

# Researching Foreign and International Asylum and Refugee Law

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## Comparative Asylum and Refugee Research

Comparative legal research requires the researcher to access information from many jurisdictions. This research guide will help you identify international and “foreign” materials to assist you in your research. It is important to be aware that primary legal materials from non-English speaking jurisdictions may require the use of legal and non-legal dictionaries in native languages.

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### GETTING STARTED

The first question you should always ask yourself: “Is there a Research Guide on this subject?”

### RESEARCH GUIDES

Research guides are an excellent resource for finding primary and secondary materials on any subject. Often compiled by librarians (expert researchers) and subject experts, research guides should be consulted throughout your research process. Research guides are designed to provide a research framework to make the process easier. They often highlight key print and electronic sources for information. Some suggested Research Guides on Human Rights, Asylum and Refugee Law are:

- **Researching International Human Rights**  
([www.law.berkeley.edu/library/dynamic/guide.php?guide=international\\_foreign/humanRights](http://www.law.berkeley.edu/library/dynamic/guide.php?guide=international_foreign/humanRights))
- **Researching Refugee Law**  
([http://www.law.berkeley.edu/library/dynamic/guide.php?guide=international\\_foreign/refugees](http://www.law.berkeley.edu/library/dynamic/guide.php?guide=international_foreign/refugees))
- **Human Rights Law Research Guide**  
([www.ll.georgetown.edu/guides/HumanRightsLaw.cfm](http://www.ll.georgetown.edu/guides/HumanRightsLaw.cfm))
- **University of Minnesota Human Rights Library Refugee and Asylum Resources**  
([http://humanrights.law.monash.edu.au/center/asylum/refugee\\_index.html](http://humanrights.law.monash.edu.au/center/asylum/refugee_index.html))

- **Guide to International Refugee Law Resources on the Web**  
([www.llrx.com/features/refugee.htm](http://www.llrx.com/features/refugee.htm)) (2007).
  - **ASIL Guide to Electronic Resources for International Law**  
([www.asil.org/resource/home.htm](http://www.asil.org/resource/home.htm))
  - **Foreign and International Law Resources: An Annotated Guide to Web Sites Around the World: Immigration and Asylum Law**  
([http://www.law.harvard.edu/library/research/guides/int\\_foreign/web-resources/immigration-and-asylum-law.html](http://www.law.harvard.edu/library/research/guides/int_foreign/web-resources/immigration-and-asylum-law.html))
  - **Researching International Human Rights - 2004**  
([www.law.umich.edu/library/students/research/Documents/intlhumanrtsbi.pdf](http://www.law.umich.edu/library/students/research/Documents/intlhumanrtsbi.pdf))
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## SECONDARY SOURCES

After consulting a research guide, ask yourself “what about books or articles”? Begin your research with secondary sources. Secondary sources include treatises, books and articles on your particular subject (for a list of specialized journals and yearbooks see [Other Sources of Interest](#) below).

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## USING THE LAW LIBRARY CATALOG

In the Law Library Catalog conduct a SUBJECT search for the following subjects:

Refugee  
Asylum, Right of – (insert country name)  
Human Rights  
Right to Labor

### **Search the library catalog.**

Using the catalog will help you identify relevant treatises, books and journals. As you identify relevant materials, look at the subjects assigned to the title. Try searching for other materials using those subjects.

You may also search by keyword (enabling you to search titles AND tables of content for some books). For more information on advance searching in the Law Library Catalog, visit our online tutorial page:

[www.law.umich.edu/library/students/Pages/LibraryToursandTutorials.aspx](http://www.law.umich.edu/library/students/Pages/LibraryToursandTutorials.aspx)

### **Consult our Book Lists.**

Our book lists contain major print resources on particular areas of law. You may access our Book Lists from the Catalog page here:

<http://lexcalibur.lib.law.umich.edu/screens/booklists.html>. Of particular interest will be our pages on Human Rights and Immigration Law.

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## **ELECTRONIC MATERIALS VIA THE LAW LIBRARY CATALOG**

### **Use our E-Resources.**

From the Law Library Catalog search our E-Resources for the subject “Human Rights”. This will produce a list of electronic resources identified as relevant to Human Rights. You may also search across all electronic resources by name or by subject.

A number of finding tools are available on the E-Resources page. You may browse resources by subject, jurisdiction and category. You may also search for electronic journals from the E-Resources page. For more information on using particular E-Resources, visit our online tutorial page.

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## **INDEXES AND OTHER FINDING TOOLS**

Article Indexes categorize articles by subject. You may also search by title, author or journal name. This is a good way to find articles that ARE NOT in Lexis or Westlaw!

- Index to Foreign Legal Periodicals (link from the E-Resources page)
- Index to Legal Periodicals
- LegalTrac

Browse other indexes and finding tools under the Category heading on our E-Resources page.

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## **FINDING FOREIGN LAW**

### **Reynolds & Flores Foreign Law Guide ([www.foreignlawguide.com/ip/](http://www.foreignlawguide.com/ip/))**

Accessible from our E-Resources Page, the Foreign Law Guide compiles information on sources of primary law in English (when available) for most of the countries of the world. In addition, the FLG provides background information on the legal structure of each country, links to electronic resources for primary law, and a bibliography of secondary sources. This is the preeminent guide to foreign law resources.

### **Foreign Primary Law on the Web ([www.law.uh.edu/libraries/fi/foreignlaw.html](http://www.law.uh.edu/libraries/fi/foreignlaw.html))**

Literally a list of online sources for primary law by country.

## Cornell Legal Information Institute – World pages

Provides links to online sources of foreign and international law by region/country.

(<http://www.law.cornell.edu/world/>)

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### SOURCES FOR INTERNATIONAL LAW (Human Rights, Asylum, Refugees)

- **The United Nations High Commissioner for Human Rights (UNHCHR)**

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

The UNHCHR is an excellent starting point for locating human rights treaties. The UNHCHR is the umbrella organization of the United Nations charged with monitoring and addressing human rights issues globally. International human rights law is governed largely by treaties. The UNHCHR provides a starting point for locating the various Human Rights Treaty Bodies (charged with monitoring treaty compliance). There are seven primary Treaty Bodies. The chart below lists the treaties and corresponding bodies:

Treaty	Treaty Body
<a href="#">International Covenant on Civil and Political Rights</a>	<a href="#">Human Rights Committee (HCR)</a>
<a href="#">International Covenant on Economic, Social and Cultural Rights</a>	<a href="#">Committee on Economic, Social and Cultural Rights (CESCR)</a>
<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination</a>	<a href="#">Committee on the Elimination of Racial Discrimination (CERD)</a>
<a href="#">Convention on the Elimination of All Forms of Discrimination against Women</a>	<a href="#">Committee on the Elimination of Discrimination against Women (CEDAW)</a>
<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</a>	<a href="#">Committee against Torture (CAT)</a>
<a href="#">Convention on the Rights of the Child</a>	<a href="#">Committee on the Rights of the Child (CRC)</a>
<a href="#">International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</a>	<a href="#">Committee on Migrant Workers (CMW)</a>

Each treaty body tracks state declarations and reservations to the respective treaty. The treaty body also collects and responds to state reports through comments (generally about compliance). In many cases the treaty body sends UN Observers to the signatory states. These observers issue reports on state compliance. On occasion, the treaty body will hear complaints dealing with treaty compliance.

Below is a list of electronic sources for locating state reports, treaty body comments and reports and cases resolving complaints (you will also find links to these sources through our E-Resources page). Note that you cannot rely simply on one of these databases to exhaustively located materials. They are best used in conjunction with each other.

- [Bayefsky.com](http://www.bayefsky.com)  
Created by Professor Bayefsky of York University, this site contains links to reports, concluding observations, ratifications, reservations and declarations, jurisprudence and other types of documents of and about the major U.N. human rights treaties. It is searchable by type of document, country or subject matter.
- [U.N. Treaty Body Database](http://www.unhcr.org/refworld/docid/3e6e6e6e.html)  
This United Nations database contains many of the same materials found on Bayefsky.com. The database is searchable by country, U.N. document symbol, treaty, and type of document.
- [United Nations Official Document System \(ODS\)](http://www.unhcr.org/refworld/docid/3e6e6e6e.html)  
ODS can be a source for pdf copies of U.N. documents of all sorts, including treaty body materials. This database contains thousands of U.N. documents, but is not complete.

For more information on general United Nations research see Northwestern's United Nations Research Guide (<http://www.library.northwestern.edu/govinfo/resource/internat/unguide.html>).

The University of Michigan is a United Nations Repository. In addition to electronic resources, we have paper/microfiche access to thousands of United Nations documents either in the Law Library or the Graduate Library.

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- **United Nations High Commissioner for Refugees (UNHCR)**  
<http://www.unhcr.org/cgi-bin/txis/vtx/home>

The UNHCR is the United Nations agency charged with providing assistance and protection to the world's refugees and similarly situated peoples. They are also charged with finding the means to solve the plight of the world's refugees. As such the UNHCR plays an active role in asylum, resettlement and repatriation. The UNHCR website contains a host of material including guidance and analysis of the legal issues relating to refugees and asylum seekers. The most touted portion of the UNHCR website is

- **RefWorld**  
<http://www.unhcr.org/cgi-bin/txis/vtx/refworld/rwmain>

RefWorld provides online access to treaties, country reports, national laws and legislation and cases relating to refugees and asylum. It is a valuable tool for locating primary material on asylum and refugee issues on a country by country basis.

- **Michigan-Melbourne Refugee Case Law Database** ([www.refugeecaselaw.org](http://www.refugeecaselaw.org))

Contains annotated cases from around the world dealing primarily with the definition and interpretation of “refugee” by national courts.

## SOURCES FOR REGIONAL HUMAN RIGHTS LAW

Europe, African and the Americas also have human rights systems. The respective treaties and treaty bodies are:

Treaty	Treaty Body
<a href="#">Convention for the Protection of Human Rights and Fundamental Freedoms</a>	<a href="#">European Court for Human Rights</a> (ECHR) ( <a href="http://www.echr.coe.int/echr/">http://www.echr.coe.int/echr/</a> ) <a href="#">Council of Europe Commissioner for Human Rights</a>
<a href="#">African Charter on Human and Peoples' Rights</a>	<a href="#">African Commission on Human and Peoples' Rights</a> (ACHPR) ( <a href="http://www.achpr.org">http://www.achpr.org</a> )
<a href="#">American Convention on Human Rights</a>	<a href="#">Inter-American Commission on Human Rights</a> (IACHR) ( <a href="http://www.cidh.oas.org/DefaultE.htm">http://www.cidh.oas.org/DefaultE.htm</a> )

Similar to the international UN treaty bodies, the regional bodies produce reports, jurisprudence and other materials to enforce and guide compliance with the respective treaty.

## SOURCES OF REGIONAL CASE LAW

- European Commission of Human Rights and the European Court of Human Rights  
**HUDOC** (court decisions)  
<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>  
**WESTLAW**: EHR-RPTS database (decisions and materials of the Court and Commission from 1979-present)

In Print:

European Court of Human Rights. Série A, [SMITH KJC 5132.A52 E88]  
Reports of judgments and decisions [SMITH KJC 5132.a5215 E88x ]

- African Commission on Human and Peoples' Rights  
<http://www.achpr.org>  
In print:  
Compilation of decisions on communications of the African Commission on Human and Peoples' Rights : extracted from the Commission's activity reports, 1994-2001. [SMITH KQC572 .A52 2002x]
  - Inter-American Commission on Human Rights  
<http://www.cidh.oas.org>  
**WESTLAW:** IACHR-OAS (contains materials from the Commission)  
In print:  
Serie A, Fallos y opiniones / Corte Interamericana de Derechos Humanos 1981- [Stacks JX9 OAS.743 S485a]
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## OTHER SOURCES OF INTEREST

**Specialized Journals** These materials may be available in Hein Online/Lexis/Westlaw or only in print. Start with a title search in the Law Library Catalog before searching Lexis or Westlaw. This is not an exhaustive list of human rights related journals.

- *African Human Rights Law Journal*
- *Australian Journal of Human Rights*
- *Columbia Human Rights Law Review*
- *East European Human Rights Review*
- *European Human Rights Law Review*
- *Harvard Human Rights Journal*
- *Human Rights Law Review*
- *Indian Journal of Human Rights and the Law*
- *The International Journal of Human Rights*
- *International Journal on Minority and Group Rights*
- *Mediterranean Journal of Human Rights*
- *Netherlands Quarterly of Human Rights*
- *South African Journal on Human Rights*
- *South Asian Journal of Human Rights*
- *Yale Human Rights & Development Law Journal*

**Yearbooks – published annually, yearbooks contain articles and often contain primary law excerpts.** These yearbooks may be available in Hein Online/Lexis/Westlaw or only in print. Start with a title search in the Law Library Catalog before searching Lexis or Westlaw. This is not an exhaustive list of yearbooks.

- *Inter-American Year Book on Human Rights*
- *Human Rights Year Book*
- *Yearbook of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*
- *Yearbook of the European Convention on Human Rights*

**FOR FURTHER ASSISTANCE, VISIT THE REFERENCE DESK 7 DAYS A WEEK BETWEEN 9 a.m. AND MIDNIGHT. PROFESSIONAL LIBRARIANS AVAILABLE M-F BETWEEN 9 AND 5.**

**LAW STUDENTS: EMAIL [ASKALAWLIBRARIAN@UMICH.EDU](mailto:ASKALAWLIBRARIAN@UMICH.EDU) TO SET UP A RESEARCH CONSULTATION**

Material for this research guide was derived in part from research guides prepared by librarians at the law libraries of Georgetown and Berkeley.