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**DO YOU THINK THAT DEVELOPED COUNTRIES IN EUROPE AND NORTH AMERICA ARE PROTECTING THE RIGHTS OF REFUGEES IN LINE WITH THE PRINCIPLE OF NON -REFOULEMENT?**

The contemporary international legal standard of non-refoulement was first adopted by the 1951 United Nations (UN) Convention on the Status of Refugees (the Refugee Convention or the Convention), which required member states to protect individuals who meet the concept of a refugee from returning to the country where they feared persecution.

Non refoulement is a fundamental principle of international law which prohibits a country receiving asylum seekers from returning asylum seekers to a country where they are likely to be in danger of being persecuted on the basis of 'race, religion, nationality, membership of a particular social group or political opinion.' It prohibits States from transfering or withdrawing persons from their jurisdiction or effective control where there are substantial grounds for believing that the individual will be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious violations of human rights. The prohibition applies to all individuals irrespective of their status as residents, ethnicity, statelessness or migration, and it extends anywhere a State exercises authority or effective power, including outside the territories of that State.

The Global North’s approach to addressing the European refugee crisis raises troubling questions about their self-processed democratic standards. Europe and North America’s responses to the refugee crisis are discriminatory, cemented on disguised racism. Since the end of Word War II, First world Nations have proclaimed to be the sole upholder of human rights. Llain (2015) states that “the United States tends to make

narrow interpretations of the concept of refugee, limiting in that way the

right of asylum and, consequently, the right to not being subject to

In Australia, there are detention camps where asylum seekers are kept. through arbitrary imprisonment, deprivation of liberty, denial of medical care and a lack of adequate food, water and a safe environment, the Australian government has violated international law and abrogated its “duty of care” for asylum seekers. Such negligence meets the definition of torture and crimes against humanity.

Migrants and refugees trying to enter Europe are taking huge risks, including abuse at the hand of smugglers. There have been abuses and brutal treatment at the hands of police, border guards and other officials, including accounts of people being stripped of their clothes in freezing temperatures and having cold water poured over them, attacks by dogs, beatings and robbery.And when individuals have agreed to seek to stay, they are routinely refused access to asylum claims procedures and proper information. Their demands are in some cases totally ignored. These brutal methods are intentionally used to drive citizens back to their former transit country, or even to another country.

**References**

Livia Albeck-Ripka (2018). Australia’s Migrant Camps Are “Crimes Against Humanity” Lawsuit Claims. Retrieved from https://www.nytimes.com/2018/12/10/world/australia/asylum-seekers-lawsuit-migrant-camps-.html

Llain Shirley.(2015). Violations to the Principle of Non-Refoulement Under the Asylum Policy of the United States: Anvario Mexicano de Derecho Internacional. Vol.xv. Pp 283-322. Doi- 10.1016/j.amdi.2014.09.005

Oxfam International(n.d). At Europe’s Borders, Migrants are Denied their Basic Human Rights. Retrieved from https://www.oxfam.org/en/europes-borders-migrants-and-refugees-are-denied-their-basic-human-rights