

OPEN LETTER TO THE HEADS OF STATE OR GOVERNMENT OF THE EUROPEAN UNION

Security and refugee protection: the human rights agenda for the Laeken Summit

An Appeal by Amnesty International

Amnesty International has in the past years followed closely the process of European integration in the field of asylum. In light of the discussion that will take place on this matter at the Laeken summit in December, I want to express to you Amnesty International's concerns with regard to the impact of this development on refugee protection. These concerns, detailed in our report "The Asylum Crisis: a Human Rights Challenge for the EU" of 25 September 2001 which was transmitted to you at the time, are in essence that restriction takes precedence over protection.

Establishing the guidelines for the development of a common European asylum system, the 1999 Tampere summit proclaimed it was to be based on the "full and inclusive application of the Geneva Convention". The Laeken summit, in reviewing the progress towards a common asylum system, has the opportunity to develop the Tampere spirit by sending a strong signal that the end result of harmonization will not be the lowest common denominator. By adhering to existing and developing international standards of refugee protection, the EU will be contributing

to the integrity of the international refugee protection system at a time when the UNHCR has engaged in global consultations marking the 50th anniversary of the UN Refugee Convention with the precise aim of reaffirming and revitalizing that system.

In the context of the world events after 11 September the need to ensure refugee protection is acquiring new significance. Amnesty International recognizes the legitimacy for the EU and its Member States to provide for the security of their citizens and all others on their territory. In conveying the following appeal to you, I urge that you see to it that the aim of security does not undermine the very rights the EU seeks to safeguard, and that the principles and values on which the Union is founded are not compromised.

AMNESTY INTERNATIONAL APPEAL TO THE LAEKEN SUMMIT

- Amnesty International calls on the Laeken Summit to develop a comprehensive approach to the realisation of the full spectrum of human rights. This is a greater challenge than ever, and must be based on the full, inclusive and non-negotiable application of the entire body of international human rights, humanitarian and refugee law, as a means to preventing human rights violations that cause people to flee and seek refuge elsewhere.
- Amnesty International calls on the EU Heads of State or Government meeting in Laeken to bring the asylum debate into the human rights perspective and undertake a leading role in the world for the protection of human rights and refugees, as one of the foundations of the “Future Europe”.
- Amnesty International calls on the Laeken Summit to express a clear, explicit and unequivocal commitment to the right to asylum in the EU, as enshrined in the Charter of Fundamental Rights, as an essential commitment to human rights protection, by ensuring that any asylum system established at EU level does ensure access of refugees to its territory and to fair and satisfactory asylum procedures which guarantee the full and inclusive application of the UN Refugee Convention and of other international human rights treaties.
- In particular, Amnesty International calls on the Laeken Summit to ensure that the following principles are expressly enshrined in any future common European asylum system:

1. *Express commitment to international standards for the protection of refugees, so that the obligations of Member States under international human rights and refugee law are fully respected.*
2. *Concrete action to combat human rights abuses, and in particular the effective control of arms exports to third countries, which may be used to commit human rights violations and force people to flee.*
3. *Access to territory and to procedures, so that immigration-control measures do not in effect prevent asylum seekers from obtaining access to EU territory and to fair and satisfactory asylum procedures.*
4. *Non-refoulement, so that no-one can be returned to a situation where they may be at risk of serious human rights abuses.*
5. *Effective and durable protection for refugees for as long as they continue to be at risk in the country they have fled.*
6. *Protection for all who need it, by ensuring the full and inclusive application of the UN Refugee Convention.*
7. *International solidarity and responsibility sharing for the protection of refugees world-wide.*
8. *International accountability, by contributing to the establishment of an independent, impartial mechanism to strengthen UNHCR's responsibility to monitor compliance of States Parties with the UN Refugee Convention and its 1967 Protocol.*

· Amnesty International finally calls on the Laeken Summit to see to it that any security measures expressly ensure the protection of those who flee persecution and violent conflict. In particular, no-one should be prevented from lodging an asylum application, and any determination to exclude an individual from refugee status should only be made after full consideration of the claim in a fair and satisfactory procedure. Amnesty International opposes the detention of individuals who are considered to be a threat to national security unless they are charged with a recognisable criminal offence or deported within a reasonable period. If an asylum seeker is found after a fair procedure to be a suspect of crimes

under international law, s/he should be prosecuted in accordance with international law and standards.

Yours respectfully and sincerely,

Irene Khan

Secretary General