

PRINCIPLE OF NON-REFOULEMENT:

- A fundamental principle of refugee law is non-refoulement. Article 33 of the 1951 Convention states:
- “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

- This principle is the most direct, and powerful, means for protecting the life, liberty and other basic human rights of a refugee as it ensures that he will not be returned to a country or frontier where his life or liberty would be violated. It is applicable to refugees as well as to asylum-seekers. Customary international law incorporates this core meaning but extends the principle of non-refoulement to include displaced persons who do not enjoy the protection of the government of their origin.

- Various human rights instruments include an explicit prohibition of refoulement if a person is at risk of suffering human rights violations, Taken together, these instruments protect any person from being forcibly returned to a country where he or she is at a risk of torture, enforced disappearance, or extra-legal, arbitrary or summary execution.
- The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides in Article 3 that:

- No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
- For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.