The Relationship between Human Rights and Refugee Protection: An Empirical Analysis

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Abstract

What is the relationship between a government's respect for the rights of its own citizens and that government's regard for refugee rights? On one hand, we may expect that a country with high human rights standards will also offer a higher quality of asylum. Domestic laws that protect citizens' rights may be extended to refugees, for example. On the other hand, there are reasons to theorize that a country with high human rights standards may offer a lower quality of asylum. For instance, governments may claim that protecting citizens' wellbeing necessitates the rejection of refugees. To explore these questions, I analyse a global dataset drawn from reports by the US Committee for Refugees and Immigrants. I find that the relationship between citizens' rights and refugee rights is modified by economic conditions and the size of the refugee population. Moreover, some domestic rights (like freedom of movement and labor rights) may increase protections for refugees, while others (like rule of law) may decrease them. Refugees have been largely absent from the literature on the politics of human rights. By systematically examining the relationship between human and refugee rights worldwide, this paper fills an important gap in the scholarly and policy literature.

Introduction

The international refugee regime is a rights-based regime, and refugee rights are human rights (Hathaway 2005, Helton 1992, Nicholson and Twomey 1999). The 1951 Refugee Convention and its 1967 Protocol focus on identifying who is a refugee, and setting out standards of treatment.[1] In addition, refugees ought to benefit from more general international human rights treaties relating to for instance, civil and political rights, racial discrimination, torture, and the rights of children. Refugee rights are similar to other human rights, in that they evoke some of the same questions related to commitment to international treaties, compliance with treaty obligations, and enforcement. At the same time, refugee rights are distinct because they apply exclusively to non-citizens, whereas human rights obligations are generally applicable to everyone within a government's jurisdiction (that is, citizens and foreigners alike).

What, then, is the relationship between a government's respect for the rights of its own citizens and that government's regard for refugee rights? This question remains unanswered in the existing literature, but it has implications for the work of advocacy groups who may focus on either citizens, refugees, or both.

On the one hand, we may expect that a country with high human rights standards will also offer a higher quality and quantity of asylum. Domestic laws and institutions that protect citizens' rights may be extended to refugees. A normative commitment to human rights may also impel greater sympathy for refugees. On the other hand, there are reasons to theorize that a country with high human rights standards may offer a *lower* quality and quantity of asylum. Insofar as that country's government reflects the wishes of its constituents, then public antagonism for refugee 'others' may force a shutdown of borders and a withdrawal of refugee

[1] The 1951 and 1967 conventions have been buttressed by a number of regional agreements, including the 1969 Organization of African Unity convention, the 1984 Cartagena declaration, and a range of EU legislative measures.

assistance. Governments may articulate a tradeoff, whereby protecting citizens' rights and wellbeing necessitates the rejection and ejection of refugees.

To explore these questions, I analyze a global dataset drawn from reports by the US Committee for Refugees and Immigrants, which measures the degree to which refugee groups enjoyed four rights around the world between 2005 and 2009: 1) *refoulement* and physical protection; 2) detention and access to courts; 3) freedom of movement and residence; and 4) right to earn a livelihood.

Briefly, I find that the relationship between citizens' rights and refugee rights is modified by economic conditions and the size of the refugee population (in per capita terms). Overall human rights standards have a positive impact on refugee rights in wealthier countries with small numbers of refugees, and a negative impact in poorer countries hosting large refugee populations. The particular constellation of rights examined matters as well: some domestic rights (like freedom of movement and labor rights) may increase protections for refugees, while others (like rule of law) may decrease them.

Refugees have been largely absent from the literature on the politics of human rights, even though rights violations shape the causes of their flight, their experience in transit, and their reception in destination countries. By systematically examining the relationship between human and refugee rights worldwide, this paper fills an important gap in the scholarly and policy literature.

Refugees and Human Rights

To my knowledge, there are no studies that examine the relationship between countries' human rights records and their treatment of refugees. Much of the literature on refugees and human rights is centered on legal analysis and advocacy. Many scholars have sought to explicate

the link between international refugee law and international human rights law, outlining how human rights institutions (i.e., norms, treaties, and organizations) might contribute to refugee protection (Edwards 2005, Gorlick 2000, Clark and Crépeau 1999, Bayefsky 2006, Chetail 2014, Gil-Bazo 2015) .[2] Others have explored the conceptual and ethical dimensions of activism at the intersection of human rights and refugees (Bhabha 2002, David 2008). Insofar as empirical studies of refugees have concerned themselves with human rights, they have focused on demonstrating that repression can generate refugee movements (Melander and Oberg 2006, Moore and Shellman 2004, Schmeidl 1997).

A number of studies have explored the link between migration writ large and international human rights norms and discourse. For example, Money (1998)has shown that human rights norms may shape levels of immigration intake in developed countries. Indeed, some scholars have argued that the global human rights regime has driven states to grant 'postnational' membership rights to migrants, broadly construed (Soysal 1994, Bosniak 2006, Morris 2002). In contrast, Money, Lockhart, and Western (2016) contend that existing accounts of human rights treaty ratification and compliance do not extend to migrant workers' rights. This work emphasizes changing models of citizenship and sovereignty, but does not examine whether and how a government's treatment of its citizens shapes its responses to refugees.

A country with high human rights standards might be expected to accord favorable treatment to refugees. For example, citizens' rights that are embedded in domestic laws and institutions may be extended to non-citizen refugees. Indeed, Hollifield (1992) has shown that liberal norms and principles have constrained developed democracies' ability to regulate immigration (Joppke 1998). Countries that have institutionalized repressive principles, on the

[2] An examination of institutional overlap is provided by (Betts 2010) For a more critical view, see (Haddad 2003, Tuitt 1997)

other hand, may extend their coercive practices to refugees. For repressive states, abusing refugees can also help stave off domestic challengers by demonstrating the government's ability and willingness to deploy violence.

States may also fashion their refugee policies to reflect 'principled beliefs' that align with their domestic human rights norms (Goldstein and Keohane 1993, Risse, Ropp, and Sikkink 1999, Sikkink 1993, Rosenblum and Salehyan 2004). Since refugees are often fleeing severe violations of human rights, states that are committed to human rights norms may try to protect them. When government officials, interest groups, and/or the mass public hold a normative commitment to human rights, there will be increased attention to and compliance with refugee rights. On the flipside, in countries that have internalized repressive norms, refugees may face mistreatment.

Hypothesis 1. Higher human rights standards are associated with greater refugee rights.

Alternatively, a country with high human rights standards may accord unfavorable treatment to refugees. Domestic publics may view refugees as a cultural, economic, or other threat (Ferris 1985, 20, Weiner 1993, 17, Newland 1981, 25). States where government officials face genuine electoral challenges may therefore limit refugee rights in response. Candidates for office may even use an anti-refugee stance as part of their efforts to mobilize voters. In contrast, less transparent and unaccountable governments may not need to concern themselves with public opinion regarding refugees. Indeed, Veney (2007) has shown that democratization resulted in a shift towards more restrictive refugee policies in Kenya and Tanzania.

Governments may also perceive a tension between their duty to protect citizens' rights and the consequences of hosting refugees. Refugee movements can bring increased competition for jobs and stress social services such as housing, education, and health. In developed countries, the welfare state may have to provide services to refugees (Loescher 1989, 3, Weiner 1993, 17, 19). As a result, officials who are concerned for their citizens' rights may crack down on refugees. Non-rights-oriented governments may be less concerned for their citizens' wellbeing. These governments may focus their repressive resources on domestic opponents, such that refugees experience a form of benign neglect (Norman 2019).

Hypothesis 2. Higher human rights standards are associated with fewer refugee rights.

Data and Methods

To investigate the two hypotheses described above, this paper uses a unique dataset that combines country-year data on refugee treatment with various human rights measures. In addition, the dataset encompasses relevant country characteristics including economic performance and demographics, features of the refugee population, and experience with political violence. This section describes how each variable was measured and outlines the analytic strategy pursued.

Outcome Measures

To measure refugee rights, I use data from the *World Refugee Survey* (USCRI 2009). Between 2005 and 2009, the US Committee for Refugees and Immigrants (USCRI) assigned countries report cards to reflect the extent to which refugee groups enjoyed four rights: 1)

refoulement and physical protection; 2) detention and access to courts; 3) freedom of movement and residence; and 4) right to earn a livelihood.[3] Table 1 provides USCRI's description of each right and details its grading scheme.

[Table 1 about here]

I converted these letter grades into numerical values (A=4, B=3, C=2, D=1, and F=0). I also calculated a grade point average (GPA) by taking the average of the four grades (or, where data on *refoulement* was missing, three grades) for each country in each year. Figure 1 shows the distribution of *Refugee Rights GPA* in my dataset.

[Figure 1 about here]

Explanatory Measures

To measure a country's overall human rights record, I combine Freedom House's political rights and civil liberties scores (Freedom House 2016). Each year, Freedom House scores each country on 10 political rights indicators and 15 civil liberties indicators. It assigns a score of 0 to indicate the smallest degree of freedom for each indicator, while a score of 4 represents the greatest degree of freedom. Adding these scores results in a variable, *CivPol Rights*, that ranges from 0 (not free) to 100 (free).

[3] In countries exhibiting difference in rights across refugee groups, USCRI rates that country based on the treatment of the least-favored refugee group.

I also use more specific measures of human rights that correspond to each of the refugee rights described above. To measure physical safety for citizens, I use the Physical Integrity Rights Index from the Cingranelli-Richards (CIRI) Human Rights Data Project (Cingranelli, Richards, and Clay 2014). This variable captures the extent to which governments engage in torture, extrajudicial killing, political imprisonment, and disappearance. *Physical Integrity* ranges from 0 (frequent violations) to 8 (no violations).

To capture domestic access to courts and judicial review of detentions, I use the Rule of Law index (v2x_rule) from the Varieties of Democracy (V-Dem) dataset (Coppedge et al. 2018, Pemstein et al. 2018). *Rule of Law* ranges from 0 (low) to 1 (high) and measures 'To what extent are laws transparently, independently, predictably, impartially, and equally enforced, and to what extent do the actions of government officials comply with the law?'

For citizens' freedom of movement, I rely on two variables from the CIRI project. Freedom of Foreign Movement indicates citizens' freedom to leave and return to their country, while Freedom of Domestic Movement indicates citizens' freedom to travel within their own country. I add the two variables to construct *Freedom of Movement*, which ranges from 0 (severely restricted) to 4 (unrestricted).

Finally, citizens' labor rights are measured via the CIRI Project's Worker's Rights variable. This variable indicates the extent to which workers enjoy internationally recognized rights, such as freedom of association, the right to collective bargaining, freedom from forced labor, a minimum age for employment, and acceptable work conditions. *Labor Rights* ranges from 0 (severely restricted) to 2 (fully protected).

Control Variables

My models also include a number of other variables that are likely to influence refugee rights. A country's ability and willingness to protect refugee rights may be shaped by economic conditions. Hosting refugees entails material costs and can therefore be more demanding during economic downturns. Host countries are often vocal about these concerns, citing them to justify actions like border closures and refugee encampment.[4] Accordingly, I include Per capita GDP (purchasing power parity, constant 2011 dollars) from the World Bank's World Development Indicators (WDI), which ranges from $594 to $93,698 (World Bank 2019). My analysis uses the natural log of this measure, *ln GDP per capita*.

The number of refugees and asylum-seekers may also influence a receiving country's policy responses. Particularly in the face of a large refugee crisis, a country may adopt restrictive policies in order to disincentivise their remaining in the country and to deter future refugees. I extracted information about the number of refugees and asylum seekers in each country in each year from the UN Refugee Agency's (UNHCR) Population Statistics Database (UNHCR n.d.). Using country population statistics from the WDI, I calculated *Refugees per capita* which ranges from 0.005 to 88 refugees per 1,000 inhabitants.

It is likely that the relationship between human rights and refugee rights varies according to countries' wealth and the size of the refugee populations they host. For example, a developed country may face few difficulties in treating a small number of refugees consistently with their human rights standards, whereas a less developed country may struggle to accord the same rights to both citizens and a large number of refugees. Accordingly, I include a three-way interaction

[4] Kibreab cites economic factors to defend keeping refugees in spatially segregated sites in Africa. (Kibreab 1989) Meanwhile, Whitaker argues that international funding shortages contributed to a shift in Tanzania's refugee policies. (Whitaker 2008)

between my measures of human rights (*CivPol Rights*, *Physical Integrity*, *Rule of Law*, *Freedom of Movement*, and *Labor Rights*), my measure of economic performance *ln GDP per capita*, and my measure of the number of refugees and asylum-seekers *Refugees per capita*.

In addition, an aging native population may make governments more receptive to refugees. Refugees can help offset the demographic and economic challenges posed by a decline in the working age population paired with an increase in retirees. For example, in 2015, Germany, Finland, Lithuania, and Sweden linked the surge in Mediterranean arrivals with opportunities for economic growth and job creation in an aging Europe (Ellyatt 2015). To capture this dynamic, I include an *Aging Population* variable. Taken from the WDI, this variable measures the percentage of the population aged 65 and above. It ranges from 2.03% to 13.89%.

Moreover, long-standing refugee populations may be viewed as threatening and therefore mistreated by countries that host them. As other studies have documented, the long-term presence of refugees is associated with the development of political structures that can become militarized, resulting in increased arms trafficking, drug smuggling, and forced recruitment; tensions between refugees and local populations may also grow over time (Loescher et al. 2008). Using information on the years 2005-2009 drawn from UNHCR's *Global Trends 2017* (UNHCR 2018), I coded a dichotomous variable *Protracted Situation*. For each year, this variable takes the value 1 if a country hosted 25,000 or more refugees from the same nationality for five or more consecutive years. It takes the value 0 otherwise.

Refugees may be mistreated if they share an ethnic identity with an excluded minority in the host country. For example, it seems certain that Kenya's exclusionary approach to Kenyan Somalis has shaped its responses to Somalian refugees as well. Similarly, it appears that the Turkish government's distrust of Turkish Kurds may have shaped its response to ethnic Kurdish

refugees from Iraq. The Ethnicity of Refugees (ER) dataset codes the ethnic identity of the three largest refugee groups in neighboring country dyads (Rüegger and Bohnet 2018). The Ethnic Power Relations (EPR) dataset identifies which (if any) domestic ethnic groups experienced active, intentional, and targeted discrimination by the state (Vogt et al. 2015). Using these two datasets, I constructed a dummy variable, *Ethnic Animosity*, which takes on the value 1 if any refugee group in the host country shared a kinship with a domestic ethnic group that faced discrimination, or 0 otherwise.

Alarm over national security or domestic stability may also affect responses to refugees. Receiving countries who are experiencing civil conflict, international war, or terrorist incidents may be more likely to regard refugees as a security threat, and refuse to fully observe their rights as a result. I include two variables to account for this possibility. A dummy variable indicates whether a country experienced a conflict in each year, according to the UCDP/PRIO Armed Conflict Dataset and the UCDP Non-State Conflict Dataset (Gleditsch et al. 2002, Pettersson and Eck 2018, Sundberg, Eck, and Kreutz 2012). *Conflict* takes the value 1 (conflict) or 0 (no conflict). *Terrorism* captures the total number of casualties from terrorist incidents in each country and year, according to the Global Terrorism Database (START 2018). It ranges from 0 to 19,950.

Violent activities by refugees may heighten concerns about security and stability on the part of host governments, leading to crackdowns and restricted rights. Accordingly, I coded the dummy variable *Refugee Violence* using data from the Political and Societal Violence by and Against Refugees (POSVAR) dataset (Gineste and Savun 2019). For each country in each year, this variable takes the value 1 if refugees were involved in any violence against the government

or civilians, if there were any terrorist attacks by refugees, or if there were refugee riots. It takes the value 0 otherwise.

Finally, a country's treatment of refugees may be influenced by the practices of its geographic neighbors. Neighboring countries exchange people and ideas and may share similar cultures.[5] Neighborhood effects may also be related to the cross-border activities of advocacy groups (Bell, Clay, and Murdie 2012). Therefore, I coded a series of variables to capture the average refugee rights performance of each country's neighbors in each year: *Neighbors' GPA*, *Neighbors' Refoulement*, *Neighbors' Detention*, *Neighbors' Movement*, and *Neighbors' Livelihood*. Drawing on the Correlates of War (COW) Direct Contiguity dataset (Stinnett et al. 2002), I treat as neighbors any pair of countries that share a land border or whose borders are separated by a stretch of water of 400 miles or less.

Table 2 presents descriptive statistics for all variables used in my analyses. My analytic sample includes data for 62 countries between the years 2005 and 2009, for a total of 214 country-year observations.[6] Table 4 in the Appendix lists the countries included in my sample.

[Table 2 about here]

Analytic Strategy

For ease in interpreting results, I estimate linear regression models. The first set of models examine the relationship between a country's general human rights record and its

[5] Greenhill extends this argument from the democratic development literature to human rights. (Greenhill 2010)
[6] Somalia was excluded from the sample because it only had information on one right (*Refugee Refoulement*) in one year (2005). Syria was excluded due to missing GDP per capita between 2005 and 2009. Finally, Serbia and Uzbekistan were excluded because there was no data on neighbors' refugee rights.

treatment of refugees. These regress *Refugee Rights GPA* and each of the individual refugee rights (*Refugee Refoulement, Refugee Detention, Refugee Movement,* and *Refugee Livelihood*) on *CivPol Rights* and the control variables described above. The second set of models examine specific measures of human rights that correspond to each of the refugee rights. Including control variables, these regress *Refugee Refoulement* on *Physical Integrity*, *Refugee Detention* on *Rule of Law*, *Refugee Movement* on *Freedom of Movement*, and *Refugee Livelihood* on *Labor Rights*, respectively. In each model, I include country fixed-effects, which ensures that the estimated coefficients are not biased due to the omission of time-invariant country characteristics. In addition, I report robust standard errors clustered on the country, to account for the fact that observations within countries are not independent. As described below, alternative functional forms were used as part of a series of robustness checks.

Results

In Table 3, I present coefficient estimates and cluster-robust standard errors for *Refugee Rights GPA* as well as the individual refugee rights when a general human rights variable (*CivPol Rights*) is included in the model.

[Table 3 about here]

Since the interpretation of interaction coefficients is not straightforward, Figure 2 graphs the effect of *CivPol Rights* in each model, for different values of *ln GDP per capita* and *Refugees per capita*.

[Figure 2 about here]

The average marginal effect of *CivPol Rights* has an upward slope as *ln GDP per capita* rises across all five models, though the estimates do not achieve statistical significance at all in Model 4 and only at low levels of *ln GDP per capita* in Model 5. For example, at the lowest level of *ln GDP per capita* (6.387), a one-point increase in *CivPol Rights* reduces *Refugee Rights GPA* by 0.046 ($p<0.01$), *Refugee Refoulement* by 0.057 ($p<0.1$), *Refugee Detention* by 0.070 ($p<0.05$), and *Refugee Livelihood* by 0.041 ($p<0.01$). In contrast, at the highest level of *ln GDP per capita* (11.448), a one-point increase in *CivPol Rights* raises *Refugee Rights GPA* by 0.051 ($p<0.05$), *Refugee Refoulement* by 0.157 ($p<0.01$), and *Refugee Detention* by 0.074 ($p<0.01$).

Meanwhile, the effect of *CivPol Rights* has a downward slope as *Refugees per capita* rises across all five models, though the estimates do not achieve statistical significance at all in Model 2 and only at low levels of *Refugees per capita* in models 4 and 5. For example, at the lowest level of *Refugees per capita* (4.53e-6), a one-point increase in *CivPol Rights* raises *Refugee Movement* by 0.030 ($p<0.05$). In contrast, at the highest level of *Refugees per capita* (0.088), a one-point increase in *CivPol Rights* reduces *Refugee Rights GPA* by 0.165 ($p<.01$) and *Refugee Detention* by 0.234 ($p<.01$). These are sizeable effects, since *CivPol Rights* ranges from 0 to 100.

Thus, *CivPol Rights* has a positive and statistically significant effect on *Refugee Rights GPA*, *Refugee Refoulement*, and *Refugee Detention*, at high levels of *ln GDP per capita*. In addition, *CivPol Rights* has a positive and statistically significant effect on *Refugee Movement* and *Refugee Livelihood* at low levels of *Refugees per capita*. This result is consistent with Hypothesis 1, which expected human rights standards to be associated with greater refugee rights.

At the same time, *CivPol Rights* has a negative and statistically significant effect on *Refugee Rights GPA*, *Refugee Refoulement*, *Refugee Detention*, and *Refugee Livelihood* at low levels of *ln GDP per capita*. Moreover, *CivPol Rights* has a negative and statistically significant effect on *Refugee Rights GPA* and *Refugee Detention* at high levels of *Refugees per capita*. These results are consistent with Hypothesis 2, which expected human rights standards to be associated with fewer refugee rights.

The results for the control variables are worth noting as well. The presence of long-standing refugee populations in a country is associated with a decline in refugee rights, with a negative and statistically significant coefficient for *Protracted Situation* in models 1 ($p<0.01$) and 2 ($p<0.05$). Specifically, the long-term presence of refugees is associated with worse overall refugee rights, as well as increased forcible returns.

The coefficient for *Ethnic Animosity* is negative and statistically significant ($p<0.01$) in models 1 and 3, but positive and statistically significant in model 5 ($p<0.01$).[7] Recall that *Ethnic Animosity* codes the presence of a refugee group that shares an ethnicity with a domestic group that is discriminated against. When refugees are subject to this hostility, their rights sometimes suffer. Animosity seems to negatively affect refugee rights generally and detention in particular, but to positively affect the possibility of refugees earning a livelihood.

The estimated coefficient for *Terrorism* is positive and statistically significant in models 3 ($p<0.05$) and 4 ($p<0.01$), and negative and statistically significant in Model 5 ($p<0.01$). In other words, an increase in the number of casualties due to terrorist incidents is associated with fewer detentions, greater freedom of movement, and a reduced ability to earn a livelihood.

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[7] This variable drops out in Model 2 because it is collinear with *Refugee Refoulement*. Specifically, *Ethnic Animosity* has the value 0 for all observations in which *Refugee Refoulement* is not missing.

The neighborhood effect, meanwhile, is positive and statistically significant in Model 2 ($p<0.1$) and Model 5 ($p<0.01$), such that a country's provision of physical safety and access to employment for refugees is correlated with its neighbors' refugee refoulement and employment policies. The coefficient estimates for *Aging Population*, *Conflict*, and *Refugee Violence* are not statistically significant across all five models.

I also calculated coefficient estimates and cluster-robust standard errors for the individual refugee rights when more specific and relevant human rights variables are included in the model (see Table 5 in the Appendix). Model 6 has *Refugee Refoulement* as its dependent variable, so I include citizens' *Physical Integrity* as a relevant domestic human right. In Model 7, I examine the relationship between domestic *Rule of Law* and *Refugee Detention* Model 8 looks at the extent to which citizens' *Freedom of Movement* is associated with *Refugee Movement* rights. Finally, Model 9 explores the connection between domestic *Labor Rights* and *Refugee Livelihood* rights. Figure 3 graphs the effect of specific citizens' rights in each model, for different values of *ln GDP per capita* and *Refugees per capita*.

[Figure 3 about here]

Physical Integrity does not have a statistically significant average marginal effect across the full range of values for *ln GDP per capita* and *Refugees per capita*. In other words, we cannot conclude based on Model 6 that a country's regard for the physical integrity of its citizens is associated with its regard for refugees' physical safety.

The variable *Rule of Law* behaves somewhat similarly to *CivPol Rights*, in that its average marginal effect has an upward slope as *ln GDP per capita* rises and a downward slope as

Refugees per capita rises. However, its effects are consistently negative as expected by Hypothesis 2. According to Model 7, a one-point increase in *Rule of Law* reduces *Refugee Detention* by 16.589 ($p<0.01$) at the lowest level of *ln GDP per capita* and by 9.445 ($p<0.05$) at the lowest level of *Refugees per capita.* The average marginal effect for *Rule of Law* is not statistically significant at high levels of *ln GDP per capita*.

In Model 8, *Freedom of Movement* does not have a statistically significant average marginal effect across the full range of values for *ln GDP per capita*. As *Refugees per capita* increases, however, *Freedom of Movement* has a positive slope unlike *CivPol Rights*. Indeed, a one-point increase in *Freedom of Movement* raises *Refugee Movement* by 1.311 ($p<0.1$) when *Refugees per capita* is at its highest level. The average marginal effect for *Freedom of Movement* is not statistically significant at low levels of *Refugees per capita*.

Finally, the average marginal effect of *Labor Rights* has a negative slope as *ln GDP per capita* increases and a positive slope as *Refugees per capita* increases. At the lowest level of *ln GDP per capita*, a one-point increase in *Labor Rights* raises *Refugee Livelihood* by 0.470 ($p<0.05$). The average marginal effect for *Labor Rights* is not statistically significant at high levels of *ln GDP per capita*. Meanwhile, at the highest level of *Refugees per capita*, a one-point increase in *Labor Rights* raises *Refugee Livelihood* by 2.380 ($p<0.1$).

In short, consistent with Hypothesis 1, *Freedom of Movement* has a positive effect on *Refugee Movement* at high levels of *Refugees per capita*, while *Labor Rights* has a positive effect on *Refugee Livelihood* at low levels of *ln GDP per capita* and high levels of *Refugees per capita*. At the same time, *Rule of Law* has a negative effect on *Refugee Detention* at low levels of *ln GDP per capita* and at all levels of *Refugees per capita*, providing support for Hypothesis 2.

To ensure that the results described above are robust, I examined a series of 133 additional regressions (the Online Supplement provides a summary of these checks). First, listwise deletion drops 53 observations and five countries altogether (Canada, China, Libya, and the United States). In addition, it results in the omission of *Ethnic Animosity*, which takes the value 0 for all remaining observations. Still, restricting the analysis in this way did not substantially alter the results for the overall or specific human rights measures. The average marginal effects were very similar to those reported above for five of the models (1, 2, 5, 6, and 7). In the other four models (3, 4, 8, and 9), the average marginal effects gained or lost statistical significance for some values of *ln GDP per capita* and *Refugees per capita*. Still, across all nine models, the slopes for the average marginal effects were similar to those reported in Figure 2 and Figure 3 even if some of the specific estimates differed slightly.

A second set of robustness checks revolved around alternative ways of measuring the variables included in the models. For physical safety for citizens, I substituted the Physical Violence index (v2x_clphy) from the V-Dem dataset and the Political Terror Scale scores based on Amnesty International (PTS-A) and State Department (PTS-S) reports (Gibney et al. 2017). My findings remained robust to the use of Political Terror Scores, while the average marginal effects of v2x_clphy were statistically significant at high and low levels of *ln GDP per capita* and *Refugees per capita*. I also re-estimated Model 7 using Freedom House's Rule of Law score and CIRI's Independence of the Judiciary score, rather than V-Dem's Rule of Law index. My findings remained robust to the use of CIRI's Independence of the Judiciary score, though Freedom House's Rule of Law Score rendered the average marginal effects of that variable non-significant a both high and low levels of *Refugees per* capita. As an alternative way to measure citizens' freedom of movement, I used V-Dem's Freedom of Domestic Movement index

(v2xcl_dmove) and Freedom of Foreign Movement variable (v2clfmove). The findings for v2xcl_dmove were similar to those reported above for Model 8. The average marginal effect for v2clfmove was statistically significant at high *ln GDP per capita* and low *Refugees per capita*.

In a third set of checks for robustness, I added additional control variables to the regression to investigate whether my findings were shaped by omitted variable bias. A country's treatment of refugees may be shaped by additional economic and demographic factors. Controlling for change in GDP per capita, interpolated Migrant Stock (as a percentage of the population), and Population size using WDI data, did not substantially change the results. Adding Unemployment (as a percentage of the total labor force) from the WDI had more of an effect on average marginal effects, though this is likely related to the fact that it was missing for most observations so its inclusion reduced the sample to 104 observations. In addition, regime type may impact countries' refugee policies. However, my findings are robust to adding regime type variables, whether these measures reflected the Polity IV Project's Revised Combined Polity score (Marshall and Jaggers 2002), V-Dem's Electoral Democracy index (v2x_polyarchy), or V-Dem's Liberal Democracy index (v2x_libdem). Following Creamer and Simmons (2015), I also included variables capturing the number and proportion of the nine core international human rights treaties ratified by each country. Finally, I controlled for whether each country was a member of UNHCR's Executive Committee (ExCom) or whether it had a national serving as an ExCom Bureau Representative (i.e., as Chair, Vice-Chair, Rapporteur, or Secretary). Once again, these additional variables did not substantially alter the findings.

Lastly, I examined alternative model specifications by using other functional forms in a final set of robustness checks. Specifically, I ran a tobit (for *Refugee Rights GPA*) and ordinal logit (for all other dependent variables) regressions. I also included year fixed-effects. Once

again, the results for the overall and specific human rights measures remained largely unchanged in terms of direction of effect, and gained statistical significance in many cases.

Discussion

The effect of overall human rights on refugee protection depends on countries' wealth and the number of refugees they host. General human rights standards were associated with greater refugee rights in wealthy countries with small numbers of refugees, consistent with Hypothesis 1. Hypothesis 2 holds in poorer countries hosting sizeable refugee populations, such that general human rights standards were associated with fewer refugee rights. Prior research has shown that larger population sizes and lower levels of economic development are correlated with repression (Poe and Tate 1994, Davenport 2007), most likely because they are related to domestic dissent. This study suggests that similar factors – number of refugees and national economic performance – shape the extent to which a country's overall human rights standards will translate into better compliance with refugee rights.

The results regarding countries' performance on specific human rights also provided mixed support for the hypotheses above. Countries with higher rule of law detained refugees and refused them access to courts. This finding indicates that high rule of law countries may adopt and enforce legislation that provides for the detention of refugees, particularly under adverse economic conditions. For large numbers of refugees per capita, there was a positive relationship between citizens' freedom of movement and refugees' access to similar freedoms. This result might be related to the difficulty of successfully confining very large refugee populations in camps. The positive relationship between labor rights and refugees' access to employment for poorer countries and those with high numbers to refugees may also be linked to the difficulty of excluding refugees from the labor market altogether.

Thus, Hypothesis 1 is supported by the findings related to citizens' freedom of movement and labor rights, while Hypothesis 2 is supported by the findings related to rule of law. At the same time, citizens' physical integrity rights did not translate into better or worse physical safety for refugees (though it is important to note that data on refugees' physical safety was missing for eighteen countries). It would appear, then, that the relationship between citizens' rights and refugee rights varies depending on the particular constellation of rights examined.

The variable *Protracted Situation* behaves as expected. Hosting a long-term refugee population is associated with worse refugee rights overall, and more deportations and encampment in particular. The variable *Ethnic Animosity* also behaves as expected in that it has a negative and statistically significant effect on refugee rights overall and detentions specifically. The null result for *Refugee Movement* and the positive result for *Refugee Livelihood* may be due to the fact that the EPR dataset on which I rely codes political, rather than socio-economic, discrimination. There does not appear to be much of a neighborhood effect, except with regards to *Refugee Refoulement* and *Refugee Livelihood*, whereby a country regulates deportations and refugees' access to the labor market in line with its neighbors' practices. Keeping refugee employment consistent with one's neighbors, in particular, may help countries avoid attracting unmanageable numbers of refugees.

Finally, the number of casualties in terrorist incidents seemed to improve some refugee rights (*Refugee Detention* and *Refugee Movement*) but worsen others (*Refugee Livelihood*). This result is not consistent with previous research on the effects of terrorist attacks on repression (Piazza and Walsh 2009) and anti-refugee violence (Savun and Gineste 2019). In addition, violence by refugees was correlated with fewer deportations. These findings are counterintuitive and merit further study.

The findings in this paper underscore the need to disentangle different sets of refugee rights and to understand the dynamics underlying state compliance or noncompliance with each. For example, further research can shed light on the degree to which socialization (Risse, Ropp, and Sikkink 1999, Goodman and Jinks 2013) shapes compliance with various norms of refugee treatment. At the very least, this paper indicates that the boundaries of political membership shape the extent to which countries respect "the rights of others" (Benhabib 2004). Importantly, it does not seem that "a rising tide lifts all boats" when it comes to the rights of citizens and refugees: improved domestic rule of law is associated with worse outcomes for refugees. This tension has implications for both legal scholars and advocacy groups who seek to employ human rights to enhance refugee protection, and who may need to pay greater care and attention to balancing both sets of rights.

Conclusion

The relationship between citizens' rights and refugee rights varies depending on economic conditions and the number of refugees. A country's overall human rights performance has a positive impact on refugee rights when economic performance is high and the number of refugees is low. It has a negative impact under adverse economic conditions and with sizeable refugee populations. The relationship between citizens' rights and refugee rights also varies depending on the particular rights examined. Some domestic rights (like freedom of movement and labor rights) increase protections for refugees, while others (like rule of law) decrease them.

Existing measures of refugee rights are limited. The dataset used in this paper only covers the years 2005- 2009 and therefore cannot speak to more recent developments. Future scholarship may benefit from the development of a more comprehensive rating of refugee rights across a range of indicators and a greater number of countries and years. Since a single host

government may treat different refugee groups in distinct ways, it is worthwhile to develop refugee rights scores that are disaggregated by groups within a country. In addition, careful case study work will be able to determine the precise relationship between certain citizens' rights and specific refugee rights in particular case study contexts.

Existing scholarship has sought to link human and refugee rights conceptually and legally, but empirical work remains lacking. By systematically examining the relationship between citizens' and refugee rights, future studies can fill an important gap in the scholarly and policy literature.

Appendix

[Table 4 about here]

[Table 5 about here]

Tables

Table 6. *USCRI Refugee Rights Report Card*

Right	*Description*		*Grading Scheme*
Refoulement/Physical Protection	Did the country forcibly return refugees or asylum seekers to their countries of origin or deport them to third countries that did so? Did the government allow asylum seekers a fundamentally fair and efficient process to determine refugee status? Did the government return or deport migrants without adequate screening for refugees? Were refugees in physical danger?	A	No *refoulement*; fair asylum system
		B	No *refoulement* but faulty asylum system
		C	Some *refoulement* but not systematic; governmental harassment & serious physical risk
		D	Systematic *refoulement*; governmental violence against refugees
		F	100+ *refoulements*; severe governmental violence
Detention/Access to Courts	Did the government detain refugees or asylum seekers other than for common crimes or lack of documents? Was detention subject to independent monitoring and judicial review? Were refugees or asylum seekers eligible to receive identity documents attesting to their right to be in the country? Did refugees have access to courts to enforce their rights?	A	No arbitrary detention; access to courts and documentation
		B	Little detention
		C	Significant detention; faulty access to courts and documentation
		D	More than 100 arbitrarily detained
		F	More than 200 arbitrarily detained; no access to courts
Freedom of Movement and Residence	Did the government confine refugees or asylum seekers to camps or segregated settlements? Could they travel freely throughout the national territory and reside where they chose? Did authorities tie aid to encampment? Did refugees have access to international travel documents (other than for resettlement or return)?	A	No restrictions in policy or practice
		B	Almost no restrictions in policy or practice
		C	Restrictions in policy but wide toleration in practice; aid tied to encampment
		D	Restrictions in policy and practice; harassment
		F	Severe restrictions in policy and practice
Right to Earn a Livelihood	Did the government allow refugees or asylum seekers to work and practice professions legally? Did refugees enjoy the protection of labor legislation on par with nationals? Could they legally engage in business and obtain all necessary licenses? Could refugees open bank accounts and acquire, hold title to, and transfer business premises, farmland, homes, or other capital assets?	A	No restrictions in policy or practice
		B	Almost no restrictions in policy or practice
		C	Restrictions in policy but wide toleration in practice
		D	Restrictions in policy and practice; harassment
		F	Severe restrictions in policy and practice

Table 7. Descriptive Statistics

Variable	*Obs*	*Mean*	*Std Dev*	*Min*	*Max*
Refugee Rights GPA	214	1.808	1.041	0	4
Refugee Refoulement	174	2.155	1.190	0	4
Refugee Detention	214	1.818	1.335	0	4
Refugee Movement	214	1.855	1.283	0	4
Refugee Livelihood	214	1.808	1.209	0	4
CivPol Rights	214	45.841	22.816	6	99
Physical Integrity	213	3.127	1.940	0	8
Rule of Law	214	0.412	0.254	0.036	0.995
Freedom of Movement	214	2.093	1.211	0	4
Labor Rights	214	0.486	0.537	0	2
ln GDP pc	214	8.465	1.229	6.387	11.448
Aging Population	214	4.670	2.849	2.028	13.893
Refugees pc	214	0.006	0.011	4.53e-6	0.088
Protracted Situation	214	0.421	0.495	0	1
Ethnic Animosity	214	0.009	0.096	0	1
Conflict	214	0.435	0.497	0	1
Terrorism	214	500.079	2075.996	0	19,950
Refugee Violence	214	0.084	0.278	0	1
Neighbors' GPA	214	1.788	0.753	0	4
Neighbors' Refoulement	201	2.011	0.852	0	4
Neighbors' Detention	214	1.816	0.878	0	4
Neighbors' Movement	214	1.821	0.915	0	4
Neighbors' Livelihood	214	1.804	0.847	0	4

Table 8. Fixed effects regressions for refugee rights, overall human rights measure

	(1) *Refugee Rights GPA*	*(2)* *Refugee Refoulement*	*(3)* *Refugee Detention*	*(4)* *Refugee Movement*	*(5)* *Refugee Livelihood*
CivPol Rights	-0.169***	-0.412***	-0.193**	-0.085	-0.100
	(0.052)	(0.120)	(0.092)	(0.079)	(0.065)
ln GDPpc	-1.080	-4.039**	0.273	-1.536	-0.380
	(0.844)	(1.886)	(1.093)	(1.503)	(0.860)
Refugees pc	-6.343	-839.985**	557.230***	-98.088	258.168
	(109.859)	(387.197)	(179.153)	(271.710)	(284.671)
CivPol Rights x *ln GDPpc*	0.021***	0.054***	0.024**	0.014	0.010
	(0.006)	(0.014)	(0.010)	(0.010)	(0.008)
CivPol Rights x *Refugees pc*	-0.126	12.887	-9.540**	-1.698	-1.440
	(2.741)	(9.772)	(4.491)	(5.635)	(6.704)
ln GDPpc x *Refugees pc*	10.416	109.365***	-53.093***	24.429	-27.103
	(11.424)	(40.297)	(17.563)	(28.258)	(28.329)
CivPol Rights x *ln GDPpc* x	-0.216	-1.828*	0.804*	-0.097	0.154
Refugees pc	(0.291)	(1.014)	(0.450)	(0.602)	(0.674)
Aging Population	0.257	-0.084	0.386	0.610	-0.161
	(0.350)	(0.983)	(0.301)	(0.643)	(0.344)
Protracted Situation	-0.443***	-0.857**	0.017	-0.383*	-0.240
	(0.162)	(0.388)	(0.210)	(0.192)	(0.265)
Ethnic Animosity	-0.555***	–	-1.261***	-0.215	0.478***
	(0.117)		(0.113)	(0.198)	(0.168)
Conflict	0.072	-0.083	-0.010	0.032	0.095
	(0.079)	(0.291)	(0.238)	(0.156)	(0.095)
Terrorism	3.97e-5	-4.99e-5	2.37e-4**	8.18e-5***	-8.77e-5***
	(3.80e-5)	(1.10e-4)	(1.03e-4)	(2.36e-5)	(1.46e-5)
Refugee Violence	0.131	0.398	0.288	0.261	-0.166
	(0.118)	(0.258)	(0.235)	(0.178)	(0.128)
Neighbors' GPA	0.110	–	–	–	–
	(0.078)				
Neighbors' Refoulement	–	0.191*	–	–	–
		(0.111)			
Neighbors' Detention	–	–	-0.001	–	–
			(0.120)		
Neighbors' Movement	–	–	–	0.047	–
				(0.177)	
Neighbors' Livelihood	–	–	–	–	0.314***
					(0.103)
Constant	9.333	34.124**	-2.758	10.547	5.961
	(6.065)	(14.588)	(9.302)	(10.515)	(6.582)
N	214	161	214	214	214
R^2	0.209	0.272	0.218	0.128	0.210

Note: *Ethnic Affinity* was omitted from Model 2 because it took the value 0 for all non-missing values of the dependent variable. Robust standard errors, clustered on the country, are in parentheses. **p*<.1, ***p*<.05, ****p*<.01.

Table 9. *List of countries in analytic sample*

Algeria	Gambia	Panama
Angola	Ghana	Papua New Guinea
Australia	Guinea	Russia
Azerbaijan	India	Rwanda
Bangladesh	Iran	Saudi Arabia
Benin	Iraq	Senegal
Botswana	Israel	Sierra Leone
Brazil	Ivory Coast	South Africa
Burundi	Jordan	Sudan
Cameroon	Kenya	Tanzania
Canada	Kuwait	Thailand
Central African Republic	Lebanon	Turkey
Chad	Liberia	Uganda
China	Libya	United States of America
Colombia	Malawi	Venezuela
Congo	Malaysia	Vietnam
Costa Rica	Mali	Yemen
Democratic Republic of the Congo	Mauritania	Zambia
Ecuador	Namibia	
Egypt	Nepal	
Ethiopia	Niger	
Gabon	Pakistan	

Table 10. Fixed effects regression for refugee rights, specific human rights measures

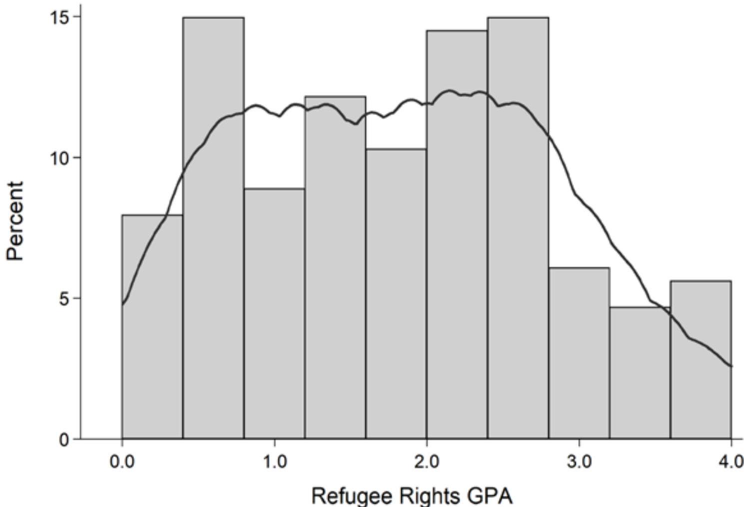
	(6) *Refugee Refoulement*	*(7)* *Refugee Detention*	*(8)* *Refugee Movement*	*(9)* *Refugee Livelihood*
Physical Integrity	-0.900	–	–	–
	(0.583)			
Rule of Law	–	-34.834	–	–
		(29.409)		
Freedom of Movement	–	–	-0.959*	–
			(0.527)	
Labor Rights	–	–	–	-0.985
				(0.985)
ln GDPpc	-2.083	-0.033	-1.058	-0.176
	(2.134)	(2.025)	(1.265)	(0.841)
Refugees pc	-605.260*	427.870	-387.121**	99.076
	(321.980)	(307.656)	(166.248)	(81.324)
ln GDPpc x *Refugees pc*	71.721**	-47.605	42.199**	-10.142
	(35.461)	(35.541)	(18.851)	(8.903)
Physical Integrity x *ln GDPpc*	0.112	–	–	–
	(0.070)			
Rule of Law x *ln GDPpc*	–	2.999	–	–
		(3.746)		
Freedom of Movement x *ln GDPpc*	–	–	0.099	–
			(0.067)	
Labor Rights x *ln GDPpc*	–	–	–	0.119
				(0.108)
Physical Integrity x *Refugees pc*	59.160	–	–	–
	(56.988)			
Rule of Law x *Refugees pc*	–	-426.745	–	–
		(543.428)		
Freedom of Movement x *Refugees pc*	–	–	70.886	–
			(58.383)	
Labor Rights x *Refugees pc*	–	–	–	373.298*
				(212.808)
Physical Integrity x *ln GDPpc* x *Refugees pc*	-7.568	–	–	–
	(6.231)			
Rule of Law x *ln GDPpc* x *Refugees pc*	–	43.741	–	–
		(62.427)		
Freedom of Movement x *ln GDPpc* x *Refugees pc*	–	–	-6.445	–
			(7.428)	
Labor Rights x *ln GDPpc* x *Refugees pc*	–	–	–	-40.921*
				(23.178)
Aging Population	0.135	0.516	0.392	-0.087
	(1.145)	(0.352)	(0.601)	(0.408)
Protracted Situation	-1.356***	0.267	-0.537**	-0.178
	(0.452)	(0.296)	(0.219)	(0.259)
Ethnic Animosity	–	-1.660***	-0.117	0.343
		(0.395)	(0.259)	(0.220)
Conflict	-0.168	-0.014	0.004	0.094
	(0.306)	(0.222)	(0.144)	(0.098)
Terrorism	-4.15e-6	2.24e-4**	8.18e-5***	-8.59e-5***
	(1.12e-4)	(1.00e-4)	(2.61e-5)	(1.49e-5)
Refugee Violence	0.409*	0.254	0.181	-0.100
	(0.237)	(0.214)	(0.154)	(0.111)
Neighbors' Refoulement	0.143	–	–	–

	(0.112)			
Neighbors' Detention	–	-0.167	–	–
		(0.101)		
Neighbors' Movement	–	–	0.006	–
			(0.201)	
Neighbors' Livelihood	–	–	–	0.281***
				(0.105)
Constant	19.022	3.352	9.360	3.101
	(17.121)	(16.363)	(9.391)	(6.583)
N	161	214	214	214
R^2	0.181	0.241	0.098	0.191

Note: *Ethnic Affinity* was omitted from Model 6 because it took the value 0 for all non-missing values of the dependent variable. Robust standard errors, clustered on the country, are in parentheses. *p<.1, **p<.05, ***p<.01.

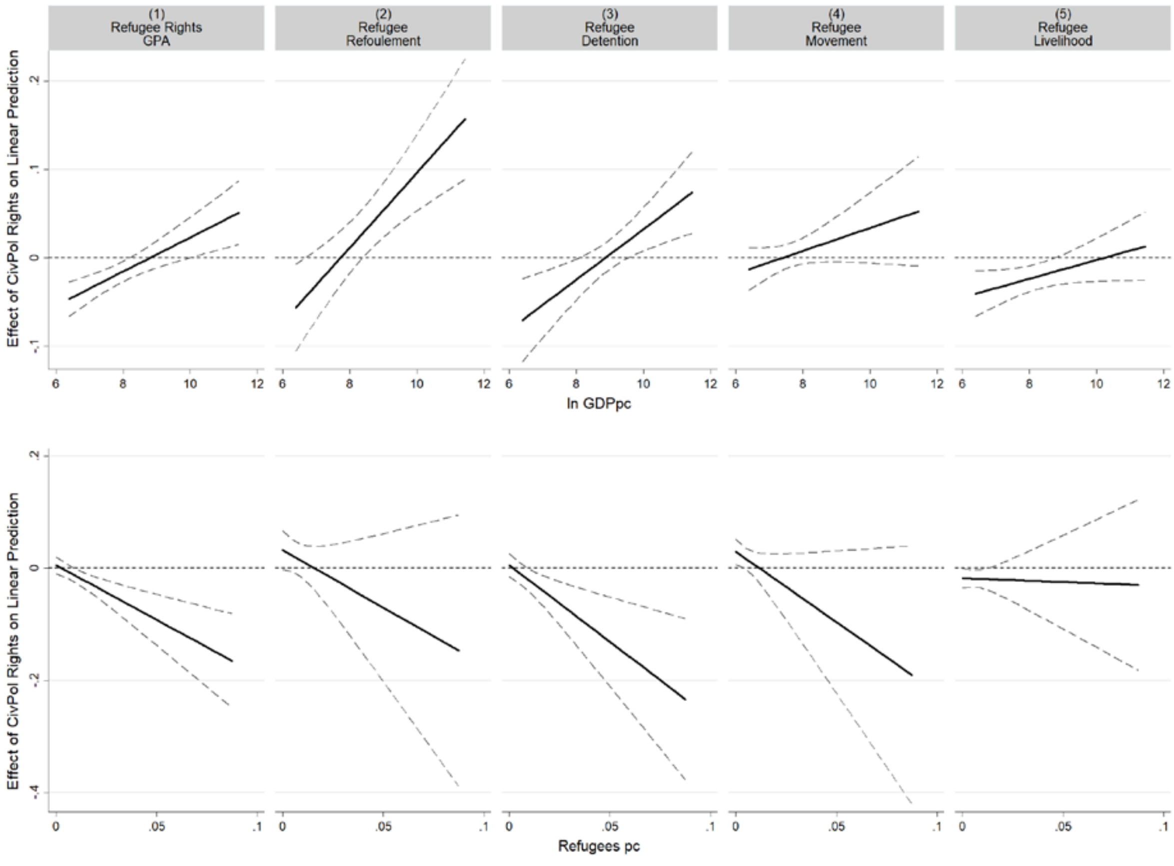
Figures

Figure 4. Histogram and kernel density for refugee rights GPA



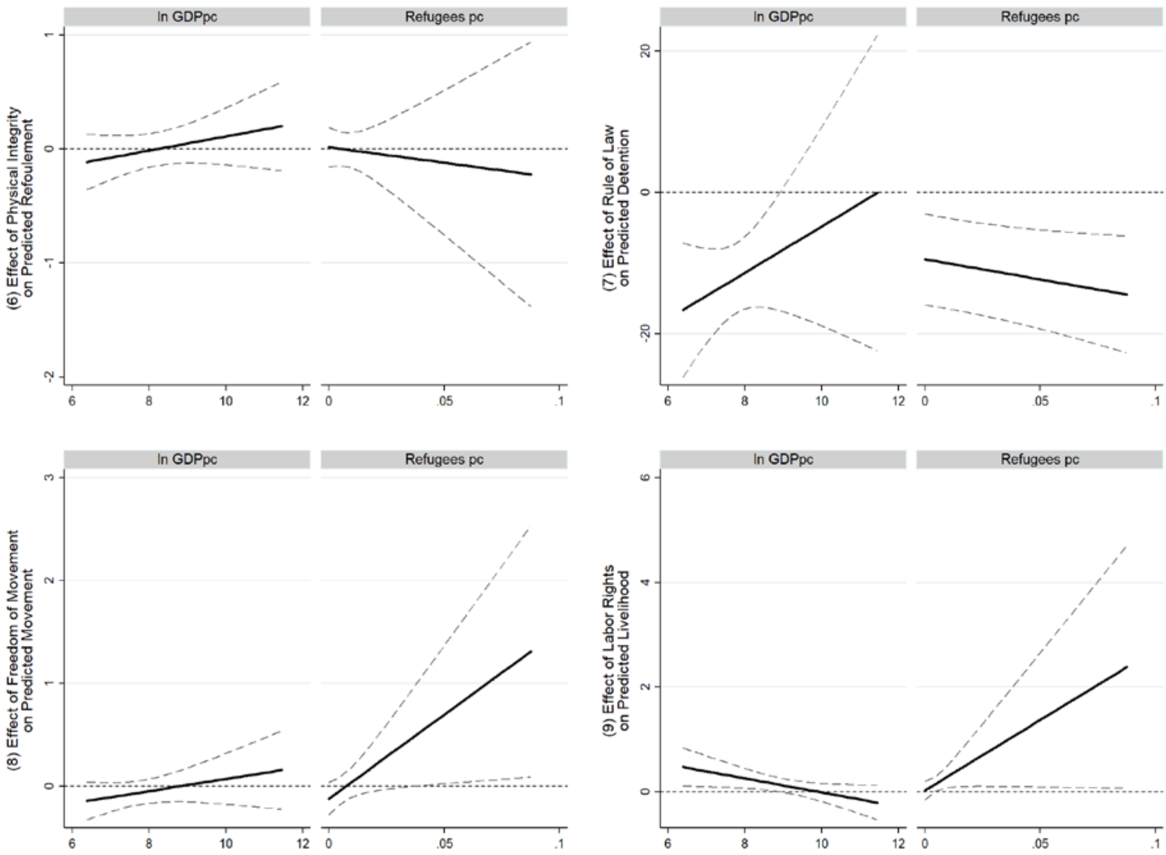
Note: This graph includes 214 country-year observations. The Epanechnikov function was used to produce the kernel density estimate.

Figure 5. Average marginal effect of overall human rights on refugee rights, by economic performance and number of refugees/asylees



Note: Dashed lines represent 90% confidence intervals.

Figure 6. Average marginal effect of specific human rights on refugee rights, by economic performance and number of refugees/asylees



Note: Dashed lines represent 90% confidence intervals.

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