
AMNESTY INTERNATIONAL NEWS SERVICE 171/93

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NEWS SERVICE ITEMS: EXTERNAL - CZECH REPUBLIC

PLEASE NOTE: Please draw the enclosed item on the Czech Republic to the attention of Refugee Coordinators.

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Children - 7 January - SEE NEWS SERVICE 161/170

Tunisia - 12 January

UN Peacekeeping operations - 4 February - SEE NEWS SERVICE 170

UK - 9 February - SEE NEWS SERVICE 170

South Africa - 16 February SEE NEWS SERVICE 159

Kuwait - 24 February - SEE NEWS SERVICE 170

TARGETED AND LIMITED NEWS RELEASES

USA death penalty - 14 January - SEE NEWS SERVICE 161/170

Zaire - 2 February - SEE NEWS SERVICE 170

FORTHCOMING NEWS INITIATIVES

Women - 8 March - SEE NEWS SERVICE 161

Saudi Arabia - 10 March more details to follow

Colombia - 16 March - SEE NEWS SERVICE 123 + UAs AMR 23/56+57/93

AI INDEX: EUR 71/WU 02/93
22 DECEMBER 1993

CZECH REPUBLIC: AMNESTY INTERNATIONAL APPEALS TO VACLAV HAVEL ON REFUGEE LAW

Amnesty International has written to President Vaclav Havel expressing concern that an amended refugee law adopted by Parliament on 8 December does not comply with the Czech Republic's international obligations for the protection of refugees and asylum-seekers.

"The law contravenes international standards for the protection of refugees: provisions on access to asylum procedures are inadequate; those for dealing with certain types of claims are unfair; and the notion of so-called "safe" countries of origin is based on dangerous presumptions," said Amnesty International.

The law requires asylum-seekers to apply for asylum almost immediately on entering the country, otherwise their applications will not be considered. Amnesty International fears that asylum-seekers may not be aware of this procedural requirement, which in any case does not give them sufficient time and opportunity to obtain the necessary advice from the Office of the United Nations High Commissioner for Refugees (UNHCR) or another appropriate agency. Moreover, people who have in their own country been in fear of the authorities may be apprehensive of immediately approaching Czech border officials, especially before they can obtain advice and guidance.

There is provision in the law for "objective reasons" for filing an application later, but such reasons are not defined and in any case an asylum-seeker may have reasons which are subjective, but nonetheless good, for not immediately applying for asylum.

Amnesty International believes it is essential that a waiver be allowed for anyone who can demonstrate good reasons for not applying immediately on entering the country. Furthermore, international standards state that asylum claims should not be rejected simply on account of failure to meet procedural deadlines.

The law also states that an asylum application is "manifestly unfounded" if any one of four specified grounds apply, including if the asylum-seeker comes from a country where "on the basis of generally known facts" he or she "is not threatened with persecution".

These grounds go beyond internationally accepted definitions of such claims. Amnesty International believes that while the country an asylum-seeker comes from may be a contributing factor, it should not as such be the determining factor in deciding as to whether his or her claim is "manifestly unfounded".

Amnesty International has repeatedly objected to the use of the notion of "safe" countries of origin by a number of other governments, because, in defining such countries as "safe", foreign policy or immigration control concerns may take precedence over human rights concerns. In any case the organization has documented serious human rights violations in countries throughout the world - some of which have been designated as "safe" countries of origin by other governments. Amnesty International is concerned that asylum-seekers coming from these countries may have to overcome an unreasonable presumption that their claims are not valid. Further, the Czech law allows insufficient time for an asylum-seeker to appeal against a decision that his or her claim is "manifestly unfounded".

The law also provides that refugee status be granted for a period of five years; thereafter the refugee may be allowed to remain depending on how far he or she has become integrated into Czech society. However, the law makes no reference to any assessment of the refugee's continuing need for protection. While refugees do not always need permanent protection, the 1951 Convention

relating to the Status of Refugees itself sets out conditions under which refugee status may be terminated, and the Czech Republic should ensure that its law is consistent with this.

Amnesty International has raised concerns on similar issues with a number of other governments. The organization is aware that changes to asylum law in other countries, such as Germany, will result in an increase in the number of asylum-seekers in the Czech Republic. Nonetheless, Czech law must still comply with international standards.

In its letter to President Havel, Amnesty International urges that, before the amended law is brought into effect, the necessary steps are taken to ensure that it fully conforms with the Czech Government's international obligations for the protection of refugees and asylum-seekers.

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