

**Forum:** Human Rights Commission

**Issue:** The Question of the Human Rights of Asylum Seekers Leaving Zones of Conflict

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## Introduction

Over the last four and a half years there has been an extremely violent civil war in Syria, which has resulted in 4,289,792 million<sup>1</sup> (17.11.2015) Syrians seeking asylum in various countries.<sup>2</sup> The vast majority of these asylum seekers are located in the surrounding countries of Syria, with Turkey holding the most asylum seekers.<sup>3</sup> This has resulted in these countries being on economically thin ground, since a large amount of resources is required to maintain the wellbeing of these asylum seekers. Many refugees have also found their way into Europe. Syria is not alone responsible for the influx of asylum seekers and refugees. There are also thousands from various countries in Africa and also a smaller amount from Asia.

When thinking about the question of human rights, it is good to remember the main international laws that an asylum seeker has. In Europe, there is the Common European Asylum System, which is run by the EU. It was established to make sure that asylum claims are taken care of in a responsible manner.<sup>4</sup> Within the Common European Asylum System is the Dublin Regulation which affects all EU-member states. The Dublin Regulation is the most essential aspect for EU - members. It establishes the Member State responsible for the examination of the asylum application. It basically means that when an asylum seeker arrives in country x, that country becomes responsible for the asylum seeker, so he or she will remain in that country.

The Dublin Regulation in particular has put a lot of pressure on the border states in Europe (especially Italy and Greece), which already suffer from weak economical situations but now have to carry the burden of an influx of asylum seekers. The reason these countries are struggling is that they are most often the first countries, which asylum seekers and refugees step foot on when entering Europe. Also countries such as Britain have opposed the Dublin Regulation, since they believe it imposes too much responsibility on the countries and therefore needs significant resources to succeed. One important guideline for the human rights of any person is also the Universal Declaration of Human Rights.<sup>5 6 7</sup> The main UN organization that helps asylum seekers and refugees is the UNHCR (United Nations High Commissioner for Refugees).<sup>8</sup>

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<sup>1</sup> <http://data.unhcr.org/syrianrefugees/regional.php> (17.11.2015)

<sup>2</sup> <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>3</sup> <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>4</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm)

<sup>5</sup> <http://www.asylumineurope.org/reports/country/united-kingdom/asylum-procedure/procedures/dublin>

<sup>6</sup> [ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/index_en.htm)

<sup>7</sup> <http://www.un.org/en/universal-declaration-human-rights/>

<sup>8</sup> <http://www.unhcr.org/cgi-bin/texis/vtx/home>

The terms asylum-seeker and refugee are often confused: an asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated. On average, about 1 million people seek asylum on an individual basis every year. In mid-2014, there were more than 1.2 million asylum-seekers.<sup>9</sup> National asylum systems are there to decide which asylum-seekers actually qualify for international protection. Those judged through proper procedures not to be refugees, nor to be in need of any other form of international protection, can be sent back to their home countries. The efficiency of these asylum systems is key, because when asylum seekers are evaluated properly and efficiently, money is saved. The main factor is to not let those abuse the system who do not necessarily need to seek for asylum. If the asylum system is both fast and fair, then people who know they are not refugees have little incentive to make a claim in the first place, thereby benefitting both the host country and the refugees for whom the system is intended.

<sup>10</sup>

## Definition of key terms

### **Asylum seeker:**

The UNHCR defines an asylum seeker as someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated.<sup>11</sup>

### **Refugee:**

The 1951 Refugee Convention spells out that a refugee is someone 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 to, or owing to such fear, is unwilling to avail himself of the protection of that country."

<sup>12</sup>

### **1951 Refugee Convention:**

The 1951 Convention relating to the Status of Refugees, with just one amendment and updating Protocol adopted in 1967, is the key feature in international regime of refugee protection, and some 144 States (out of a total United Nations membership of 192) have now approved either one or both of these instruments (as of August 2008). The Convention, which entered into force in 1954, is by far the most widely authorized refugee treaty.<sup>13</sup>

### **Dublin Regulation:**

The aim of the Regulation is to make sure that one EU Member State is responsible for the examination of an asylum application. To prevent multiple asylum claims and to determine as quickly as possible the responsible Member State to ensure effective access to an asylum system. Is only in practice in EU Member States, Norway, Liechtenstein and Switzerland.<sup>14</sup>

<sup>9</sup> <http://www.unhcr.org/pages/49c3646c137.html>

<sup>10</sup> <http://www.unhcr.org/pages/49c3646c137.html>

<sup>11</sup> <http://www.unhcr.org/pages/49c3646c137.html>

<sup>12</sup> <http://www.unhcr.org/pages/49c3646c125.html>

<sup>13</sup> <http://legal.un.org/avl/ha/prsr/prsr.html>

<sup>14</sup> <http://www.ecre.org/topics/areas-of-work/protection-in-europe/10-dublin-regulation.html>

## Explanation of the question

When looking at the question of “Human Rights of Asylum Seekers Leaving From Zones of Conflict” it is good to understand the rights they already have. Due to the 1951 Refugee Convention and more importantly the Dublin Regulation, there are clear guidelines on what rights the asylum seeker should acquire when he or she enters a country within the EU. These include the right of not to be returned to their country of origin if their safety can not be assured, the right not to be penalized for entering a country illegally if they request asylum and the rights to life, security, religious expression, primary education, free access to courts and equal treatment by taxing authorities.<sup>15</sup> But these rights are only available when the asylum seeker is already in the country. The process of getting to countries especially in the EU has been dangerous in recent years. One of the most dangerous routes to Europe has been to cross the Mediterranean Sea. Over the first six months of the year 2015, 137 000 refugees and migrants crossed the sea. In mid-April 2015 there was the largest refugee shipwreck in the Mediterranean, which resulted in 800 deaths.<sup>16 17</sup>

It is evident that asylum seekers will go to extremes to secure their way to safety and especially to Europe. *Therefore the main objective would be to make the travel and evaluation of asylum seekers as safe and efficient as possible.* The illegal smuggling of refugees should essentially be stopped, to ensure that accidents like the one that occurred in mid-April in the Mediterranean do not happen again. We would also need a more reliable way to recognize true asylum seekers to ensure there would be no loopholes in the evaluation of the applicants. The system should not be abused, because it only takes away from those who truly need asylum.

When considering each country’s view it is good to consider what their views are. Does the country agree with the Dublin Regulation, does the country simply want a change in the Dublin Regulation or does the country want to completely overthrow it. It is good to keep in mind the Dublin Regulation is only a matter of concern for European countries, Norway, Liechtenstein and Switzerland.<sup>18</sup> Outside of the EU, the 1951 Refugee Convention is relevant to each United Nations member State. Some have stated that a new revised version of the 1951 Refugee Convention should be established, since the asylum seeker situation has grown to be so critical in the 21st century.

If a country doesn’t belong to the EU, it most likely has its own policy on asylum seekers and how to take them into the country in a systematic manner. It is crucial to know how each country accepts asylum seekers and refugees.

<sup>15</sup> <http://www.unhcr.org/pages/49da0e466.html>

<sup>16</sup> <http://www.unhcr.org/5592bd059.html>

<sup>17</sup> <http://www.ecre.org/topics/areas-of-work/protection-in-europe/10-dublin-regulation.html>

<sup>18</sup> <http://www.ecre.org/topics/areas-of-work/protection-in-europe/10-dublin-regulation.html>

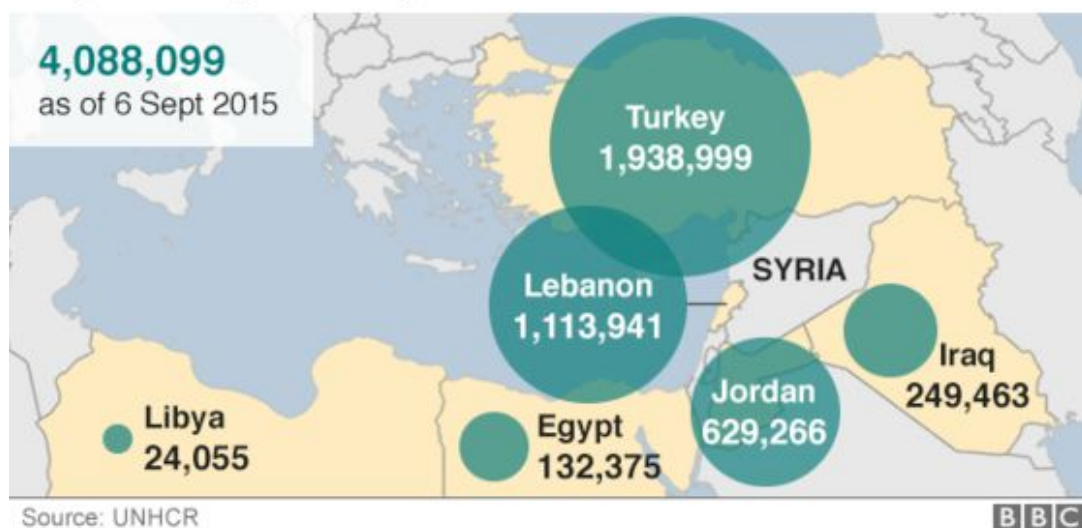
## Key Member States and NGO's involved

### Syria

When looking at the refugee crisis in the world today it is good understand the background of the countries which people are fleeing from. In 2014 Syria became the world's top source country for refugees, overtaking Afghanistan, which had held this position for three decades. Today on average almost one in four refugees is from Syria.<sup>19</sup>

Syria has been in a state of civil war for about four and a half years. It began in the early spring of 2011 and was ignited by the 2011 Arab Spring protests, with nationwide protest against the government of the President Bashar al-Assad. The protests were responded by the Government with violence. The conflict gradually morphed from prominent protests to an armed rebellion after months of military sieges.<sup>20</sup> The Civil War has been incredibly violent, with the most violent events being the Ghouta chemical attack and also the case of Hamza al-Khateeb who was a 13-year old boy who was tortured and killed. Both of these events are recognized to have been done by the government but nothing is certain.<sup>21/22</sup> Since 2011 the death toll of the Syrian Civil War is confirmed to be about 138 000 but the exact amount is impossible to state.<sup>23</sup> This civil war has been the reason that in recent years there has been a mass-movement of asylum seekers from Syria wanting to live in a safer country.

### Registered Syrian refugees



*(This picture shows how Syrian refugees and asylum seekers are distributed in the Middle-East and South-Eastern Africa)*

### Africa; Somalia, Eritrea and Sudan

Africa has been subject to refugees and asylum seekers. Due to the War in Somalia there has been a high number of refugees fleeing the country in the hope of a brighter future. The War on Somalia is the phase from 2009 to the present of the Somali Civil War. The war is

<sup>19</sup> <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>20</sup> <http://global.britannica.com/event/Syrian-Civil-War>

<sup>21</sup> <http://www.aljazeera.com/indepth/features/2011/05/201153185927813389.html>

<sup>22</sup> [https://www.hrw.org/sites/default/files/reports/syria\\_cw0913\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/reports/syria_cw0913_web_1.pdf)

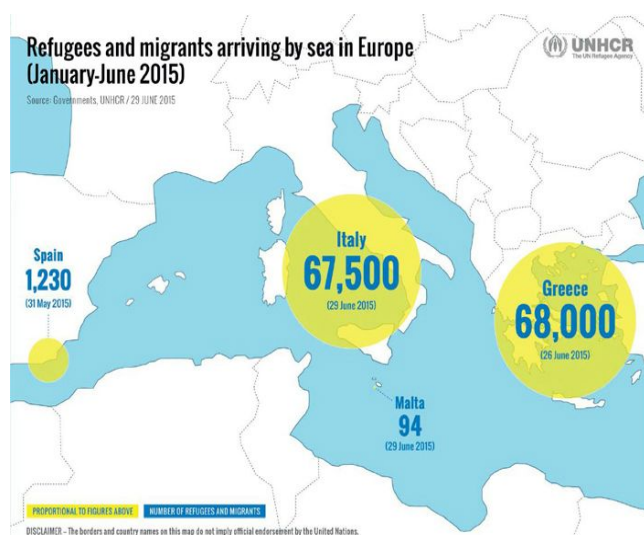
<sup>23</sup> <http://syriansshuhada.com/?lang=en&>

mainly located in the southern part of the country. The war is essentially between the forces of the Federal Government of Somalia assisted by the African Union peacekeeping troops and various militant Islamist groups and factions. Due to the war, there are now about one million displaced people in the near region of the country and a further one million within Somalia. These refugees have difficulty to seek asylum, since there aren't enough resources. Therefore many need to rely on camps organized by the UNHCR and other organizations.<sup>24</sup>

In recent years there has also been a high amount of refugees coming out of Eritrea. This is mainly because of the human rights violations performed by the Government of the country. These violations include abuse, forced labour, torture and restrictions to freedom of expression and movement. There are thousands of Eritreans fleeing their country every month. Most of these asylum seekers are resided in the surrounding countries, while some have made their way into Europe.<sup>25</sup>

Sudan has a longstanding tradition of generosity regarding refugees and asylum-seekers, with approximately 167,000 refugees and asylum-seekers currently hosted in Sudan. South Sudanese refugees have been allowed to move freely in the country, with more than 100,000 having found safety in Sudan as of mid-October 2014; until there is a political solution in South Sudan, this number is likely to grow. The refugees' presence places additional pressure on resources, both for the country which is already affected by an economic downturn and for humanitarian partners who are stretched to respond to numerous emergencies. With the problems going on in the country there is also a high amount of Sudanese refugees and asylum seekers with the latest estimates suggesting that by the end of 2015, there could be up to 460,000 refugees and asylum-seekers in the country.<sup>26</sup>

### European border states Italy and Greece



European border states that have been under most pressure are Italy and Greece. The main reason for the influx of asylum seekers in Italy is because of the Mediterranean Sea crossings. For Greece, the main reason for the high amount of asylum seekers is on the other hand mainly because it is most often the first European country that asylum seekers reach on their inland voyage to Europe. Due to the European Refugee Convention of 1951 and the Dublin Regulation, these countries can not turn these asylum seekers back, but must keep them in their country to be

<sup>24</sup> <http://www.unhcr.org/pages/527b8f7d6.html>

<sup>25</sup> <https://www.hrw.org/africa/eritrea>

<sup>26</sup> <http://www.unhcr.org/pages/49e483b76.html>



evaluated. For Italy one of the main issue is the resources that go into securing the asylum seekers from the Mediterranean Sea. This has turned out to be very costly for Italy with its estimated budget monthly being €1.5 million to €2.9 million. Therefore Italy doesn't necessarily support the Dublin Regulation, since it is the main reason Italy's budget is so high, when dealing with the asylum seekers.<sup>27</sup>

Greece on the other hand suffers from the large amount resources needed to maintain humane conditions for the enormous number of refugees. The maintaining of basic needs for asylum seekers is costly but it has to be done due to international laws.

**(The picture above shows the statistics of how many arrived into Southern Europe in the first half of year 2015.)**

### Turkey

Since the Syrian crisis began in 2011, Turkey is recognized to host over two million Syrian refugees<sup>28</sup>. Turkey has maintained an emergency response of high standard and declared a short-term protection system, ensuring non-refoulement and assistance in 22 camps, where an estimated 217,000 people are staying. Turkey is currently constructing two additional camps.<sup>29</sup> The UNHCR works closely with the Government of Turkey to support protection measures and facilitate access to public services and assistance available to both Syrian urban refugees and non-Syrian people of concern. There is also a high number of Iraqi refugees in Turkey, with an estimated amount of just over 100,000.<sup>30</sup>

### Possible Solutions

The key to making sure every asylum seeker gets the treatment they deserve is co-operation of nations. If one country has to host an absurd number of asylum seekers, it is evident that an enormous amount of resources is needed, which can not always be guaranteed. The insufficiency of resources is often what would cause to asylum seekers being treated in a way that violates their human rights. Therefore the key to this crisis is to make sure that nations co-operate in a way that no country is left on its own to handle an influx of asylum seekers. There could even be a specific limit to how many asylum seekers a country should accept, until they can ask another country to host the asylum seekers which exceed that limit. There are many ways to approach this issue.

The main thing to remember is that there is no country which could handle all the asylum seekers, they should be spread out and made an equal responsibility throughout the world, not only the EU. The way the asylum seekers should be spread out has to be objective and keep in mind that smaller countries can not take in as many asylum seekers as large countries. Co-operation is key, every nation should get involved.

<sup>27</sup> [http://europa.eu/rapid/press-release\\_IP-15-4453\\_en.htm](http://europa.eu/rapid/press-release_IP-15-4453_en.htm)

<sup>28</sup> <http://data.unhcr.org/syrianrefugees/country.php?id=224>

<sup>29</sup> <http://www.unhcr.org/pages/49e48e0fa7f.html>

<sup>30</sup> <http://www.unhcr.org/pages/49e48e0fa7f.html>

## Timeline of Events

Date	Description of events
● 1951	The Convention Relating to the Status of Refugees <sup>31</sup>
● 1990	The Dublin Convention <sup>32</sup>
● 2003	The Dublin II Convention (reconditioned Dublin Regulation) <sup>33</sup>
● 2013	The Dublin III Convention ( <b>Now in act</b> ) <sup>34</sup>
● 2014	Syria overtakes Afghanistan to become the world's top source for refugees and asylum seekers <sup>35</sup>
● 2014	19.5 million refugees worldwide <sup>36</sup>
● 2014	1.66 million asylum claims worldwide <sup>37</sup>

## UN Involvement, Relevant Resolutions and Treaties

### UN Involvement

The key UN - organization in terms of solving the refugee crisis is the UNHCR (United Nations High Commissioner for Refugees). By the end of 2014 the number of people assisted or protected by UNHCR had reached a record high of 46.7 million people. <sup>38</sup> Today, they work in 123 countries helping and safeguarding the rights of refugees, asylum seekers, internally displaced people and stateless people. They organize camps in various countries in which refugees and asylum seekers can stay, which has helped economically unstable countries to handle the influx of refugees and asylum seekers. <sup>39</sup>

Another relevant UN - organization is the UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near-East). They provide assistance and protection to some five million Palestine refugees.

### Relevant Resolutions

- Assistance to refugees, returnees and displaced persons in Africa, **08.12.2014** (A/RES/69/154)<sup>40</sup>
- Assistance to Palestine refugees, **05.12.2014** (A/RES/69/86)<sup>41</sup>

<sup>31</sup> <http://www.unhcr.org/pages/49da0e466.html>

<sup>32</sup>

<http://www.consilium.europa.eu/en/documents-publications/agreements-conventions/agreement/?aid=1990090>

<sup>33</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0820:FIN:EN:PDF>

<sup>34</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003R0343&from=EN>

<sup>35</sup> <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>36</sup> <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>37</sup> <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>38</sup> <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

<sup>39</sup> <http://www.unhcr.org/pages/49c3646c2.html>

<sup>40</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/154](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/154)

<sup>41</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/86](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/86)

- Office of the United Nations High Commissioner for Refugees, **09.12.1996**  
(A/RES/50/152)<sup>42</sup>

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[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/86](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/86)

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<sup>42</sup> <http://www.un.org/documents/ga/res/50/ares50-152.htm>