

Ranking AsyLex Global - Final Ten Countries

Nr. 1 (Africa)

[South Africa](#)

Favourable Aspects

South Africa has a significant number of asylum seekers and offers various UN Human Rights Mechanisms (CERD, CCPR, CEDAW, CAT (including Inquiry), CRPD (including Inquiry)), as well as Regional Human Rights Mechanisms (African Commission and African Committee of Experts on the Rights and Welfare of the Child). The potential for collaboration with local organizations is facilitated by the use of English as one of the languages in South Africa.

Partnership possibilities

AsyLex has been in contact with six relevant organisations or experts. These are Foundation Human Rights, Lawyers for Human Rights, Scalabrini, Center for Human Rights, Southern African Litigation Center and an expert from the former Cape Town Refugee Centre, Ben Tshiteya. Lawyers for Human Rights and Scalabrini are directly involved in providing legal advice to asylum seekers and refugees. They and the other organisations expressed interest in working with us. Scalabrini mentioned that they could provide us with a list of clients where a possible international appeal could be helpful. With the Centre for Human Rights, we discussed the possibility of jointly submitting cases to the African Committee of Experts on the Rights and Welfare of the Child.

Potential difficulties

We have no statistics on deportations and received conflicting answers to our question as to whether deportations are indeed a major problem. We also received conflicting accounts of how exactly the High Court assesses human rights violations. However, it appears that the Court also relies heavily on the assessment of safe third countries and does not assess individual cases in the necessary detail.

Furthermore, there is still a considerable backlog of asylum cases at the national level. The possibility of exhausting domestic remedies is therefore not always obvious.

We have tried to address these issues, but some of the potential partners are currently unresponsive.

Conclusion

Based on our assessment, South Africa seems very promising as many partners expressed the need to focus on the asylum issue in South Africa. However, work would need to start at the national level, focusing on strengthening local organisations and broadening the scope of our litigation to include other human rights issues of refugees, such as the current mass revocation of permits of Zambians and the issue of xenophobia.

Nr. 1 (Europe)

Belgium

Favourable Aspects

Belgium accepts the receipt of individual communications for a number of UN human rights mechanisms (CERD, CESCR, CCPR, CEDAW, CAT, CRC, CRPD, CED) as well as regional human rights mechanisms (ECtHR, Frontex). International human rights mechanisms are underexplored in the refugee context. Furthermore, the language in Belgium is French, besides Dutch, which would help to establish a close partnership with local organisations. Deportations are a problem and there are only two appeal bodies. The duration of the procedure is between 1-2 years, which is comparatively short. National remedies can therefore be exhausted. Finally, the Belgian courts seem to rely on the assessment of safe third countries and do not assess the individual case in the necessary detail.

Partnership possibilities

AsyLex is in contact with two relevant organisations: Move and Nansen Refugee. Both organisations clearly expressed their interest in learning more about the possibility of using international human rights mechanisms for the purpose of refugee protection.

Potential difficulties

So far, AsyLex has not been able to find a lawyer with whom to work on this project.

Conclusion

The Belgian context seems to be quite similar to the Swiss context. As the possibility of using international human rights mechanisms for the protection of refugees seems to be underexploited and organisations have expressed a clear interest in cooperation, the context seems favourable for the implementation of an AsyLex Global Project.

Nr. 2

Cyprus

Favourable Aspects

There are a number of UN human rights mechanisms in Cyprus: CAT (including an inquiry), CCPR, CEDAW (including an inquiry), CERD, CRC (including an inquiry), CRPD (including an inquiry), as well as regional human rights mechanisms (ECtHR, Frontex) to submit individual communications. International human rights mechanisms are under-explored in the refugee context. With only two appeal levels and a duration of around 5 years, national remedies can be exhausted. Finally, deportation is an issue and the Cypriot courts seem to rely on the safe third country assessment and do not assess the individual case in the necessary detail.

Partnership possibilities

AsyLex has been in contact with one relevant organisation, the Cyprus Refugee Council (CyRC). According to them and research, they are the main and only actor. We have contacted other organisations but have not received a response. The CyRC expressed interest in learning more about the possibility of using international human rights mechanisms to protect refugees, but said they had no capacity and would need all the help they could get.

Potential difficulties

The Greek language could be an issue, as well as the lack of capacity and the monopoly of CyRC, which could lead to dependency and delays.

Conclusion

The context of Cyprus seems to be very interesting for the establishment of an AsyLex Global project, as the conditions are favourable. The possibility of using international human rights mechanisms in the name of refugee protection seems to be underexploited. However, there is only one organisation active in the field of legal representation of asylum seekers. They are only willing to cooperate if it doesn't put an extra burden on them, as they have no additional capacity.

Bulgaria

Favourable Aspects

In Bulgaria, a number of UN human rights mechanisms CAT (including an inquiry), CERD, CCPR, CEDAW (including an inquiry) as well as regional human rights mechanisms (ECtHR, Frontex) exist for the submission of individual communications. International human rights mechanisms are under-explored in the refugee context. With only two appeal levels and an average duration of around 3 years, national remedies can be exhausted. Finally, deportations are an issue in Bulgaria and take place regularly. There is a readmission agreement between Bulgaria and Turkey, which results in numerous deportations.

Partnership possibilities

AsyLex has been in contact with three relevant organisations, the Helsinki Committee, FAR and the Centre for Legal Aid. All organisations see the need for such a project and are interested in working together.

Potential difficulties

Bulgaria is still more of a transit country, which means that many asylum seekers may not see it as their main goal to stay there. The language barrier may also be an issue.

Conclusion

The Bulgarian context seems to be very interesting for the establishment of an AsyLex Global project, as the conditions are favourable. The possibility of using international human rights mechanisms for the protection of refugees seems to be underexploited, especially before UN committees. However, the Bulgarian context is quite different from the Swiss one. It is very likely that the project would have to be adapted considerably to the context.

Favourable Aspects

There are not many avenues for individual communications to UN committees in Zambia, but they do recognise the competence of the CCPR to receive individual communications, which has jurisdiction over men, women and children. It is therefore quite broad in its scope of protection. In addition, Zambia accepts inquiries before the CCPR, CAT and CED as well as individual communications can be submitted to the regional human rights mechanism of the African Committee of Experts on the Rights and Welfare of the Child. There is also an obvious need for legal representation for asylum seekers in Zambia. In addition, the SDC (DEZA) has identified Zambia as one of its priority countries, which could potentially be interesting from a funding perspective.

Partnership possibilities

AsyLex is in contact with two relevant experts. These experts are very knowledgeable and have expressed their interest in a possible collaboration. They are in exchange with the GCSL and have identified the legal representation of asylum seekers and the lack of interest of lawyers to represent asylum seekers in court as an important issue. However, there are no organisations available in the context of providing legal advice / representation to asylum seekers.

Potential difficulties

There are no organisations working on refugee issues. Lawyers do not seem very interested in representing asylum seekers in court.

Conclusion

The context is very different from Switzerland. In order to set up an AsyLex Global project, we would have to start from scratch and provide legal advice to asylum seekers on a national level. However, the fact that there is a great need and the possibility of applying to DEZA for financial support makes Zambia an interesting country for AsyLex Global.

Rwanda

Favourable Aspects

Rwanda recognises only the competence of CEDAW and CRPD to receive individual communications. In addition, communications may be submitted to CEDAW, CRPD and CAT. There are also many regional human rights mechanisms in Rwanda (the African Committee of Experts on the Rights and Welfare of the Child, the African Commission on Human and Peoples' Rights and the East African Court of Justice).

Partnership possibilities

AsyLex has been in contact with three relevant organisations: the Prison Fellowship Rwanda, the Legal Aid Forum Rwanda and the Initiative for Peace and Human Rights. All organisations have expressed interest in such a project and possible collaboration.

Potential difficulties

The High Court of Rwanda has only recently (in 2018) been given jurisdiction over asylum cases. As such, there is no experience yet of whether cases will be assessed in the necessary detail and not dismissed without considering potential non-refoulement violations. As the UK (and Denmark) are in the process of concluding an agreement with Rwanda, it may be problematic to become involved. It is also unclear how much of a problem deportations are in Rwanda. Furthermore, Rwanda has only recognised the competence of CEDAW and CRPD to receive individual communications.

Conclusion

As the High Court has only recently started hearing asylum cases, it will be interesting to see whether it rejects appeals that violate international principles such as the principle of non-refoulement. Therefore, the possibility of setting up AsyLex Global is not really given at the moment, but there is an interesting potential.

Nr. 6

Armenia

Favourable Aspects

In Armenia there are a number of UN human rights mechanisms (CESCR, CCPR, CEDAW, CAT inquiry, CED inquiry) as well as the regional human rights mechanism ECtHR that may receive individual communications. International human rights mechanisms are under-explored in the refugee context. National remedies can be exhausted, despite the 4 appeal levels with a duration of 3-6 years.

Partnership possibilities

AsyLex was only in contact with Mission Armenia. They are an implementing partner of the UNHCHR. However, they are very interested in cooperation.

Potential difficulties

The need for an AsyLex Global project in the Armenian context is not very obvious and the number of asylum seekers is very low. It is also unclear how many deportations actually take place. Therefore, the impact of such a project is unclear. Furthermore, no other organisation has responded to our request for an exchange. So we would be quite dependent on Mission Armenia.

Conclusion

Although the conditions in Armenia may be favourable and the organisation seems interested in working together, setting up an AsyLex Global project there with a view to international litigation to prevent deportation may not be the most appropriate.

Nr. 7

Malawi

Favourable Aspects

There are not many avenues for individual communications to UN committees in Malawi, but they do recognise the competence of the CCPR to receive individual communications, which has jurisdiction over men, women and children. It is therefore quite broad in its scope of protection. In addition, a CAT inquiry and individual communications can be submitted to the African Court and the African Commission, as well as the African Committee on the Welfare of the Child.

Partnership opportunities

AsyLex has been in contact with one relevant expert who is a human rights lawyer. However, we were not able to establish any further relevant links.

Conclusion

With the information currently available, we are unable to plan an AsxLex Global project there. However, if further networks can be established, Malawi is worth looking at again.

Favourable Aspects

In Greece there are a number of UN human rights mechanisms CESCR, CCPR, CEDAW (incl. inquiry), CAT (incl. inquiry), CRPD (incl. inquiry), CED inquiry, as well as regional human rights mechanisms (ECtHR, Frontex) which may receive individual communications. In contrast to the regional human rights mechanisms, individual communications to the UN are relatively under-used.

Partnership possibilities

AsyLex was in contact with three relevant organisations: Safe Pathways Greece, Legal Aid Centre Lesvos and Fenix. All of them stressed that the context is quite different from the one in Switzerland, as it is more a question of pushbacks or deplorable living conditions rather than deportations. They also stressed that the Greek authorities do not even implement the decisions of the ECtHR and therefore doubt that the recommendations of the UN Committee will be effective. No organisation expressed a clear interest in cooperation

Potential difficulties

The time taken to exhaust national remedies is considerable, the Greek government does not seem to implement the decisions of international bodies, and deportations are not currently an issue. The project would have to be implemented very differently from our Swiss version, but potential partners are not very interested in collaborating and are already very active themselves. Finally, language might be an issue.

Conclusion

At present, Greece does not seem to be the most appropriate country for the implementation of the AsyLex Global project. However, if readmissions to Turkey resume (they have been suspended in the Covid context), it could be interesting to litigate before UN committees on behalf of those who are subject to the fast-track procedure because Turkey has been declared a safe third country for nationalities, such as Afghanistan, Bangladesh, Somalia, Palestine and Syria.

Favourable Aspects

Italy has a number of UN human rights mechanisms (CERD, CESCR, CCPR, CEDAW (including an inquiry), CAT (including an inquiry), CRC (including an inquiry), CRPD (including an inquiry)) and regional human rights mechanisms (ECtHR, Frontex) which can be addressed with individual communications. In contrast to the regional human rights mechanisms, individual communications to the UN are relatively under-used.

Partnership possibilities

AsyLex conducted one interview with an expert and two interviews with two different branches of an organisation, ASGI. We learnt that ASGI has a monopoly on strategic litigation in Italy and is very active and successful before both national courts and the ECtHR. ASGI emphasised that, in their view, the ECtHR works well and that there is no need to turn to UN bodies. Moreover, their interest in cooperation is limited.

Potential difficulties

The Italian courts seem to be assessing human rights violations in the necessary detail. Rather than deportations, pushbacks are a problem in Italy. There are also many other restrictions, such as obtaining power of attorney from clients, which requires a lawyer to be physically present.

Conclusion

As ASGI is very active in this field and has a detailed and expert knowledge of the context, there is no need for AsyLex to intervene.