

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

The 1951 United Nations' Refugee Convention defines a refugee as a person who, "owing to 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."

Refugee law and international human rights law are closely intertwined; refugees are fleeing governments that are either unable or unwilling to protect their basic human rights. Additionally, in cases where the fear of persecution or threat to life or safety arises in the context of an armed conflict, refugee law also intersects with international humanitarian law.

It is clear that wealthy countries like those of Europe and North

America have the resources needed to grant asylum to refugees from conflict ridden countries.

Despite this fact, developing countries today host 86 percent of the world's refugees, the highest percentage in more than two decades.

Governments of developed countries have viewed burgeoning requests for asylum with increasing skepticism.

It is clear that in wealthy nations like those of the United States and Europe, much of the negative attitude toward migrants and refugees is grounded in a mixture of racially driven xenophobia and a mistaken fear that refugees may be terrorists.

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, 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. There is no firm consensus among Western governments about how the needs of this group should be met. The provisions of the 1951 Convention that relate to the economic and social rights of refugees were seen as tools to promote their integration in the country of asylum. Today, the opportunities for permanent integration in receiving countries are limited. It seems very unlikely that people who have fled en masse to a neighbouring country will in the future be offered large-scale resettlement elsewhere. Western governments 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.

The Western nations that established the international refugee protection system fifty years ago are the same ones weakening it today, Human Rights Watch charged in a background document.

Nowhere was the retraction in protection more pronounced than in the industrialized countries of Western Europe, North America, and Australia--the very countries responsible for establishing the international refugee regime. Western European countries made particularly vigorous and visible efforts to control inflows of asylum seekers and perceived abuse of the asylum system. The pursuit of a zero immigration policy throughout Western Europe since the 1970s, and the closure of

almost all alternative legal channels of immigration, coupled with the global trends described above, led to a marked increase in the number of people applying for asylum in Western European countries between 1985 (157,280 applicants) and 1992 (673,947 applicants).

Among the Western European policies that have obstructed the rights of refugees are: instituting visa requirements for nationals from refugee-producing countries, placing heavy fines on airlines that transport asylum seekers who do not have valid travel documents and refusing asylum to people who have fled persecution by non-state actors - such as in Algeria - or who have fled situations of generalized civil conflict, such as in Colombia.

In an especially worrying development, European governments, such as Austria and more recently the United Kingdom, have proposed a major overhaul of the 1951

Refugee Convention, which they describe as outdated and ill-equipped to deal with modern day migration movements.

Western European governments sought to dilute their obligations under the 1951 convention and its 1967 protocol, despite reaffirming the centrality of these treaties in both the 1997 Amsterdam Treaty and the 1999 Presidency Conclusions of the Tampere European Council. In particular, they applied the refugee definition in an overly restrictive way, not intended by the drafters of the convention, thereby excluding many people at risk of persecution from international refugee protection. Those excluded included people who fled persecution by non-state agents, such as the Taliban in Afghanistan, or situations of generalized violence and civil conflict, as in Colombia. Governments also insisted that asylum seekers demonstrate actual persecution, not just a

credible fear of future persecution. Advocacy groups, such as the non-governmental European Council on Refugees and Exiles, argued that these narrow interpretations were inconsistent with international refugee law.

E.U. states also introduced various alternative, or complementary, protection regimes as substitutes for 1951 convention protection. Under most of these regimes, states granted asylum seekers temporary leave to remain on humanitarian grounds, but did not extend to them the full rights and protection of 1951 convention refugee status.

These alternative regimes were often highly discretionary with no consistency between E.U. states regarding the length of stay allowed or the rights afforded to the individual.

It is clear that the developed countries in Europe and North America do not effectively protect the rights of refugees.

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