

Report cards on refugees' rights

Bruce Forster

The US Committee for Refugees and Immigrants has provided valuable data in its Refugee Rights Report Cards but further analysis produces even more useful information.

Refugees have rights, as stipulated in the 1951 Convention Relating to the Status of Refugees. Unfortunately, these rights are frequently breached. In order to measure the degree of compliance with the Convention by host countries, the US Committee for Refugees and Immigrants (USCRI) evaluated 52 host countries on four components of refugee rights. The result is a set of four Refugee Rights Report Cards, one for each Rights component, and with each containing 52 countries with their respective score.¹ The USCRI Report Card for the *Refoulement/Physical Protection* category is given below for illustrative purposes.

This data is interesting but using some system of analysis – as discussed overleaf – would facilitate the assessment of refugee rights compliance for individual countries and for the entire set of countries surveyed.

The four components of the Report Cards, and their respective grading schemes, are as shown opposite:

Refoulement²/Physical protection

- A: No *refoulement*; fair asylum system
- B: No *refoulement* but faulty asylum systems
- C: Some *refoulement* but not systematic; governmental harassment and serious physical risk
- D: Systematic *refoulement*; governmental violence against refugees
- F: 100+ *refoulements*; severe governmental violence

Detention/Access to courts

- A: No arbitrary detention; access to courts and documentation
- B: Little detention
- C: Significant detention; faulty access to courts and documentation
- D: More than 100 arbitrarily detained
- F: More than 200 arbitrarily detained; no access to courts

Freedom of movement and residence

- A: No restrictions in policy or practice
- B: Almost no restrictions in policy or practice
- C: Restrictions in policy but wide tolerance
- D: Restrictions in policy and practice; harassment
- F: Severe restrictions in policy and practice

Right to earn a livelihood

- A: No restrictions in policy or practice
- B: Almost no restrictions in policy or practice
- C: Restrictions in policy but wide tolerance in practice
- D: Restrictions in policy and practice; harassment
- F: Severe restrictions in policy and practice

Table 1: *Refoulement/Physical protection*

Grades	A	B	C	D	F
Countries by grade	Botswana	Burundi	Algeria	Chad	China
	Brazil	Canada	Bangladesh	Europe	DR Congo
	Costa Rica	Rep. of Congo	Cameroon	Iraq	Egypt
	Malawi	Ivory Coast	Ghana	Israel	Israeli-occupied territories ³
	Niger	Ecuador	India	Pakistan	Iran
		Ethiopia	Jordan	Panama	Kenya
		Guinea	Mauritania	Russia	Lebanon
		Kuwait	Nepal	Saudi Arabia	Libya
		Senegal	Rwanda	Sudan	Malaysia
		Serbia	Venezuela	Syria	South Africa
		Tanzania	Zambia		Thailand
		Uganda			Turkey
					US
				Yemen	

Source: USCRI, *World Refugee Survey 2009*

While the four tables contain valuable information for assessing the accountability of host countries, the data, as presented, is not very convenient for further analysis. Analysts or other interested readers need to go through each of the four tables picking out the set of scores of their country or countries of interest. In order to make this more convenient, a single Report Card for the set of host countries along with their respective scores can be generated using the data contained in the four tables. A stylised version with selected countries (for reasons of space) is given in Table 2 below.⁴ This table makes it very easy to examine individual countries since all scores appear with the respective country.

Notice that Brazil is the only country to score A for every component. As most countries have scores that vary across the four components, how does one assess the overall performance of a particular country? One method could be to use the Grade Point Average (GPA) system commonly used to measure students' academic performance. Each letter score is associated with a numerical one: A=4; B=3; C=2; D=1; and F=0. The average score across the set of scores is calculated for each country, which gives a measure of the average performance of the country. Country-specific GPAs are given in the far right-hand column of Table 2.

If the information in Table 2 is rearranged not alphabetically but rather in descending order by GPAs, the analyst can then select an appropriate cut-off GPA and see how many countries score above that point. This number, or the proportion of countries scoring above the cut-off point, can serve as indicators of the overall performance of the group. An alternative approach is to compute the average GPA for the group and this becomes the indicator of the overall performance.

There is another factor that could be taken into consideration, however, in grading countries' performance. In a 2007 Introductory Note to the 1951 Convention, UNHCR states that the principle of *non-refoulement* is considered to be sufficiently fundamental that no deviation is acceptable. If this condition is invoked in the grade assessment process then any country that scores a C, D or F on the question of *refoulement* receives a failing grade overall. This means that we can start with the *non-refoulement* component, and consider only those countries scoring an A or a B. As can be seen from Table 1, only 17 of the 52 countries survive this first test. For these 17 countries, GPAs can be computed using all four components, and these GPAs are their grades. (The average grade for the 17 acceptable countries is 2.77.) The rest

of the countries – approximately two thirds – receive failing grades, having deviated from the *non-refoulement* requirement.

The results presented here could not be gleaned by merely looking at the four tables in USCRI's report. Those tables provide the raw data. The GPA is a vehicle for extracting additional penetrating information and analysis of the refugee rights compliance of individual countries and of the set of host countries together.

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1. 2009 World Refugee Survey

<http://tinyurl.com/2009-WorldRefugeeSurvey>

2. The protection of refugees from being returned to places where their lives or freedoms may be threatened

3. Consisting of the West Bank, the Gaza Strip and much of the Golan Heights.

4. The full set of data, arranged alphabetically by country and ranked by performance, is available on the FMR website at

<http://www.fmreview.org/non-state/forster.htm>

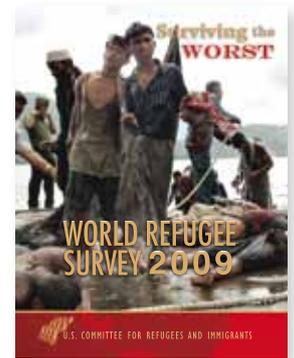


Table 2: Measures of host country compliance with refugee rights

Country (in alphabetical order)	Refoulement/ Physical protection	Detention/ Access to courts	Freedom of movement and residence	Right to earn a livelihood	Grade Point Average
1. Algeria	C	D	F	F	0.75
2. Bangladesh	C	D	D	C	1.5
3. Botswana	A	B	C	B	3.0
4. Brazil	A	A	A	A	4.0
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25. Jordan	C	D	A	D	2.0
26. Kenya	F	D	F	D	0.5
27. Kuwait	B	A	B	D	2.75
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50. Venezuela	C	C	C	B	2.25
51. Yemen	F	D	C	C	1.25
52. Zambia	C	B	D	D	1.75

Source: Author's creation based on USCRI, *World Refugee Survey 2009*