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**Assignment Title:** Do you think that Developed Countries in Europe and North America are protecting the rights of refugees
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**ANSWER**

A refugee, generally speaking, is a displaced person who has been forced to cross national boundaries and who cannot return home safely. Such a person may be called an asylum seeker until granted refugee status by the contracting state or the UNHCR if they formally make a claim for asylum.

The term ‘asylum seeker’ refers to a person who requests refugee status in another state, normally on the grounds that they have a well-founded fear of persecution in their country of origin, or because their life and liberty is threatened by armed conflict and violence. The countries which receive the largest number of individual asylum applications are to be found primarily in the more affluent regions of the world: Western Europe and North America. But many states in Central and Eastern Europe, South-East Asia, Latin America, the Middle East and Africa are also in the process of establishing structures and procedures that will allow them to examine the asylum applications of people who arrive individually or in small numbers**.**

The number of individuals seeking asylum around the world has escalated sharply in the 1990s, imposing serious strains on the institution of asylum. In the aftermath of the war in the Persian Gulf, 1.8 million Iraqi Kurds fled to the border region of Turkey and to the Islamic Republic of Iran. More than 400,000 refugees flooded into Kenya to escape violence and anarchy in Somalia, civil war in the Sudan and endemic insecurity in southern Ethiopia. A quarter of a million Muslim

Refugees poured into poverty-stricken Bangladesh, reporting widespread harassment and repression in Myanmar’s Arakan state.

In the heart of Europe, over 1.2 million victims of the brutal conflict in the former Yugoslavia sought sanctuary in Croatia, Serbia, Montenegro, Slovenia and the Former Yugoslav Republic of Macedonia. At least 600,000 more took refuge outside the immediately affected region (a refugee flow unprecedented in Europe since World War II). The late 1980s and early 1990s saw a rapid increase in the number of asylum applicants in industrialized countries. In 1983, some 100,000 people requested asylum in Europe, North America, Australia and Japan. By 1992, the number had risen to over 800,000. In all, 3.7 million asylum applicants were recorded during the period 1983-1992.

The majority of those seeking asylum leave their own countries as part of a mass outflow and find refuge in a neighbouring country. Others make individual journeys to foreign lands, sometimes at a considerable distance from their homes. These two distinct patterns impose different although in both cases grave pressures on the institution of asylum. The first is the most common pattern in developing countries, where the pressures exerted by large refugee populations are taxing the hospitality of even the most generous countries. The second has engendered a crisis of confidence in the asylum system throughout the industrialized world.

The impulse to provide refuge to strangers in need is shared by virtually all cultures and religions. It is one of the most basic expressions of human solidarity. Like many forms of altruism, however, it is vulnerable in times of trouble, when individuals and states tend to become preoccupied with their own interests. Today, asylum remains the cornerstone of international refugee protection. It is the principal means through which states meet their obligations towards refugees on their territory. The grant of asylum removes the threat of forcible return and provides the refugee with sanctuary until a solution to his or her problem can be found.

Everyone has the right to seek and to enjoy in other countries asylum from persecution.According to the Universal Declaration of Human Rights, “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” Yet no binding treaty or convention obliges states to grant asylum. There is a gap between the individual’s rights to seek asylum and the states

discretion in providing it. In this legal no-man’s land, each state makes its own decisions as to whom it will admit and why.

States that have signed the 1951 Convention and/or its 1967 Protocol, which by June 1993 included 120 of the 183 members of the United Nations, generally offer asylum to individuals who conform to the definition of a refugee in those texts. This extends to those who have a “Well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”, who are outside their country of nationality and who are unable or unwilling to avail themselves of its protection. But even here, there is room for interpretation. What constitutes persecution? What evidence shows that a fear is well founded? What obligations are there to people who have a well-founded fear of being persecuted for reasons other than the five mentioned in the Convention? Canada, for example, recently included persecution on grounds of gender as a basis for asylum claims. Must the agent of persecution be a government, or can it be another party? This is an important question in situations where a state is no longer in control of all its territory. The German government, for example, maintains that a government must be implicated in the persecution if a claim for international protection is to be considered valid, while many other governments take a broader view of agents of persecution. And what about the huge movements of people trying to escape from wars, internal strife and general lawlessness, who make up the great majority of today’s refugees?.

Many states continue to grant asylum generously, despite the very real political, social and economic pressures created by large-scale refugee influxes. The costs of providing asylum weigh most heavily when they occur in countries already struggling with poverty, economic decline, political instability and environmental degradation and yet these are the countries that have been most magnanimous in providing refuge to whole groups of people fleeing from war and chaos. In industrialized countries, the steep rise in the number of asylum-seekers, the expense of judicial procedures to evaluate individual asylum applications and the welfare provisions for shelter and support of applicants while their cases are pending, have sent the costs of the asylum system soaring.

Refusal to grant asylum can expose refugees to serious danger. It is a sad fact that refugees, many of whom arrive deeply traumatized by what they have already gone through, may still face a

succession of problems once they reach a place of refuge. Beyond the initial difficulty of gaining admission and access to asylum procedures, some refugees encounter insensitive and sometimes inhumane treatment by officials and members of the public. The process of deciding whether a person qualifies for asylum can, in certain countries, drag on for several years. In the meantime the refugee lives in a state of limbo, uncertain about the future and haunted by the past. Most serious of all, problems of expulsion and forced return still arise.

Denial of the right to seek asylum has taken a number of forms in recent years. Refugees have been prevented from crossing a frontier when they were in mortal danger from hostile forces, severe shortages of food and exposure to the elements. Others have been forcibly returned to a country where they fear persecution. People arriving at a hoped-for place of asylum by boat have been pushed off from the shore. Other “boat people” have been peremptorily returned to their country without screening to determine the soundness of their claims. Less draconian measures, which are aimed at deflecting illegal immigrants but also affect refugees, have been adopted by some governments, notably in the industrialized world. They include visa requirements for people arriving from countries afflicted by civil strife, and fines imposed on airlines that transport people without proper documentation. The refusal of Turkey to allow Iraqi Kurds to cross its border in 1991 led to an unprecedented, multilateral military intervention on humanitarian grounds.

Confronted with continuing influxes, a number of governments have sought to deter asylum seekers by granting them less favorable treatment. Closed camps or other forms of detention or confinement – including the detention of children – have been introduced and access to employment removed. This has been the case, for example, in Hong Kong since 1982, in response to an influx of Vietnamese boat people which was judged to include an increasing proportion of economic migrants. Detention of certain groups of asylum-seekers has also been practiced in Australia and the United States. A number of European countries have restricted employment opportunities and social benefits for asylum-seekers. Even in African countries of asylum, long the most hospitable in hosting refugees, an increasing unease and restrictiveness is evident. In Malawi, for example, a country that has extended an exemplary welcome to over a million Mozambican refugees, rising numbers coupled with the effects of drought and economic

difficulties led, in 1992, to government plans to fence camps and restrict the movement of refugees. There are signs that the quality of asylum is deteriorating in many other parts of the world as well.

Some governments and judiciaries are also taking a more restrictive attitude towards the definition of a refugee contained in the 1951 Convention, requiring very high standards of proof from those who claim they fear persecution and placing unprecedented emphasis on the asylum-seeker’s ability to demonstrate that he or she has been personally singled out for mistreatment. In addition, asylum-seekers may be required to demonstrate that they could not have sought safety in another area of their country of origin.

Since the mid-1980s, the pressures on the institution of asylum in Europe and North America have resulted in narrower interpretations of the definition of a refugee, more stringent determination procedures, and attempts to limit access to asylum channels. Austria, Germany and Canada have recently tightened their asylum laws; legislation for the same purpose has been introduced in the Netherlands, Spain, the United Kingdom and the United States. In some cases, people in need of protection have been forcibly returned to the country from which they fled. Particularly disturbing is a growing tendency to turn away asylum-seekers before any attempt is made to determine the validity of their claim to international protection.

The increase in numbers is one part of the story. Another is the undeniable abuse of the asylum channel by growing numbers of people who are trying to enter the labour market rather than escape persecution or danger in their home country. A further important factor is that the majority of 1990s refugees are people in flight from war, generalized violence and chaos in their home countries.

Policies intended to deter economic migrants may also affect refugees. The legitimate efforts of states to streamline and harmonize asylum policies have given rise to a number of concerns. The chief danger is that policies intended to deter economic migrants from using the asylum channel could, without counterbalancing measures, be equally effective in deflecting refugees with a genuine need for international protection.

Most asylum countries in the developing world suffer from increasing pressure on land and water resources, employment and public services. Local integration is correspondingly less practical,

both in economic and political terms. A number of asylum countries that have hosted large refugee populations for extended periods, such as Kenya, Malawi, and Pakistan, are chafing under their very real burdens. They do not view asylum on their territory as permanent but as a temporary and pragmatic response to humanitarian emergencies offered until such time as refugees feel safe to go home voluntarily. Western governments, too, are increasingly resorting to temporary asylum. A number of them make provision for temporary protection in their national legislation, although its content and implementation vary considerably from country to country.

Asylum remains the cornerstone of international protection. For too long, however, it has been taken to be the entire framework. Restrictions on access to asylum, and on the definitions of those entitled to it, have been justified by beleaguered governments as necessary for the preservation of the institution.

In conclusion, The refugee situation has become overwhelming for the international community due to conflict emanating from various parts of the world, there is a great influx of refugees and asylum seekers; in millions to these European and North American countries, it has become a matter of concern to manage such a large number of refugees while these countries manage their economy and their citizens, the risk of terrorism is prevalent as terrorists can pose as refugees. European and North American countries are not protecting the rights of individuals migrating, asylum seekers and refugees. They are more focused on their national security and interest.

REFERENCES:

See;

<https://en.wikipedia.org/wiki/Refugee>

<https://www.unhcr.org/afr/3eeedd4a4.pdf>

<https://www.unhcr.org/3eb7ba414.pdf>

<https://ijrcenter.org/refugee-law/>