

EJIOFOR CHIAGOZIEM FAITH

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HUMAN RIGHTS

QUESTION: Do you think that developed countries in Europe and North America are protecting the rights of refugees

According to the 1951 Refugee Convention a refugee 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, owing 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.”

The 1951 Convention and its 1967 Protocol are the only global legal instruments explicitly covering the most important aspects of a refugee’s life. According to their provisions, refugees deserve, as a minimum, the same standards of treatment enjoyed by other foreign nationals in a given country and, in many cases, the same treatment as nationals. The cornerstone of the 1951 Convention is the principle of non-refoulement contained in Article 33. 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.

First of all, the refugee issues today are overwhelming. There are now great number of refugees moving from Africa and Syria to other European countries (developed countries) causes influx. The increase in conflicts in most states in the world has increased the number of asylum seekers and refugees looking for safety and help.

These countries are afraid of the rise of terrorism, which makes them to be very careful in accepting refugees because it is quite difficult to manage these refugees. The developed countries in Europe and North America are also concerned that these refugees could take their jobs. The large number of refugees today is a problem to them. So, they make efforts to protect their border. In Lebanon has a lot of refugees in the state which is making it difficult for them to manage the smooth running of their country. European Union have continued to 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), Euro just (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 since trump’s administration has taken drastic measures in tackling this situation. These Developed countries are giving excuses, however, the fact still remains that they are breaking the law of the principle of non-refoulement.

These developed countries have all failed in keeping the rights of refugees as noted under the 1951 convention. They are have all failed by engaging in some unacceptable activities against the principle of non-refoulement. For instance under military operations, the EU (European union) 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. All to “defend” and “protect” 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. Individual member states themselves are taking drastic measures to stop irregular arrivals. Migrants and refugees are being expelled unlawfully from Bulgaria, Greece and Spain, without access to asylum procedures and often in ways that put them at grave risk. They are ill-treated by border guards and coastguards. Additionally, some EU countries are using the threat of a long term detention as a deterrent for those thinking about coming to Europe which is unfair. 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. Such operations and inhuman treatments come with human cost and suffering of the refugees (death, trapped in transit, loss of connection with family, hunger and diseases). Countries like United States is planning to build a wall (border 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. Most of these refugees risk their lives just to get to safety.

Most of these third countries like Turkey now engage in “chain deportation” which makes the do called third countries unsafe again for these refugees and asylum seekers. 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. The UNHCR that in many instances applicants are simply sent to a “safe third country” without guarantees that the state in question will accept responsibility, if the state will protect them or not. The main outcome is that the applicant is returned to their country of origin. Chain deportations of applicants all in the name of “protection elsewhere” may ultimately result in refoulement. Moreover, if a state engages in chain deportation they may ultimately 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.

Furthermore, Developed Countries like Australia have detention camps where asylum seekers are kept (caged). Most of these camps are inhabitable. Asylum seekers are not provided with basic amenities like water, food and so on and many suffer from various ailments without proper care. The government has abandoned them there for years without deciding their cases. These are some of the current realities faced by refugees.

Conclusively, I do not think that developed countries in Europe and North America are protecting the rights of refugees. Even though they have their reasons, those reasons are not enough and the fact still remains that they are violating the rights of the refugees. Therefore, It is necessary for these rights instruments to be reviewed, both at the international, regional and national levels.