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IRD 406 ASSIGNMENT

QUESTION: Do you think that Developed Countries in Europe and North America are protecting the rights of refuges?

Refugees are men, women and children fleeing war, persecution and political upheaval who have crossed borders to seek safety in another country. Most eventually go home when it’s safe, some stay in temporary refugee settlements.

A refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country. Protecting refugees is the core mandate of the United Nations High Commissioner for Refugees (UNHCR) is a [United Nations](https://en.wikipedia.org/wiki/United_Nations) agency with the mandate to protect [refugees](https://en.wikipedia.org/wiki/Refugee), forcibly displaced communities and stateless people, and assist in their [voluntary repatriation](https://en.wikipedia.org/wiki/Voluntary_return), local integration or [resettlement to a third country](https://en.wikipedia.org/wiki/Third_country_resettlement).

 Governments normally guarantee the basic human rights and physical security of citizens. But when civilians become refugees this safety net disappears. UNHCR’s main role in pursuing international protection is to ensure that states are aware of, and act on, their obligations to protect refugees and persons seeking asylum. However, it is not a supranational organization and cannot be considered as a substitute for government responsibility.

Countries may not forcibly return (refoulement) refugees to a territory where they face danger or discriminate between groups of refugees. They should ensure that refugees benefit from economic and social rights, at least to the same degree as other foreign residents of the country of asylum. For humanitarian reasons, states should allow a spouse or dependent children to join persons to whom temporary refuge or asylum has been granted. Finally, states have an obligation to cooperate with UNHCR.

 Refugees are required to respect the laws and regulations of their country of asylum. (UNHCR, 2002)

 Turkey, Lebanon, and Jordan have already taken over 4.5 million refugees, representing over 95% of the total number of refugees. The amount of refugees coming to Europe is a drop in the ocean of the over 500 million inhabitants of Europe. Let’s not forget Europe’s role in the Middle East. During the last centuries, they have helped write the entire history of both the Middle East and North Africa. It is not Europe’s duty to accept all refugees. Europe’s role in accepting refugees should be proportionate, should be sustainable and should be in line with the interest and the rights of the domestic population of Europe as well as the refugees. Of course Europe should do what it can do, but Europe is not capable of doing everything. (future, 2015)

 The United States has a long tradition of offering refuge to those fleeing persecution and war. However, the Trump Administration, citing unfounded security concerns, put a travel ban in place, slashed refugee arrivals to their lowest levels ever, and separated families while criminalizing desperate people seeking asylum. The United States in 2018 assisted 5,374 refugees to resettle in the U.S.

The mass movement of people in our world today calls us to reflect carefully on the relative weights of the obligations and rights that arise from our common humanity and from our distinctive identities. Let me suggest several priorities among these duties and rights. We should begin by reaffirming the United Nations’ 1951 Refugee Convention’s affirmation that refugees fleeing persecution should have a high-priority claim to be granted asylum in another country.

Refugees are people who have virtually no alternative except flight from home. In almost all cases their choice is either migration or loss of basic human rights, in many cases even the right to life. Thus in all cases where a country has the resources to admit refugees without severely jeopardizing the life and well-being of its own citizens, it ought to do so, granting asylum to the refugees at its borders.

In addition, we should insist with the Refugee Convention that refugees have a right not to be subject to forcible return (refoulement) to regions where they face serious threats to their lives and freedoms. The priority of non-refoulement of refugees is grounded both in Christian respect for the dignity of every person and in the wisdom formed by political experience.

It is clear that wealthy countries like those of Europe and North America have the resources needed to grant asylum to refugees from countries like Syria and South Sudan today. Chancellor Angela Merkel took the right path when she decided to relax Germany’s borders to all those fleeing the chaos of Syria.

When Prime Minister David Cameron of the United Kingdom announced that his country would grant asylum to 20,000 people over the next five years, however, he was appropriately reminded that Lebanon had admitted that many Syrians over the previous two weekends. Indeed, developing countries today host 86 percent of the world’s refugees, the highest percentage in more than two decades, and the very poorest countries among them are providing asylum to 25 percent of the global total. Thus the rich nations of the North have a duty to admit a considerably larger number of asylum seekers than they do now and an even greater duty to assist these less-developed countries that are already hosting most of the world’s refugees. (Hollenbach, 2015)

 According to the Statute of UNHCR, the High Commissioner for Refugees shall provide for the protection of refugees falling under the competence of his or her office by “promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto”. The governing Executive Committee of UNHCR has adopted conclusions on international protection which relate to minority issues. In conclusions No. 68 and No. 71, the Executive Committee acknowledges that ethnic intolerance causes forced migration, and conclusion No. 80 states that upholding human rights for minorities is one way to combat displacement. Conclusion No. 102 stresses the importance of identifying the particular protection risks of minority refugees in order to protect all refugees. Although not formally binding, the Executive Committee’s conclusions constitute “soft law” which is relevant to the international protection regime, as they express opinions that are broadly representative of the views of the international community. (Promoting and Protecting Minority Rights, 2012)

The United States and Canada more than 60 Haitian women and children who were left homeless and vulnerable by the 2010 earthquake. In 2015 we began fieldwork in Amman, Jordon and partnered there with doctors, psychologists, NGOs, and the UN High Commission for Refugees. We identified refugees with credible histories of kidnapping, sexual torture, rape, and forced marriage. To date we have relocated dozens of these Syrian, Iraqi, Kurdish, and Sudanese refugees from Jordon to the United States, Australia, the UK, France, and Canada. In 2016 we expanded this pro bono work by developing an ongoing torture rehabilitation program in Athens, Greece, where our firm has an office. There we supported refugees we had taken on as clients on the Greek islands. Some of these clients had been tortured in Syria by ISIS. To date we have relocated to safety 60 refugee clients from the Middle East.

Europe also has a not-for-profit Safe Passage, assisting unaccompanied child refugees and vulnerable adults in finding safe and legal routes to sanctuary. Our head of pro bono for EMEA went on a part-time secondment in 2018 to Safe Passage as joint head of casework and programs.

# References

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