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The human cost of 'Fortress Europe': asylum seekers unfairly detained and unfairly expelled Amnesty International releases reports on UK, Spain, Italy

(Brussels 20 June 2005) European Union countries are increasingly violating their international obligations on asylum according to three reports released simultaneously today by Amnesty International to mark World Refugee Day.

The reports, covering a range of issues relating to the detention and expulsion of people seeking asylum in the UK, Spain and Italy, show up the terrible human cost of "Fortress Europe".

Amnesty International has published an Open Letter to the incoming UK Presidency of the EU with a series of recommendations on how the EU's Common European Asylum System should be improved to ensure that the sort of human rights violations outlined in these reports are not tolerated by any EU country.

Amnesty International's reports show:

In the UK, Amnesty International estimates that tens of thousands of people who have sought asylum have been detained solely under the country's Immigration Act. Their detention is in many cases protracted, inappropriate, disproportionate and unlawful. For many people who have sought asylum in the UK, languishing in detention has led to mental illness, self-harm and even to people attempting to take their own lives. The report, based on visits to the majority of UK detention facilities, details cases where people presented little risk of absconding but who suffered prolonged misery as a result of their detention.

In Spain, Amnesty International says the Spanish government's moves to control immigration and the entry of foreign nationals means the right to seek asylum in Spain is in danger of extinction. People fleeing grave human rights violations are being prevented from reaching Spain to seek asylum and obtain protection. The report condemns the serious shortcomings in the attention shown to foreign nationals, both in terms of rescue at sea, and reception facilities on arrival. Amnesty International has also documented the unlawful expulsion of foreign minors in contravention of Spanish law.

In Italy, foreign nationals, including people seeking asylum, are increasingly being placed in detention in violation of international human rights standards. Amnesty International's report details allegations that people in temporary holding centres in Italy have been subjected to physical assault by law enforcement officers and supervisory staff, and to excessive use of tranquillizing drugs. The centres are often overcrowded, unhygienic and with poor medical care. Many of those detained experience great difficulty gaining access to the asylum determination process and challenging the legality of removal orders.

Amnesty International's Open Letter contains a series of recommendations regarding the EU's forthcoming negotiations on common minimum standards relating to the return of refugees. These standards are due to adopted during the UK's EU Presidency term.

Amnesty International's recommendations:

Detention of migrants and people seeking asylum should be treated as a last resort. In each individual case, national authorities should establish that detention is necessary, proportionate and lawful. Detention of vulnerable persons should be avoided.

The decision to detain a person should be automatically and regularly subject to judicial review. People deprived of their liberty should be informed about their legal rights and receive the necessary health care. No one should be removed from the EU unless specific safeguards are in place to ensure they are not subjected to human rights abuses when sent back to their country of origin. Removal and interception operations should ensure that migrants are treated with respect and dignity and that people seeking international protection have access to asylum procedures.

EU Member States should establish independent monitoring mechanisms to oversee detention and removal of asylum seekers. In addition, EU-wide monitoring and accountability mechanisms should be made part of the remit of the future EU Fundamental Rights Agency.

The following documents will be available from 10.00 GMT Monday 20 June on <http://www.amnesty-eu.org>

- 1. *Amnesty International Open Letter to the UK Presidency: The human cost of Fortress Europe***
- 2. *"UK: Seeking asylum is not a crime: Detention of people who have sought asylum"***
- 3. *"Spain: the Southern Border: The State turns its back on the human rights of refugees and migrants" (also available in Spanish)***
- 4. *"Italy: Temporary stay - permanent rights" (also available in Italian)***
- 5. *Amnesty International Media Briefing: Europe: Treatment of refugees and asylum seekers***

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