**NAME: AKWAWO MICHELLE KENNEDY**

**MATRIC NO.: 16/SMS09/007**

**COURSE TITLE: HUMAN RIGHTS**

**COURSE CODE: IRD 406**

**Question: Do you think that Developed Countries in Europe and North America are protecting the rights of refugee**

**INTRODUCTION**

States have been granting protection to individuals and groups fleeing persecution for centuries; however, the modern refugee regime is largely the product of the second half of the twentieth century. Like international human rights law, modern refugee law has its origins in the aftermath of World War II as well as the refugee crises of the interwar years that preceded it. Article 14(1) of the Universal Declaration of Human Rights (UDHR), which was adopted in 1948, guarantees the right to seek and enjoy asylum in other countries. Subsequent regional human rights instruments have elaborated on this right, guaranteeing the “right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions.” American Convention on Human Rights, art. 22(7); African [Banjul] Charter on Human and Peoples’ Rights, art. 12(3).

**WHO IS A REFUGEE?**

Article 1(A)(2) of the 1951 Convention defines a refugee as an individual who is outside his or her country of nationality or habitual residence who is unable or unwilling to return due to a well-founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group. Applying this definition, internally displaced persons (IDPs) – including individuals fleeing natural disasters and generalized violence, stateless individuals not outside their country of habitual residence or not facing persecution, and individuals who have crossed an international border fleeing generalized violence are not considered refugees under either the 1951 Convention or the 1967 Optional Protocol.

**EUROPE AND REFUGEES**

For many years European countries have been warned about the inadequacy of their immigration and asylum systems. Now, with increased refugee arrivals and more frequent tragedies, this system is showing all its weaknesses. But refugee arrivals are not the real cause of this collapse. The real reason is political. According to the United Nations Refugee Agency, a little more than 430,000 asylum applications have been lodged in the European Union member states since January. 40% of them have been received by Germany alone, while Hungary has taken 1 out of 4 of the remaining ones. This means that 26 EU countries are dealing with just over 180,000 asylum applications, an effort which is all but epic. Even including the almost 300,000 people who arrived in Italy and Greece since January – mostly Syrians who will be granted asylum - we are still far from experiencing the real refugee arrival pressure faced by much less rich and stable countries like Pakistan, Lebanon and Ethiopia, or, without looking too far, Turkey, home to some 2 million Syrian refugees.

Regrettably, more often than not, politicians ignore facts. With the outstanding exception of Germany, in the majority of the EU countries politicians are competing with each other in sending bad signals to the public. France and the United Kingdom – the latter being a country where asylum applications have remained stable over the last few years - could not find a better answer to the needs of some 3,000 migrants in Calais than to send the police and allocate money to reinforce surveillance. In Denmark – where asylum applications have not increased significantly compared to 2014 - the parliament approved last Wednesday a cut in refugee benefits, with the declared intent to make the country less attractive to refugees. In Poland – where asylum applications in 2014 dropped by 50% compared to 2013 - the country’s president spoke against the possibility of taking more asylum seekers, although the number of asylum applications remained low in the first half of 2015 too.

With a steep increase in asylum applications and little if any help from fellow EU countries, Bulgaria and Hungary have made the bad choice of sealing off their borders. This is certainly not the right answer to those who seek international protection. But the inconvenient political truth is that this comes also as the result of an EU asylum system which penalizes countries placed at the border of Europe.

The real problem is not the arrival of refugees, but this desultory, almost hysterical response to it. More than a refugee crisis, this is a political one, where States demand less Europe, when in reality we need more. To save a Europe of solidarity and human rights, it must rethink its approach to migration.

**NORTH AMERICA AND REFUGEES**

Quite apart from whether or not to accept more migrants and refugees from the Middle East and Africa, Latin America is experiencing a series of interlocking population displacement crises. The most spectacular of them is simmering in Colombia. Since the armed conflict started in 1964, the country has generated over 360,000 refugees and is home to the world’s largest population of internally displaced people – estimates put the figure at 6.9 million people. In spite of a stop-start peace process, the UN worries that the situation may be worsening, with many displaced people still in limbo.

Meanwhile, explosive criminal violence in Central America and Mexico has generated levels of displacement not seen since the civil wars of the 1970s and 1980s. The Northern Triangle countries of El Salvador, Guatemala and Honduras are among the world’s most violent, with cartels and gangs contributing to 31,219recognized refugees and likely many more internally displaced people. Aid groups in the region have declared the situation a “humanitarian emergency”.

There are other insidious forms of population displacement occurring away from public view. Facing a relentless political crisis and spiraling violence, tens of thousands of Venezuelans are seeking safer ground in Brazil and surrounding countries. More than 5,000 Venezuelans claimed asylum in Brazil this year alone. As a result, Brazil’s National Council on Immigration recently issued temporary residence permits. There are dangerous signals that these numbers could swell further still.

Meanwhile, literally hundreds of thousands of Mexicans, Central Americans and Caribbean residents – some of them ex-convicts – have been deported from the US, contributing to new vulnerabilities in areas of return. In 2016, an estimated 240,000 people were shunted into planes, trains and buses and sent packing. Many of these people lack support services on return to their home communities. Some of them also get involved in crime syndicates or gangs, contributing to a vicious cycle of displacement.

**CONCLUSION**

While there are many virtues of economic migration, the human costs and consequences of population displacement in Latin America are routinely swept under the carpet. Protecting refugees is both a moral and a legal obligation. It is not an easy task, but neither is it impossible. We must do more to protect those who flee wars and persecution. With political will, Europe can hold true to its values. Needless to say, more preventive efforts are required, and urgently.

**REFERENCE**

*Asylum & the rights of refugees.*(n.d).Retrieved from <https://ijrcenter.org/refugee-law/>

*Europe can do more to protect refugees.*(2015). Retrieved fromhttps://www.coe.int/en/web/commissioner/-/europe-can-do-more-to-protect-refugees

*Europe’s refugee crisis is making headlines, but Latin America’s is just as alarming.*(2017). Retrieved from https://igarape.org.br/europes-refugee-crisis-is-making-headlines-but-latin-americas-is-just-as-alarming/