Name: Adegoke Bisola Oluwafadekemi

Matriculation Number: 16/SMS09/003

Course Code: IRD406

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

An Asylum Seeker are individuals, who seek international protection (refugee status or subsidiary protection status) are called asylum seekers. A Refugee according to the 1951 Refugee Convention is any 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 or, owning to such fear is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. Refugees are not to be seen as economic migrants. Although, an asylum seekers, a refugee, a person eligible for subsidiary protection, and an economic migrant are sometimes linked through the asylum channel when they apply for asylum to receive a certain status, they are not the same. An economic migrant is a person who moved from one place to another, usually having a good reason for leaving. While refugees are forced to flee because of the threat of prosecution and because they lack the protection of their own country, an economic migrant, in comparison, may leave his or her country for many reasons that are not related to prosecution, such as for the purpose of employment, family reunification or study. Subsidiary protection can be explained based on this illustration: In situations of armed conflict, there are usually massive movements of civilians across international borders, hampering the ability to conduct case-by-case interviews and individual status determination. In those cases, the fleeing civilians might be given protection on a prima facie basis, which means that they are assumed to have fled a situation where civilians are targeted and persecuted en masse. Hence, an asylum seeker may be entitled to refugee or subsidiary protection status.

The principle of non-refoulement can be defined as the prohibition to expel or return a person to a place where he could face persecution, torture or inhuman treatment. The legal basis for this principle is Article 33 of the 1951 Refugee Convention and Article 3 of the UN Convention against Torture, under international law and Article 3 of the European Convention on Human Rights, under European law. The principle of non-refoulement applies as soon as an asylum seeker claims protection. But many European countries have gone against the principle of non-refoulement. For instance the European Union has established some agencies that will help secure and protect their borders from intrusion and as a result, many times refugees are locked out. For instance European Union has taken some measures to prevent illegal migration, ranging from controlling outside borders to engaging in civilian and military operations in conflict zones. In terms of controlling the borders, several agencies were created, such as Europol (the European Police Office), Eurojust (the European judicial cooperation body), to deal with immigration, terrorism, human trafficking, organised crime and any other international crime. Additionally, Frontex, the European Agency for the Management of Operational Cooperation at the External Borders, was entitled with border security.

The United States and other Countries in the Middle East, Europe, Asia And even Africa have not kept to the principle of non-refoulement. With the election of Donald Trump, the United States has been taking harsh measures and blocking refugees and those freeing from conflict. Countries have tried to justify their increasingly harsh migration policies on the grounds that they have to cope with more than their own share of refugees, and refugees have become a great burden.

Some of the ways countries have continued to curtail refugees, which have led to violations of human rights of refugees are military operations at the borders, using detention camps to isolate refugees, sometimes expulsion; neglect of their basic needs and health care; violence, including sexual violence for women and girls; sending them back to the so-called safe third countries, paying other countries to help stop the influx (especially European countries).

A major way that countries have continued to curtail refugees is through military operations. The EU member states the EU member states have constructed an increasingly impenetrable fortress to keep irregular migrants, mostly asylum seeker out irrespective of their motives and regardless of the desperate measures that many are prepared to take to reach its shores. In order to “defend” its borders, the EU has funded sophisticated surveillance systems, given financial support to member states at its external borders, such as Bulgaria and Greece, to fortify their borders and created an agency to coordinate a Europe-wide team of border guards to patrol EU frontiers. Migrants and refugees are been expelled illegally from many European Countries such as Spain, Greece and Bulgaria. Many of these migrants and refugees are been violated by border guards and coastguards. Western European countries have funded reception and detention centres for migrants and refugees in countries where there are serious concerns about access to asylum procedures in detention, such as Turkey and Ukraine. They have put in place readmission agreements with countries of origin and transit, allowing those who manage to arrive in Europe to be sent back more easily. This operation has led to the death, trapped in transit, loss of connection with family, hunger and diseases of many refugees and migrants. A country like United States is planning to build a wall to block irregular migrants and this is bound to affect refugees fleeing for their lives. Every year thousands of migrants and refugees try to reach Europe. Their journey is fraught with danger. Over 250,000 people are estimated to have lost their lives trying to reach Europe since 2000.

Another major way that many European and North American countries have continued to curtail refugees is by sending refugees back to safe third countries. Most times, the so-called safe Third Countries are not in any way safe. The Amnesty International reported recently that Turkey is not even a safe country that the EU sends back refugees to. Many of the refugees have testified on the hardship and suffering they endure in Turkey, with no escape route. Many of the European countries that send back refugees to other countries do not care about the well being of these refugees; all they care about is to regulate the population of their own country without intrusion. The UNHCR note on temporary Protection emphasized the risks inherent in the presumption of “protection elsewhere.” They note that in many instances applicants are simply sent to a “safe third country” without guarantees that the state in question will accept responsibility. The ultimate result is that the applicant is returned to their country of origin. Chain deportations of applicants under the basis of “protection elsewhere” may ultimately result in non-refoulement. If a country should engage in chain deportation this means that they have violated the principle of non-refoulement, which violate Article 3 of Committee Against Torture document should the individual ultimately end up in a state in which they are faced with a serious risk of torture, cruel, inhuman or degrading treatment.

Another that countries have continued to curtail refugees is expulsion of refugees. A good of this was when Israel was bent on sending African refugees back to their country of origin, and threatened that they either leave with the countries provided free flight or face imprisonment.

Many North American countries and European countries have created a detention camps for migrants and refugees. Countries like Australia have detention camps where asylum seekers are kept. Most of these camps are inhabitable. Asylum seekers are not provided with basic amenities and many suffer from various ailments without proper care. The government has left them there for years without deciding their cases.

In conclusion, it is evident that many countries of the world are not keeping to the principle of non-refoulement and this has led to the ill- treatment of refugees and migrants. With the current harsh realities and violations of rights of refugees, it is important that countries review again the refugee rights instruments, both at the international, regional and national levels in order to shift its primary focus from protecting borders to protecting people in order to respect the principle of non-refoulement as contained in the 1951 Convention and 1967 Protocol.