

AMNESTY INTERNATIONAL EU OFFICE PRESS RELEASE

AI Index: IOR 30/011/2004
News Service No: 067/04
29 March 2004

STRICTLY EMBARGOED UNTIL 10.45 Brussels time (09.45 GMT) MONDAY 29 MARCH 2004

**EUROPEAN COUNCIL ON REFUGEES AND EXILES
AMNESTY INTERNATIONAL
HUMAN RIGHTS WATCH**

REFUGEE AND HUMAN RIGHTS ORGANISATIONS ACROSS EUROPE CALL ON EU TO SCRAP KEY ASYLUM PROPOSAL

(Brussels 29 March 2004) In an unprecedented move, refugee and human rights organisations across Europe are jointly calling on the European Union to scrap one of the key elements leading to the proposed Common European Asylum System.

The organisations are concerned that proposals to designate certain countries as "safe countries of origin" or "safe third countries", and the absence of a guaranteed right for all asylum seekers to remain in a country of asylum pending an appeal, violate EU Member States' international obligations.

"We feel we have no option but to call on the EU to scrap this proposal on asylum procedures which has been shaped in reaction to populist pressures and fears whipped up about a non-existent flood of refugees into the EU," said Daphné Bouteillet Paquet of Amnesty International, speaking at a joint press conference in Brussels today. "We no longer regard this proposal as credible. It is in breach of the EU's own commitments in the Charter of Fundamental Rights."

The refugee and human rights organisations today released the text of a joint letter (see below) to the European Commissioner for Justice and Home Affairs, Antonio Vitorino. The letter calls on him to withdraw the proposal for a "Council Directive on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status".

The issue is due to be discussed by Justice and Home Affairs Ministers at tomorrow's meeting as the May deadline looms for the conclusion of negotiations.

"We know negotiations are not yet finalised. But in the lead-up to the May deadline as set out by the Amsterdam Treaty, the gap between the proposals on the table and international law is actually growing rather than narrowing," said María-Teresa Gil-Bazo of the European Council for Refugees and Exiles. "We regret that repeated recommendations from the United Nations High Commissioner for Refugees and civil society organisations have been ignored by Member States."

The letter outlines the groups' concerns that the Directive in its current form violates international human rights and refugee law. Key concerns include:

- the use of the "safe countries of origin" concept which provides fewer procedural safeguards to some asylum-seekers based solely on their country of origin;
- the use of the "safe third country" concept to shift responsibility for refugees to third countries, regardless of whether the applicants have meaningful links with such countries and to prevent an examination of whether there are particular circumstances that make the destination country unsafe for the particular applicant;

- the absence of an explicit right of all asylum seekers to remain in the asylum country pending a final decision on their cases, which could lead to the removal of applicants to countries where they may suffer torture or other human rights violations and in some cases amount to *refoulement* contrary to the 1951 Refugee Convention and other international human rights instruments.

The organisations which have signed the letter to Commissioner Vitorino also condemned the fact that the Directive will leave critical issues such as detention of asylum seekers and the right to legal assistance to Members States' discretion.

"This proposal would deny some asylum seekers access to full and fair procedures, and it would transfer them to countries outside Europe," said Ben Ward of Human Rights Watch. "We're deeply concerned that the EU is trying to get other countries to shoulder its responsibilities."

For further information and interviews:

ECRE: María-Teresa Gil-Bazo Tel: 32-2-514 5939

AMNESTY INTERNATIONAL: Daphné Bouteillet Paquet Tel: 32-2-5021499

HUMAN RIGHTS WATCH: Ben Ward