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IGC-MINISTERIAL MEETING: PROPOSAL TO SUPPRESS EU CITIZENS' RIGHT TO SEEK ASYLUM - A DANGEROUS PRECEDENT THAT CONTRADICTS INTERNATIONAL HUMAN RIGHTS STANDARDS

Brussels -- The Spanish proposal to include a provision in the European Union Treaty denying the right to seek asylum to citizens of EU Member States in the other EU countries contravenes international human rights standards, and is a dangerous precedent that could lead to the implementation of similar measures in other regions of the world, Amnesty International said today.

On the eve of the Ministerial Meeting during the Intergovernmental Conference on the revision of the Maastricht Treaty (IGC) on 24 February, the human rights organization strongly calls upon EU member States to respect their international obligations and not to deny the right to seek asylum to nationals of EU Member States.

The Spanish government's proposal was retained by the European Council on 13 and 14 December 1996 in Dublin, which asked the Conference "to develop the important proposal to amend the Treaties to establish it as a clear principle that no citizen of a Member State of the Union may apply for asylum in another Member State, taking into account international treaties".

Amnesty International points to the fact that the Spanish proposal would clearly contravene obligations undertaken by EU member states under international human rights treaties. Therefore, if international treaties were indeed to be "taken into account", the entire proposal would be negated.

All EU Member States should respect the Universal Declaration on Human Rights which states that "everyone has the right to seek and to enjoy in other countries asylum from persecution". Also, as signatories of the 1951 Geneva Convention relating to the status of refugees, they are obligated to respect its provisions, including the fundamental principle of non-discriminatory application, set out in Article 3.

"It is a core principle of international refugee law that all asylum seekers, irrespective of their country of origin, should have access to a fair and satisfactory individual asylum determination procedure," Amnesty International said.

The organization stresses also that international obligations resulting from the Geneva Convention should be individually respected by each Member State. "It is the States who are party to the Convention and not the EU as such. Affiliation to a supranational body such as the EU cannot be used by Member States to evade their obligations under international human rights law".

In spite of the UNHCR's firm position against this proposal -- considered by that body as incompatible with the 1951 Geneva Convention -- the EU Presidency's representative, Mr. Michiel Patijn, declared at the end of the meeting of personal representatives of the Foreign

Ministers within the IGC on 10 and 11 February that the Spanish proposal was "politically accepted".

"Not only does the proposal contravene the 1951 Geneva Convention, but also it ignores the fact that no one can guarantee that EU citizens will never have to flee human rights violations in the current or an enlarged European Union," Amnesty International said.

It is the understanding of Amnesty International that the Spanish government has put forward this proposal with a view to combatting terrorism. While the organization understands the need for governments to prevent terrorism, it believes measures taken by governments to do so must be in conformity with their obligations under human rights standards.

Amnesty International views the IGC proposal with grave concern, and urges the governments of the EU not to confuse the fight against terrorism with the obligation to ensure all individuals' right to seek asylum.

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