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THE PRINCIPLE OF NON-REFOULEMENT: THE DUTY TO HELP THOSE IN NEED

The principle of non-refoulement, encoded in Article 33 of the Geneva Convention on the Status of Refugees, expects no State to reject refugees towards territories where their freedom would be threatened due to discrimination of any kind. This principle is being stated as Jus Cogens, such as Golden Rule, in defense of humanity in distress and danger.

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In art. 33, the **Convention on the Status of Refugees** it is stated that “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”. Due to the constant flow of migrants to European countries, particularly Italy, this principle has become extremely actual. The **principle of non-refoulement** has gradually acquired the status of a legally binding norm, and therefore, it is unavoidable due to the implementing protocol issued by UNHCR in 1967 and various regional treaties. UNHCR believes that the principle of non-refoulement has become customary. By analyzing instances of the various international bodies and the practices implemented by individual governments, the principle **is considered a binding rule**. The questioned principle is linked to other doctrine regarding human rights, such as **banning the use of torture**: an individual cannot be dismissed towards states that adopt similar practices. The main purpose of the principle of non-refoulement does not endorse geographic limitations: the **individual cannot be discharged to any State where his life and freedom would be at risk** or to any territory where the home state of the refugee has political power or influence.
