



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

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***Dynamism of Non-Refoulement Through Time:
Relevance for Future International Protection?***
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This presentation examines the interaction between European and international law and how they mutually influence one another in the international refugee law regime. A key concept of refugee law, non-refoulement has been described as the cornerstone of international refugee protection. As the prohibition against forced removal of asylum claimants and refugees to places where their life or freedom would be threatened on the grounds of race, religion, nationality, membership of a particular social group or political opinion. Despite this, certain parameters of the norm of non-refoulement such as its customary nature and scope of application extraterritorially are yet to be ascertained.

This presentation will examine the evolution of the norm of non-refoulement from the perspective of case law, by analyzing its interpretation by European adjudicative bodies such as the European Court of Human Rights and the Court of Justice of the European Union as compared to other international human rights bodies such as the Human Rights Committee and the Committee Against Torture. By comparing and contrasting the interpretation of non-refoulement by European adjudicative bodies as against international human rights bodies, it may be readily seen whether the scope of non-refoulement has been expanded or diminished through time and what the implications may be for the future of international protection. An accurate understanding of each adjudicative bodies' interpretation of the norm may be indicative of future directions of the norm of non-refoulement.

The aim of this presentation is to explore the interpretation of this norm through the lens of different human rights adjudicative bodies and to compare and contrast these cases between the European and international perspectives, in hopes of offering some indications for international protection. Specific focus will be placed on cases involving the adjudication of the prohibition against torture, the right to life, and the prohibition against inhuman treatment.



Jenny Poon is a Ph.D. candidate at the Faculty of Law of the University of Western Ontario, a Barrister & Solicitor in Ontario, and a Senior Fellow at the Canadian International Council. Jenny was a Visiting Fellow at the Refugee Studies Centre of the University of Oxford and was the recipient of the Ontario Graduate Scholarship, the American Society of International Law International Refugee Law Essay Award, and the EU Studies Association Haas Fund Fellowship. She is currently a visiting researcher at the Max Planck Institute for Comparative Public Law and International Law.

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