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May 2021

A Short Guide



REFUGEE RIGHTS AT INTERNATIONAL BORDERS

THE PRINCIPLES FOR EVERYONE



Refugee Rights at International Borders

The Principles for Everyone

Keywords: *United Nations, Refugee Rights, International Borders*

May 2021

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Referans için: Fournier, Lea. "Refugee Rights at International Borders", *International Refugee Rights Association, Short Guide*, May 2021, ss. 1-6.

This summary guide has been compiled from the United Nations report titled "Recommended Principles and Guidelines on Human Rights at International Borders".

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International borders are considered a dangerous place for migrants due to the difficult conditions that can lead to the loss of their lives. In addition, these borders are places where refugees' rights can be violated. Therefore, this guide addresses the importance of respecting human rights regardless of race, language or religion. The purpose of this guide is to inform the public and decision makers about the normative [ought to] guidelines on international border governance and prepare them for potential upcoming challenges. This guide targets not only states but also international organizations, civil societies and actors interested in border governance.

This guide is built around three main principles: priority of human rights, non-discrimination, and assistance and protection from harm. The ten recommendations covered in this guide are presented as a way to fulfill each of these three principles.

First principle | Priority of Human Rights: States should respect, promote and fulfill human rights, while ensuring that human rights are at the centre of all border governance measures.

Second principle | Non-Discrimination: Non-discrimination is at the heart of all border governance measures. Race, color, gender, language, religion, political or

other opinion, national or social origin, property, nationality, immigration status, age, disability, statelessness, marital status and family status, sexual orientation or gender identity, health status, and economic and social situation should not be a reason for discrimination. States must address and fight against discrimination at international borders.

Third principle | Assistance and Protection from Harm : Based on this principle, states should protect and assist migrants at international borders without any form of discrimination. They should take appropriate measures against the principle of non-refoulement and arbitrary and collective expulsion.

The media should avoid using false messages concerning xenophobia and refugees.

Guidelines for Refugee Rights

Our First Guide

What Can We Do to Protect and Enhance Human Rights?

"States and non-governmental organizations should consider the following."

- Support should be given to the media to avoid using false messages concerning xenophobia and refugees.
- Programs should be implemented to raise awareness in order to protect

migrants from xenophobia at international borders.

- Measures should be taken to ensure that the terminology used to refer to migration is compatible with international human rights law standards.
- Information campaigns should be organized to raise awareness.
- Relevant actors should be consulted and experiences of immigrants should be revealed to understand the impact of border governance on human rights.
- The independent monitoring of human rights and the establishment or the strengthening of systematic reporting mechanisms in cooperation with other relevant actors should be encouraged.



Our Second Guide

How Can We Form Legal and Political Framework for Refugees?

"States and non-governmental organizations should consider the following."

- Local legislation should be harmonized with international human rights law.

- Non-discrimination provisions in the legislation should be applied to all international border governance measures.
- Necessary legislation should be adopted or changed to ensure that human rights are respected, protected and fulfilled.
- Legislation should be adopted or amended to ensure that irregular immigration entry or staying due to irregular immigration is not considered a criminal offense.
- Legal provisions should be implemented for transparent, effective and proportionate administrative and legal penalties for crimes against immigrants at international borders.
- Legislation should be adopted or amended to define the powers used by border officials and to ensure that they are subject to international human rights law.
- Effective and independent legal mechanisms should be adopted to ensure access to justice for victims of human rights violations, violence and crime at international borders.

Our Third Guide

What Can We Do For Human Rights?

"States and non-governmental organizations should consider the following."

- Adequate financial, technical and other resources should be allocated to strengthen border governance.
- International borders should be

equipped with a sufficient number of appropriately qualified staff.

- An adequate training on international human rights law should be given to border officials.
- Border officials should be trained to identify and support migrants who may be at risk at international borders.
- The impact of human rights training on border officials should be evaluated regularly.
- Rules of conduct for border guards should be developed and adopted in line with international human rights.
- Complaint mechanisms that can be applied to in case border officials act against human rights standard should be implemented.
- To ensure that it is used in accordance with human rights norms, the use of border surveillance technology should be monitored.

Our Fourth Guide

How to Respect Human Rights in Rescue and Response?

“States and non-governmental organizations should consider the following.”

- Procedures to rescue migrants should be changed and revised to comply with international human rights and refugee law obligations.
- Rescue signs should be installed along dangerous migration routes so that immigrants at risk can call for help.
- The responsible border officials who carry out the rescue should be trained and the safety of all rescued people

should be ensured.

- Private ship captains should be encouraged to rescue migrants in distress and to unload the transferred persons at the nearest safe place.
- Adequate and effective rescue services should be established at all international borders.
- Border officials should have a training on the principles of non-refoulement and indirect refoulement.
- All migrants rescued or captured should be provided with information about their rights in a language they understand.
- Rescue and prevention cooperation agreements that could endanger human rights at international borders should be suspended.
- Border officials should be held responsible for human rights violations that occur during rescue and arrest operations.

Our Fifth Guide

How to Respect Human Rights in the Context of Emergency Aid?

“States and non-governmental organizations should consider the following.”

- Immediate assistance should be provided when needed.
- Individual health and medical screenings should be provided primarily.
- Admission processes should be es-

Border officials should be held responsible for human rights violations that occur during rescue and arrest operations.

tablished to provide the necessary assistance to all immigrants.

- Cooperative work with national conservation organizations, international organizations and non-governmental organizations should be carried out.
- Consular staff should be able to provide assistance to their citizens across international borders.
- It should be ensured that temporary accommodation does not take longer than necessary.
- It should be ensured that all temporary reception facilities comply with international human rights standards.
- Staff in temporary reception facilities must be carefully selected and receive appropriate human rights training.
- Cooperation with other actors should be established in the investigation and prosecution of human rights violations, reception conditions, regulations, support and acceptance processes.

Our Sixth Guide

How to Ensure Compliance with Human Rights During Screening and Interview Process?

“States and non-governmental organizations should consider the following.”

- The situation of each individual and their reasons for entry should be determined, and immigrants at potential risk should be identified and appropriately directed.
- Screening processes should be evaluated and changed in order to pro-

tect the right to privacy.

- It should be ensured that data collection is legal, correct and secure.
- Any entry restrictions on discriminatory grounds should be lifted.
- Health screenings should comply with human rights standards.
- Procedures should be developed and implemented to inform verbally and in writing the right to appeal of those to whom entry is refused.
- Interview procedures should be developed within the full respect for human rights and dignity.
- It should be ensured that disabled people have access to equal conditions.
- Border officials should be limited to gathering information about the identity of the child in their interviews with children.



Our Seventh Guide

What Should Be Considered in Identification and Orientation?

“States and non-governmental organizations should consider the following.”

- Human rights experts should be formed in order to identify migrants who may be particularly at risk.
- Asylum seekers should be given

the opportunity to access information on the right to seek asylum and to fair and effective asylum procedures through entry system arrangements.

- Pregnant and nursing mothers should have access to adequate health-care services.
- Children should be identified immediately, and those without parents should be referred to protection authorities.
- Victims of violence and trauma should be referred to appropriate medical and psycho-social services.
- Border authorities that do not refer migrants to appropriate protection and assistance services should be investigated.

Our Eighth Guide

How to Prevent Detention?

“States and non-governmental organizations should consider the following.”

Men and women should be detained separately unless they belong to the same family.

- For detention to be a last resort, legislation should be changed and detention alternatives in line with human rights should be envisaged.
- In the case of an arrest, procedural safeguards should be established and strengthened.

- Legal provisions allowing unlimited detention should be abolished.
- Children should never be detained.

• Conditions in detention centers should comply with the “UN Standard Minimum Rules for the Treatment of Prisoners” and all other relevant international standards.

• Staff in detention centers should be carefully selected and trained on human rights.

• Men and women should be detained separately unless they belong to the same family.

• In exceptional cases where children are detained, they should be housed with family members unless there are compelling reasons.

• Immigrants in detention should not be subjected to violence, ill-treatment or physical, mental or sexual abuse.

• Immigrants in detention should have unconditional access to adequate medical and healthcare services.

• Immigrants in detention should be provided on time with competent, free and unconditional access to independent legal assistance and necessary translation services.



Our Ninth Guide

How Can We Enable Repatriation of Refugees Based on Human Rights?

“States and non-governmental organizations should consider the following.”

- Returns from all areas where the state has jurisdiction or exerts effective control should only be made in accordance with international law.

- Voluntary return should be encouraged instead of forced return.

- Return procedures should only be made by the competent authorities.

- The reasons behind the deportation orders of the immigrants should be made clear to them.

- When an immigrant is thought to be at risk of serious human rights violations, solutions should be developed against deportation orders.

- During the return process, children should be accompanied by a parent.

- Return processes should be carried out in accordance with the human right of free movement.

- Border officials and immigrants should be aware of the paperwork requirements of the country of repatriation.

- All information should be kept confidential in any cooperation between states during the return process.

- If it is unclear how children will be taken care of, they should never be handed over to the border authorities of the recipient countries.

- Return procedures should be stopped when human rights of immigrants are endangered.

- Any form of physical restraint used must be absolutely necessary and respectful of the dignity of immigrants.

- No migrant should be deported unless their medical situation is adequate for travel.

Our Tenth Guide

How to Work in Cooperation and Coordination?

*“Devletler ve sivil toplum örgütleri aşağıdaki-
leri göz önünde bulundurmalıdır.”*

- All major international human rights instruments must be signed, ratified and implemented.

- Platforms for cooperation on border governance should be created.

- Cross-border cooperation should promote human rights-based, fair, dignified, legal and evidence-based border governance measures.

- It should be ensured that bilateral, regional and international cooperation agreements, laws and policies do not have a detrimental effect on immigrants' human rights at the borders.

- Any bilateral or regional cooperation agreement in which human rights are not clearly guaranteed should be regulated or suspended.

- Border governance agreements or arrangements should be established with other relevant actors.

- Data on border management should be collected and their analysis should be standardized.

- Independent monitoring mechanisms should be developed and implemented to all border authorities 🌐

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