

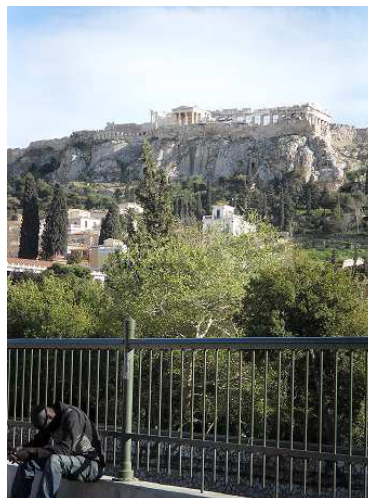


ARISTOTLE UNIVERSITY OF THESSALONIKI

UNESCO CHAIR
on Education for Human Rights,
Democracy and Peace



**BUILDING NEW FENCES? SECURITY CONCERNS AND
PROTECTION OF ALIENS AT THE EUROPEAN
BORDERS**



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Master Thesis by Lorena Isla
Supervised by Professor Dr. Georgios Nouskalis
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Statement against plagiarism

Abstract

This research paper aims to examine the compatibility of border controls with the human rights standards that the EU and its Member States are bound to. For that purpose, expulsion has been chosen as the comparative element, since the non refoulement principle is one of the most developed constrains to the faculty of the State to expel non citizens. The human rights mechanisms available for the protection against expulsion will be examined and compared with the most representative EU regulations regarding forced removal of aliens. The analysis on the compliance of the EU policy with human rights standards is illustrated with a case study about Spain, which is one of the “guardians” of the Southern borders. The protection of citizens against security threats is the most common justification for the downgrading of the safeguards available for third country nationals aiming to reach Europe. The question is whether a balance between the interests at stake can be stroke, and to which extent the apparent clash between citizens and non citizens’ rights is illusory. In fact, the non refoulement principle has been reinforced in Europe thanks to the case law of the ECtHR. This development challenges the idea that aliens can be deprived of protection on account of an artificial equilibrium between their rights and the well being of the host community.

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List of abbreviations

AI	Amnesty International
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture
CRC	Convention on the Rights of the Child
EC	European Community
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
ECRE	European Council on Refugees and Exiles
ECtHR	European Court of Human Rights
EU	European Union
HRC	Human Rights Committee
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
JHA	Justice and Home Affairs
MEPs	Members of the European Parliament
OAS	Organization of American States
OECD	Organisation for Economic Cooperation and Development
QMV	Qualified majority voting
SIS	Schengen Information System
SIVE	Spanish system of external vigilance
TEU	Treaty of the European Union
TEC	Treaty Establishing the European Community
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

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