International PKM in Kuala Lumpur, Malaysia with the theme “*Islamic Inheritance Law Training and Conflict Resolution Through Early Detection and Mediation*”. In college, he served as secretary of Lantern Law Community, an organization that focuses on debate and writing. During his participation in the organization, he won the debate competition with the first place in the Sibermu Fest 2023 debate competition held by Muhammadiyah Cyber University. He has also published an international proceeding with the title “*Copyright Challenges and Opportunities For The Integration of Generative Artificial Intelligence (GenAI) in Indonesian Higher Education Learning*”. He currently works as a Public Realtion at the Faculty of Law, Ahmad Dahlan University.



Masrifah Nufitasari is a Faculty of Law student at Ahmad Dahlan University since 2021. She is currently active as a 7th semester student, she has a deep interest in the field of law, especially in Criminal Law (Criminology and Victimology), Agrarian Law, and International Law. In his academic journey he joined the Community of Criminal Law Study of the Faculty of Law. He has also participated in a national conference entitled The 2ND National Conference On Artificial Intelligence For Multidiciplinary Research (NCAIMR-2).