

IRD 406

NAME: Anazor Desmond  
chukwudi

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Question

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

Introduction

Developed Countries all over  
the world have regular form

of reaction towards refugees and public figures seeking asylum in the sense that interests of these Countries are always considered before making a major decision about refugees and externally displaced set of people. In Europe the refugees are well monitored because movement within the borders of European States is easy due to the custom union implementation of the European Union, Refugees in Europe specifically face threats of extermination and deportation but Europe firmly House a lot of refugees due to the values of western Sates and EU which strongly support human right and human rights protection. In Europe States such as Greece, Italy, Germany house thousands of refugees in designated refugee camps, the flow of refugees across the

European States borders is of great concern to the EU as it may facilitate movement of terrorists, movements of light weapons and small arms, movement of contrabands and drug trafficking.

Developed Countries in Europe and North America constantly protect the rights of refugees with the aid of strong non governmental organizations and also with the supervision of international organizations and many other human right agencies.

## EUROPE

Europe has been confronted with serious refugee challenges as far back as before the Second World War when War displace a lot of citizens from the Baltic region and also from Central Europe where atrocities of the First World War was recorded in large numbers,

however immediately after the Second World War Europe record mass internal and external displacement because of the fierce persecution of the Jews by the Nazi Germany government, however the rights of those citizens were well protected because they were given freedom by different European States to settle down in any territory that please them after the war and also given the freedom to either return to their home Country or remain in their host Country.

Contemporary refugee challenges include the atrocities that erupt from the Syrian conflict which almost overwhelm the European States with refugee camps because the Syrians migrate to Europe either legally or illegally as far as Germany, France, Italy, Greece and Britain in a

bid to survive the war going on in Syria, refugee camps were monitored with the help of various organizations and Countries such as Turkey and Greece welcome them and provide for their needs at-least to protect their right to life.

## NORTH AMERICA

North American States contribute financially to the survival of refugees in refugee camps across the globe, although not a region known for housing high number of refugees but well recognized for providing non governmental organizations and human right agencies that monitor the survival of refugees in the world today. The United States alone cater for the living of refugees and people that suffer casualties from the Syrian conflict and also refugees in Africa displaced from the Somali conflict,

Sudan conflict and Libya civil war.

Canada on the other hand empower refugees and house them in Canada for survival and livelihood, Canada improve the chances of some of the refugees in getting education and source of livelihood.

Developed countries and Protection of Refugee Rights under the Principle of Non Refoulement in the 1951 UN Convention and 1967 Protocol

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.

European Union, for instance 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), 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.

United States and other countries in the Middle East, Asia and Africa have not kept to the promise 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 are having 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). These are explained in details below:

#### (a) Military Operations

For instance, 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. 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. In addition, some EU countries are using the threat of lengthy detention as a deterrent for those thinking about coming to Europe. 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 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 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.

(b) 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. 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 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.

(c) Expulsion of Refugees.

Countries like Israel engaged in expulsion of African refugees. Their government was bent on sending them back, and threatened that they either leave with the countries provided free flight or face imprisonment.

(d) Detention Camps:

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.

These are some of the current realities faced by refugees. 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.