

A S S I G N M E N T

IRD 406: Human Rights

Topic:

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

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INTRODUCTION

The number of refugees varied depending on the time and location, but growing international concern over the plight of refugees led to a consensus. As defined in the 1951 UN Convention on the Status of Refugees (the Convention on the Status of Refugees), a refugee is defined as a person who, due to a well-founded fear of being persecuted on grounds of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or unwilling to do so because of such fear. According to (Costello, 2018) Refugees come from many countries, but today more than half of the refugees from Syria, Afghanistan and Somalia come from the west. Thousands of refugees are dying in their attempts to escape to safety, partially because of the lack of secure and legal protection routes. Quite a handful of these refugees flee to European Countries and North America.

REFUGEES AND THEIR RIGHTS IN EUROPE

It was unprecedented in Europe in 2015, when more than a million refugees and migrants undertook risky voyages across the Mediterranean Sea in search of stability. Despite signs that the number of people arriving was rising, the degree to which they exploded caught many unprepared countries in Europe and chaos prevailed. The EU Member States and the Common European Asylum Scheme (CEAS) have been seriously checked for their ability. Some countries were more affected than others, such as Austria, Germany, Greece, Italy and Sweden. There have emerged fragmented responses among the EU Member States. (UNHCR, 2016)

Others have taken action to block entry to their territory for refugees and migrants and transfer blame to neighbouring countries. Though many attempts have been made to accept refugees, the lack of a common EU response has led to seemingly intractable political dilemmas. This led to

serious organizational challenges, exacerbating the already difficult conditions under which refugees and migrants arrived in the EU.

The 1951 Convention on the Status of Refugees ('the Refugee Convention') defines the refugee agency, refugees are known to have the freedom to migrate (including illegally, States agree not to penalize refugees for illegal entry), and to enjoy self-employment and job rights in their asylum countries. In reality, however, refugee flight is gradually being restricted, both in the regions of origin and further afield of refugees, with the EU being a key player in the global repression of mobility for refugees. (Costello, 2018), believes there is a need for scholarly attention to the plight of refugees, onward movement in search of decent refuge and even more access to migration opportunities. Refugees appear to face more mobility obstacles than other travellers and refugees and, in the absence of legal avenues to seek asylum, they still will have recourse to smugglers. Even when they are formally recognized as refugees, their travel and migration options are often curtailed.

Some of these European countries excessive use force to prevent the refugees from entering their border. In April 2019, tear gas was used by Greek police in the northern city of Thessaloniki to prevent refugees from crossing the border with North Macedonia. The refugees headed towards Central and Western Europe, motivated by a series of false social media claims that the border crossings to North Macedonia and Albania were opened. A few years ago, North Macedonia and Hungary erected barbed wire fences at their southern borders. Bulgaria is known meanwhile for its brutal treatment of refugees. Human rights organisations, and the European Commission, have accused the government of breaching asylum laws of the European Union. (Pundy, 2019)

This route still starts with Greece. In Greece, about 60,000 refugees remain in housing facilities or refugee camps, according to the International Organization for Migration (IOM) of the United

Nations. Help organizations have criticized shelter conditions on the Greek islands on the Turkish coast, claiming that there is not enough room and that the refugees do not have access to clean toilets or water.

Senator Matteo Salvini, leader of Italy's powerful populist party, has lost his legal immunity from a criminal investigation and possible trial for his handling of a group of migrants in 2019. Last July, Salvini was accused of abusing his powers when, as Minister of the Interior, he stopped 131 migrants from disembarking an Italian coastguard boat at the port of Catania, Sicily, while waiting for EU states to agree to take them in. Italy's Senate voted Wednesday to remarkably lift Salvini's legal immunity as a member of the chamber, giving Catania magistrates a green light to mount a lawsuit against him. (Messia, Donato, & Mackintosh, 2020)

He treated some refugees like chess pieces, by denying permission to dock at Italian ports for NGO rescue vessels, even though they are the closest safe havens. He does so for amazing and self-serving purposes. One of his first acts as minister was to visit Sicily and declare that the island "cannot become the refugee camp of Europe;" no matter that Salvini is party leader, the Lega, who until recently sought independence for northern Italy partly because Sicilians and southern Italians, *terroni*, were no better than the African migrants on whom he is currently accused. He then sought to improve his country's bargaining hand in an EU meeting on migration policy by establishing a European political controversy over the fate of the *Aquarius* rescue ship, forced to wait at sea for days before making a choppy voyage to Spain.

With arrivals of refugees and asylum seekers dropping to pre-2015 rates, the often-opportunistic hardline approach of anti-immigrant governments of the European Union, including those of Italy, Hungary and Austria, dominated the year-round migration debate. Efforts by the EU Member States to hinder non-governmental organizations (NGOs) rescue efforts and growing dependence

on Libyan coast guard forces coincided with a skyrocketing mortality rate. The death toll had reached 2043 by mid-November, a fall relative to 2017. Although, according to United Nations High Commissioner for Refugees (UNHCR), the death rate per crossing rose from 1 in 42 in 2017 in the first eight months to 1 in 18 over the same time in 2018. (Human Rights Watch, 2019)

A plan of the United Nations High Commissioner for Refugees (UNHCR) to relocate vulnerable asylum seekers from Libya to Niger did not obtain enough offers for resettlement from the EU countries. UNHCR revised its non-return advice for Libya in September, stressing that Libya is not a safe place for rescued persons to disembark.

If instability characterized the EU and its member states' reaction in 2015, 2016 has been marked by wrong-headed and rights-abusing policies. Rather of ensuring secure and orderly routes for asylum seekers and refugees into the EU and equitably sharing responsibility for them, the EU and its member states have adopted policies aimed at restricting arrivals and transferring responsibility to regions and countries outside the EU. This approach illustrates the profoundly flawed agreement with Turkey and the troubling cooperation with the Libyan authorities.

The different Member States have rolled back asylum rights at the national level and the European Commission has introduced a reform of the existing European asylum scheme, which is more motivated by a principle of deterrence than by a commitment to basic human rights. Far from promising the right to family reunification, several EU countries have limited the right to carry family members to safety over the past year, and there is a discernible trend towards granting temporary subsidiary protection over refugee status. The proposed amendments to the EU directives on procedures, asylum qualifications and reception conditions include some positive measures but also measures to punish asylum seekers for moving from one EU country to another,

compulsory use of safe country and internal flight alternative concepts to deny protection and compulsory reviews to enable refugee status and subsidiary protection to be revoked.

More than 343,000 managed to reach European shores by sea in November 2016, although at least 4,646 died or went missing at sea. A large proportion of those who arrive come from countries creating refugees like Syria, Afghanistan and Iraq. These people are fleeing ethnic terror, conflict and severe violations of human rights. Most others tend to avoid economic hardship and are not entitled to asylum. But 2016 proved much more lethal than 2015, as in the attempt at least 3,671 died or missed. Border restrictions and a deeply flawed agreement with Turkey helped to reduce the number of those travelling from Turkey to Greece, while crossings from North Africa, particularly Libya, have kept pace with past years. (Human Rights Watch, 2016)

REFUGEES AND THEIR RIGHTS IN NORTH AMERICA

The word North America applies to the continent's northern part. It includes Greenland, the world's largest island and Canada, the United States, and Mexico's sovereign states. Around 498 million people (in 2019) live in North America. The Americas consists, in strict terms, of two continents, North America and South America. Central and Caribbean America are considered a part of North America.

Canada and the U.S. have the world's two biggest relocation programmes. Also, both countries are receiving a significant number of asylum-seekers. The United States was consistently the largest or second-largest recipient of asylum seekers, while in 2006 Canada placed fourth. While both countries have fairly complicated asylum processes, their approval rates are higher than in most developed states. According to IndexMundi, the value per country or jurisdiction of asylum for

the Refugee community in North America as of 2018 was 427,350. This metric has achieved an average value of 995.325 in 2006 and a minimum value of 370.291 in 2016 over the last 28 years.

Although the US has seen a surge in asylum claims in recent years, Central American countries are struggling within their borders with greater migratory flows from the NTCA. Mexico, Belize, Costa Rica, Nicaragua and Panama have undergone a 432 per cent rise in asylum applications, according to a United Nations High Commissioner for Refugees (UNHCR) survey in 2014. The US has a long history of giving asylum to those who are escaping persecution and war. The Trump administration, however, citing baseless security fears, placed in place an immigration ban, cut refugee numbers to their lowest rates ever, and divided families while criminalizing desperate asylum-seekers.

The United States has some of the most hostile policies toward an immigrant population found in the developed world. Start with the special police forces dedicated to persecuting and deporting over a quarter of the nation's immigrants, the estimated 11 million who entered the country without authorization. Then there is the lack of labour laws to shield them from wage theft and perilous jobs.

Migration from Central America to the United States is not a new trend but the causes or driving factors that lead people to migrate or flee have changed. The Central American Northern Triangle ("NTCA"), consisting of El Salvador, Guatemala, and Honduras, is known to be one of the most dangerous places on earth, triggering unprecedented rates of migration. It has been labelled a humanitarian disaster by the United Nations High Commissioner for Refugees. Many Central Americans are refugees who run for their lives much like Syrians.

There's a pertinent phenomenon in Mexico, the focus of the Mexican government is on border security rather than humanitarian protection. Immigrant detention rose 71 per cent in 2014, then 150,000 Central Americans were removed from the Northern Triangle in 2015. The Mexican government has announced the acceptance of just 24.7 per cent of applications for asylum. The United States is even more conservative, as the asylum grant rate was 3.7 per cent in 2014. (Amnesty International, 2016)

During this crisis, women and children are the most vulnerable, because they can quickly become victims of rape, abduction, torture, or murder. Gender-based abuse is used as a form of intimidation or manipulation within The Northern Triangle of Central America (NTCA). According to a study on the Global Burden of Armed Violence, El Salvador, Honduras and Guatemala had the highest annual average rate of female homicides in the world in the time-frame from 2007 to 2012. A rise in violence has also spilt over into neighbouring countries. The number of women from those countries applying for asylum in the US has risen five times over, according to the UNHCR.

The Central American caravan's arrival in April at the southern U.S. border again put the nation's attention on individuals and families who travelled thousands of miles to seek refuge in the United States (Dara Lind, 2018). The Trump administration is mischaracterizing the caravan as proof of an out-of-control border crisis needing a multifaceted and aggressive response, although, in the fiscal year 2017, federal law enforcement apprehensions at the southern border remain at a low of nearly 46 years from the fiscal year 1972. (Foley, 2018)

The administration uses the caravan to explain many actions including sending thousands of National Guard troops to the border and proposing sweeping reforms to immigration and criminal law enforcement policies. Such reforms are intended to facilitate the route of deportation by circumscribing the right of a person to seek asylum. (Foley, 2018)

Although the violence that exists within the Northern Triangle is unquestionable, the legal definition of refugees from the region is within a field of international law confusion as the violence in NTCA is not recognized as a dispute between states/interstate. Research at the same time shows that migrants identify key indicators that indicate international security is required. For example, 82 per cent of women suggested that they would likely face torture or persecution if they returned to their home country. As a result, the US government has proposed an extension of the existing migrants escaping from NTCA refugee resettlement programme. (Amnesty International, 2016)

According to the United Nations refugee agency, Canada resettled the highest number of refugees out of 25 countries in 2018. Last year, the world welcomed just over 28,000 refugees, with 22,900 coming to the US in second. In 2018, around 92,400 refugees were resettled internationally, fewer than 7 per cent of those worldwide pending resettlement. These statistics were included in a recently published report by the UN Refugee Agency investigating the global dynamics of last year's refugees. According to the US-based Pew Research Center, which looked at the UNHCR numbers, 2018 was the first time since 1980 that the US has not been leading the world in the field of refugee resettlement. (BBC NEWS, 2019)

Pew reported that the US resettled more refugees on an annual basis until 2017 than the rest of the countries in the world combined. "The sharp drop in US refugee resettlement is partly due to the decision by the Trump administration to set a significantly lower cap on the number of refugees accepted into the US than in previous years," the research organization said. The number of refugees resettled by Canada last year was consistent with estimates for 2017, although the numbers fell in the United States. The US welcomed about 33,000 refugees in 2017. According to

UN statistics, Canada, the UK and France have all resettled large numbers out of the 25 countries that resettled refugees in 2018.

CONCLUSION

Both the European and North American Countries have accepted thousands of refugees into their system and have also refused thousands too. There is a logical reason for this, which is to reduce the intake as much possible because the intake of refugees is extra stress on the government. European countries have arrived at a common agreement on the issues of immigration. In trying to control the intake of refugees, they sometimes abuse human rights. At times there is the use of force to send away the refugees not accepted. They are sometimes referred to another country.

Also, there some countries are more hostile to refugees than others. For European countries, refugee flight is gradually being restricted, both in the regions of origin and further afield of refugees, with the EU being a key player in the global repression of mobility for refugees. They turn away these refugees back to their countries, where they are coming from, a place where they are running away from torment or other dangerous things. These refugees have travelled miles and at times, some of these European countries use excessive force to prevent the refugees from reaching the border. Those refugees given accommodation at the camp are not given adequate and essential needs.

America under North America has become more aggressive on refugee intake, the quota has been reduced and now the illegal immigrants coming out as refugees are tried in court, against the 1951 Convention on the Status of Refugees ('the Refugee Convention'), which defines states agree not to penalize refugees for illegal entry. Both European and North American countries have violated human rights in trying to enforce border control and control the intake of immigrants.

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