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International legal standards for the protection from refoulement: A legal analysis of the prohibitions on refoulement contained in the Refugee Convention, the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture

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**International Legal Standards for the Protection from
Refolement**

van Kees Wouters

- 1 The prohibition of refoulement limits the sovereign right of States to regulate the entry, stay and expulsion of aliens.
- 2 The prohibition of refoulement extends beyond the boundaries of States and must be applied in every territory and situation a State effectively controls.
- 3 States should refrain from applying an internal protection alternative if this might create or exacerbate situations of internal displacement or contribute to ethnic cleansing.
- 4 Diplomatic assurances in asylum cases can never unequivocally guarantee a person's safety and should therefore not be requested.
- 5 With the development of absolute prohibitions on refoulement Article 33(2) Refugee Convention has become obsolete.
- 6 It cannot be determined with certainty that a person will be subjected to proscribed harm. The essence is to believe or not to believe that proscribed harm is likely to occur.
- 7 It would be beneficial for the development of international asylum and refugee law if the UNHCR increased its legal interventions in the context of international supervisory mechanisms.
- 8 Persons who have a right to be protected from refoulement have a right to obtain a durable solution.

- 9 Persons who have a right to international protection not only have the right, but also have a duty to integrate in the society of their country of refuge, if only in order to build public support for the reception of others in search of protection.
- 10 The prohibition of refoulement is not a rule of international customary law.
- 11 Safe countries do not exist.
- 12 All decisions and judgments of the European Court of Human Rights must first and foremost be published in English.
- 13 European migration law should be a mandatory course for every law student in Europe.
- 14 The support of a nanny is a prerequisite for a father to work on and to finish a PhD research.