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Press Release

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

REFUGEE AND HUMAN RIGHTS ORGANISATIONS ACROSS EUROPE EXPRESS THEIR DEEP CONCERN AT THE EXPECTED AGREEMENT ON ASYLUM MEASURES IN BREACH OF INTERNATIONAL LAW

The European Council on Refugees and Exiles (ECRE) -representing 76 refugee-assisting organisations across Europe- Amnesty International and Human Rights Watch expressed their deep concern at the expected agreement on Thursday by the Justice and Home Affairs Council of several asylum measures that would allow the denial of protection for refugees in the European Union and breach international law.

Last month ECRE and nine other European human rights NGOs¹ issued an unprecedented call for the withdrawal of the draft Directive on asylum procedures on the basis that it would be in breach of the commitments of the EU as set out in the Charter of Fundamental Rights and would violate individual Member States' legal obligations under international refugee and human rights law. Today, ECRE, Amnesty International and Human Rights Watch expressed their regret at the fact that this and other calls from the NGO community, the European Parliament, UNHCR, lawyers and leading academics have been completely set aside. In view of this we are extremely disappointed that the European Commission has expressed its satisfaction that the standards due to be agreed are consistent with international obligations.

Some of the measures that Ministers are expected to agree this week include allowing Member States to deny asylum-seekers access to any procedure to determine their need of protection in cases when they can be removed to third countries that are considered to be safe, without any consideration of the particular circumstances of the applicant and even before a Court has had the chance to pronounce itself on the case. This constitutes a clear breach of Member States' obligations under the European Convention on Human Rights and the UN Refugee Convention.

The Justice and Home Affairs Council is also expected to proceed to the formal adoption of the Directive on the definition and status of refugees and other persons in need of international protection. Even if some of the measures introduced by this directive are to be welcomed, such as the obligation to grant protection to individuals who flee persecution by non-State actors, this instrument introduces, amongst other things, new grounds to exclude individuals from refugee status, which constitute a breach of the UN Refugee Convention. It also fails to grant adequate rights to persons with subsidiary protection status which in turn will hinder their effective integration in their host societies.

¹ Amnesty International, Human Rights Watch, Caritas Europa, Churches' Commission for Migrants in Europe, ILGA Europe, Medecins Sans Frontières; Pax Christi International Quaker Council for European Affairs and Save the Children.

At the end of the 5-year period established by the Amsterdam Treaty to adopt the first set of EC legislation in the field of asylum, ECRE, Amnesty International and Human Rights Watch consider that by agreeing to these measures, the European Union has failed to live up to the commitments made by Heads of State or Government in Tampere in 1999, to ensure that the Union remain “fully committed to the obligations of the Geneva Refugee Convention and other relevant human rights instruments” by agreeing on common policies based on principles that “offer guarantees to those who seek protection in or access to the European Union”, including the “absolute respect of the right to seek asylum” and “the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution”.

ECRE, Amnesty International and Human Rights Watch have also reaffirmed that they will continue to monitor the transposition of these agreements into national legislation and to support any efforts to challenge before the Courts the compliance of these measures with international refugee and human rights law.

For further information and interviews:

ECRE: Peer Baneke. Tel: + 44 20 7377 7556

AMNESTY INTERNATIONAL: Dick Oosting. Tel: + 32 2 502 1499

HUMAN RIGHTS WATCH: Ben Ward. Tel: + 44 7968 837172