

A person is seen from behind, looking out a bright circular window in a dark room. The person is wearing a dark jacket with a red strap. The scene is dimly lit, with the light from the window creating a strong silhouette effect.

DENMARK-RWANDA DEAL

**DEPORTING PEOPLE, OUTSOURCING &
OFFSHORING ASYLUM**



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Authored by Beatriz Jorge

Since 2007, [borderline-europe](http://www.borderline-europe.de) offers civil resistance against the European border and migration policy. We are based in Berlin with branches in Palermo and Mytilini.

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KEY POINTS

In September 2022, **Denmark and Rwanda signed an agreement on the possible transfer of asylum seekers** to the East African country. The prospective 'transfer-system' resembles the one announced by the UK in April.

About **1,000 people may be deported yearly** to a country thousands of kilometres away where refugees are killed and forcibly recruited by militias. After fleeing their countries, crossing borders, and risking their lives to reach a safe place, people are pushed back into a state of imminent danger.

Should the deal go through, Denmark would be the first EU member state to practice offshore detention, setting a dreadful precedent in Europe, where anti-refugee policies continue gaining ground.

More than exporting border controls, the implementation of these deals provides for a **serious upscaling of incarceration and forced deportations**. Governments' rhetoric tries to mask the reality. This is not about 'stopping human smuggling' as they say, but increasing and tightening migration control.

Even if the European Commission continues to oppose this deal, the risk remains that Denmark's ambitions fuelled by racism and xenophobia will inspire others.

THE PROSPECTIVE DEAL

On 9 September 2022, the Danish government released a [joint statement](#) with the Rwandan authoritarian regime, getting one step closer to outsource and to offshore asylum procedures and obligations of protection to the African country. “Rwanda and Denmark are jointly exploring the establishment of a program through which spontaneous asylum seekers arriving in Denmark may be transferred to Rwanda for consideration of their asylum applications and protection, and the option of settling in Rwanda”, as it reads. The Danish and Rwandan governments see the current asylum system as “dysfunctional” and are advancing in talks to find a “new approach” which serves the interests of both.

The prospective deal came out after a visit of the Danish ministers of immigration and development cooperation to Rwanda. It was revealed that **about 1,000 people may be deported yearly**, but the practical and legal implications of the scheme are yet to be known. Denmark plans to open a project office staffed by two diplomats in Kigali, the Rwandan capital, still this year.

Attempting to legitimise this deportation scheme, the Danish government presents it as “necessary” to stop human smuggling and the dangerous journeys across the Mediterranean, and further labels it as “humanitarian.” This is similar rhetoric to that used by the UK’s former Prime Minister (PM), Boris Johnson, when he announced a similar scheme earlier this year.

What the Danish government seems to conveniently ignore is that **migration routes are so dangerous and deadly in the first place because of EU policy**. Rather, this is another strategy among many to portray the country as unwelcoming as possible, trying to dissuade migrants from seeking asylum in Denmark. For example, already in 2016, the government introduced the notorious ‘jewellery law’ enabling Danish authorities to confiscate valuable items from asylum seekers, allegedly to pay for their stay.

FRAMING DEPORTATIONS
AS 'HUMANITARIAN' ”

BACKGROUND

The idea of outsourcing/offshoring the reception and integration of refugees to Africa was first advanced by the Danish Social Democrats in 2018 but perceived as unrealistic back then. Yet, in the beginning of 2021, the Danish Social Democratic government advanced a **legislative proposal known as L226**, under which people seeking asylum in Denmark, including unaccompanied minors, would go through an accelerated procedure to assess their 'transferability' to facilities or camps outside Europe. Third countries would then be responsible for providing international protection to successful applicants or returning asylum seekers with a negative decision back to their home countries.

The legislative proposal was **strongly opposed by many civil society actors and international organisations**, including the UNHCR, Amnesty International and Danish Refugee Council. The main criticisms were a) the lack of transparency about legal standards, b) concerns about increased violence, incarcerations and

deportations, c) the unrealistic nature, considering the refusal of several countries to host such facilities, d) the risk of inciting further trafficking networks, and e) the risk of undermining international solidarity by setting such dangerous precedent.^[1]

The Danish Parliament turned a deaf ear, and **the proposal was passed into law in June 2021**, paving the way for externalising asylum procedures and protection of refugees outside Europe. This was then criticised by the European Commission for violating EU asylum laws.

The **Commission warned that legal actions would be taken** if the plan does materialise. Denmark has since been looking for potential partners, such as Morocco, Tunisia, Libya, and Egypt, as well as the UN Refugee Agency (UNHCR) and within the EU, but all have so far refused.

[1] Lemberg-Pederson M., Whyte Z., Chemlali A., "Denmark's new externalization law: motives and consequences", Forced Migration Review: Externalization 68, 36-39, November 2021, <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/externalisation/magazine.pdf>

FOLLOWING IN THE UK'S FOOTSTEPS

Earlier this year, the British and Rwandan governments announced a new 'Migration and Economic Development [Partnership](#)', providing that those arriving in the UK irregularly will be deported to the African country. The asylum applicants will have their files entirely processed by Rwandan officers, funded by the UK. In case of a positive decision, refugees will then settle in Rwanda instead of returning to Europe. This deal represents a **breach of the Refugee Convention**, to which the UK remains bound: "Not only does it derogate from, and openly question, the principle of territorial asylum, i.e., the right to access the (national) asylum process upon setting foot on land, but it also advances the idea that states can pay to cast off the responsibilities they signed up to under the 1951 Geneva Convention."[\[2\]](#)

A legal analysis carried out by UN Special Rapporteurs (SRs) raised several concerns regarding the compatibility of the UK-Rwanda deal with the UK's obligations under international human rights law. Specifically, they highlighted the risk of **breaching obligations to victims of trafficking**, such as prompt investigation and the provision of

a proper protection system, and the risk of "**onward refoulement or re-trafficking**."[\[3\]](#) Further, there are concerns about the treatment of people on the move in Rwanda and their exposure to torture, slavery and forced labour, in breach of articles 3 and 4 of the European Convention on Human Rights (ECHR).

It is not clear how many people could be deported under this scheme. According to the UK government, the plan was to send all "those who have arrived illegally since January 1st" to Rwanda. During a [speech](#) held in April 2022, Boris Johnson cynically classified Rwanda as "one of the safest countries in the world, globally recognised for its record on welcoming and integrating migrants." The former PM claimed that the capacity of the UK to "help people" is limited, and presented the deal as an "innovative approach, driven by our **shared humanitarian impulse** and made possible by Brexit freedoms."

However, the fundamentally discriminatory and racist line the government has taken on immigration matters – for example, through the officially proclaimed "**hostile environment**" policies[\[4\]](#) – makes it very clear: this is a matter of political will to expel people and deny them protection, and not about a lack of capacities or means.

In mid-June, the first deportation flight didn't take off after a series of legal decisions from the High Court, the Court of Appeal, and the European Court of Human Rights (ECHR). All passengers were allowed to leave the plane shortly before take-off. Currently, the UK's attempt to deport asylum seekers to Rwanda is being challenged in the High Court.

During the first High Court hearing, it was revealed that Rwanda was not one of the seven nations advanced by the UK's Foreign Office as potential partners. Rather, the country was listed among others presenting serious asylum and human rights issues, but it was nevertheless chosen after direct political intervention and negotiations. The UK's new prime minister, Liz Truss, remains keen to carry out the plan.[5]

If the plan moves forward, the UK will pay Rwanda an **initial sum of £120 million (€140 million)** for "economic development and growth", and further payments over the next five years to cover the operational costs of the programme, including accommodation and "integration expenses."

Meanwhile, a [hostel in Kigali](#) was vacated to house asylum seekers deported from the UK. The former residents of the Hope Hostel are

survivors of the Rwandan genocide who had lived there for up to 8 years. About 40 men were **left homeless whilst the hostel remains unused** since no asylum seeker has ever arrived.

[2] Beirens H., Davidoff-Gore S., "The UK-Rwanda Agreement Represents Another Blow to Territorial Asylum", Migration Policy Institute, April 2022, <https://www.migrationpolicy.org/news/uk-rwanda-asylum-agreement>

[3] Statewatch, "UN Special Rapporteurs critical of UK-Rwanda deal", 7 July 2022, <https://www.statewatch.org/news/2022/july/un-special-rapporteurs-critical-of-uk-rwanda-deal/>

[4] Liberty, "A Guide to the Hostile Environment", May 2019, https://www.libertyhumanrights.org.uk/wp-content/uploads/2020/02/Hostile-Environment-Guide---update-May-2019_0.pdf

[5] European Council on Refugees and Exiles (ECRE), "UK: New PM Urged to Address Failing Asylum System as Home Secretary Resigns, Skeletons Flying Out of the Closet Amid High Court Juridical Review of Rwanda Policy, Arrivals Across the Channel Continue", September 2022, <https://ecre.org/uk-new-pm-urged-to-address-failing-asylum-system-as-home-secretary-resigns-skeletons-flying-out-of-the-closet-amid-high-court-juridical-review-of-rwanda-policy-arrivals-across-the-channel-continue/>



RWANDA, THE EXTERNALISATION PARTNER

According to [UNHCR](#)'s estimates, there were over 127,000 refugees in Rwanda at the end of 2021, mainly from the Democratic Republic of the Congo (DRC) and Burundi. The majority live in six camps dispersed throughout the country, such as the Gashora camp located 60 kilometers south of Kigali. Rwanda and the UN set up the camp four years ago, with the financial support of the EU, to accommodate refugees from Libya's civil war. The rather multilateral attempt to portray the country as a 'model of hospitality' runs up against the testimonies of refugees living there, reported by The Telegraph in a recent investigation.[6] **Hard-hitting poverty, excessive use of force by the authorities, imminent dangers of sexual abuse, and overall isolation from society** are some of the issues exposed.

The details on the UK's Rwanda deal are scarce, and even more so on the Danish deal. The **motivations behind Rwanda's engagement** haven't been communicated either, but it's not the first time that the African country is involved in such schemes. As early as 2014, **Israel started sending refugees to Rwanda** under a rather shady agreement.

Allegedly, the Israeli government was "offering" African asylum seekers the "choice" between their detention and a paid one-way trip to Uganda or Rwanda, depicted as "safe." The initiative was later criticised by the International Initiative for Refugee Rights (IRRI) because asylum seekers were promised documents upon arrival which they have never received but were rather encouraged to leave Rwanda.[7]

Paul Kagame, **Rwanda's president** for more than two decades, has been involved in several **murders and disappearances of political opponents** in Rwanda and abroad.[8] The NGO Human Rights Watch (HRW) has reported on the [political repression](#), involving the prosecution of journalists and opposition parties; continuous threatening, harassment and even assassinations of individuals who have already fled the country; arbitrary detentions based on sexual orientation or gender identity, as well as other human rights violations by Rwanda's authorities.

[6] Brown W., "Asylum seekers resettled in Rwanda under EU scheme abandoned in poverty", The Telegraph, 10 June 2022, <https://www.telegraph.co.uk/global-health/climate-and-people/asylum-seekers-resettled-rwanda-eu-scheme-abandoned-poverty/>

[7] International Refugee Rights Initiative (IRRI), "I was left with nothing": "Voluntary" departures of asylum seekers from Israel to Rwanda and Uganda", September 2015, <https://www.refworld.org/docid/55ee8c3a4.html>

Rwanda's poor record on human rights is nothing new. In 2021, the government of the UK itself has demanded “investigations into alleged killings, disappearances and torture” at the UN, and warned about restriction on media and civil society.

Furthermore, LGBTQI+ individuals have fled the country and applied for asylum in the UK. Just last year, four Rwandan citizens have been granted international protection. It is simply “contradictory to claim that it is safe to send people seeking asylum to Rwanda” as argued through an [open letter](#) sent to the PM and Home Secretary in April with over 150 signatories, including human rights groups, charities, and civil society organisations.

This sort of agreement with European countries such as the UK and Denmark may be attractive to the Rwandan regime in many ways. Kagame has probably seen the **opportunity to profit financially** from the transfer and settlement of these individuals, who will most likely try to leave for other countries again. Additionally, these deals may function as a **“political lever” in international bodies** and negotiations, promoting the Rwandan regime as a credible partner in international matters.^[9] Simultaneously, the propaganda of

the British and Danish leaders helps building the image of a safe and stable country, despite contrary evidence.

[8] Kohnert D., “One-way ticket to Rwanda? Boris Johnson's cruel refugee tactic meets Kagame's shady immigration handling”, MPRA Paper No. 113099, May 2022, <https://mpr.a.ub.uni-muenchen.de/113099/>

[9] Broulard L., “Au Rwanda, la diplomatie migratoire de Paul Kagame”, Le Monde, 06 May 2022, https://www.lemonde.fr/afrique/article/2022/05/06/au-rwanda-la-diplomatie-migratoire-de-paul-kagame_6125011_3212.html

UNDERMINING GLOBAL PROTECTION

Rwanda has been termed the externalisation partner, but this scheme is actually going a step further. That is, externalisation of international protection concerns measures taken by the states to export border policing away from their territorial boundaries.

The Danish deal provides for a “dramatic upscaling” of incarceration and forced deportations; it is not only about exporting border control, but significantly increasing and tightening migration control.^[10]

It is most important to keep in mind the **barbaric system that Australia implemented in 2012**, when asylum seekers started to be sent to offshore detention centres in Manus Island and Naurus.

People were detained in overcrowded facilities, resembling an aircraft hangar, and denied access to proper medical care. Local communities grew hostile towards asylum seekers, which were assaulted, raped, and robbed after leaving the detention centre. The psychological harm was tremendous, with almost all people living on Manus Island (88%) and on Nauru (83%) suffering from extreme depression, anxiety and post-traumatic disorder, according to data from 2016.[11]

Twelve people died, far from the public eye and jurisdiction. In the end, the system was considered “cruel, costly and ineffective” and must serve as a wake-up call to any government planning to implement a similar atrocity.

One can only imagine the **immense suffering** caused by these outsourcing deals, especially for the most vulnerable in the society, again exposed to further violence and abuse. Deporting individuals that have come to Europe seeking protection from persecution and conflict, attempting to rebuild their lives, is beyond cruel. It is a serious **infringement of the Refugee Convention**, despite being framed as legal and legitimate.

Overall, the policy has been considered **impracticable and unlawful** by many

experts including the UNHCR, and proven difficult to implement. Back in June 2021, the UN High Commissioner for Refugees, Filippo Grandi, stated that “[UNHCR strongly opposes efforts](#) that seek to externalize or outsource asylum and international protection obligations to other countries” running counter the 1951 Refugee Convention as well as the Global Compact on Refugees. Another spokesperson from the European Commission has made it clear that such is “[not possible under existing EU rules](#) (...) undermining the foundations of the international protection system.”

Yet, these unlawful attempts from the UK and Denmark are part of a “broad policy push” increasingly undertaken by high-income countries, growing ever more violent and hostile. Even if these attempts fall short, they represent a threat to the principles and architecture of the post-World War II era, and their far-reaching impacts must be approached as such.

The following consequences are expected:[12]

a) increased use of even more precarious routes and professionalised smuggling operations, as well as some migrants deciding to seek asylum elsewhere, leading to intensified tensions with other EU member states;

b) signalling to other states that arranging and adopting such schemes (in partnership with repressive regimes) is after all possible, inspiring them to pursue similar endeavours;

c) a progressive normalisation and legalisation of these “transfer systems” – and of detention and deportation –, which counter the Refugee Convention, but are camouflaged by the language, and consequently allowed and replicated.

FINAL REMARKS

All in all, as experts point out, the success of these policies is dependent on **the ‘deterrence effect’** these governments hope to have on would-be migrants, and not necessarily on the number of asylum seekers effectively deported to Rwanda. If the threat of relocation is credible enough,^[13] people may rethink routes and host-countries, but they will keep on moving. The different resources and capital (i.e., political, development, humanitarian) that could be invested in serious and legitimate partnerships to improve asylum and refugee protection are instead channelled into these shady, inhuman, and unlawful deals.

Australia’s offshore detention provides an alarming insight of what could happen in Rwanda, including

crimes against people seeking protection, ultimately financed by the UK and Danish governments. Over the past decade, **Denmark has introduced increasingly restrictive immigration policies.** In 2021, the Danish prime-minister revealed the ambition of having “zero asylum seekers” in the country. A year later, Denmark declared that hundreds of Syrians would not have their residence permits renewed, because parts of Syria were now safe for their return. Additionally, the current Danish deportation system confines people to underground lives and the constant fear of being caught and sent back. The hostility towards third country nationals grows. The government carries on implementing xenophobic policies but gets away with it.

The so-called “transfer systems” are about detaining and deporting innocent people to Rwanda, an unstable and perilous country. They are about subjecting people to more suffering, whilst the real criminals are on the loose. This sort of schemes must continue to be strongly opposed, and the governments punished. **There’s neither place nor time for impunity.**

[10] See footnote 1.

[11] Hodgson N., “Offshore detention: what Australia’s experiences suggest for the UK”, University of Nottingham, Institute for Policy and Engagement, June 2022, <https://www.nottingham.ac.uk/policy-and-engagement/blog/offshore-detention.aspx>

[12] & [13] See footnote 2.



Human Rights without borders

Contact us:

borderline-europe

Human Rights without borders e.V.

<https://www.borderline-europe.de/>

mail@borderline-europe.de

