

# AMNESTY INTERNATIONAL EU OFFICE

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### **MORE JUSTICE AND FREEDOM TO BALANCE SECURITY: AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE EU ON THE FUTURE OF THE AFSJ**

(Brussels 27 September 2004) As the European Union embarks on the next stage of development of the so-called "Area of Freedom, Security and Justice" (AFSJ), Amnesty International today releases detailed recommendations which call for a firm commitment from the EU to focus more on the human rights implications of what it is doing.

Amnesty International's 24-page document puts forward a wide range of policy proposals on human rights observance in the areas of asylum, immigration, and judicial and police cooperation within the EU. (**See: *More Justice and Freedom to balance Security: Amnesty International's Recommendations to the EU*** on [www.amnesty-eu.org](http://www.amnesty-eu.org)).

"Up until now, counter-terrorism and controlling illegal immigration have, to some extent, been allowed to hijack the EU's Justice and Home Affairs agenda. Amnesty International believes the EU must now re-balance its policies to ensure it does not compromise the very rights it professes to be protecting," Dick Oosting, Director of Amnesty International's EU Office told a media briefing in Brussels today.

"It's time for a fresh start, a more balanced approach. Unfortunately, from the comments that have been emanating from various quarters around Europe - comments which have re-cycled old rhetoric about asylum seekers and immigrants - it has not been a good start," he said.

Amnesty International's paper points out five clear contradictions in the way the EU's Justice and Home Affairs agenda is being translated into practice:

- The EU's JHA agenda is one of its busiest legislative areas - but the resources allocated to overseeing human rights within the EU are minimal;
- While the EU is striving to improve the judicial and democratic controls over this area of policy, inter-governmental initiatives which avoid these controls, are on the increase;
- There appears to be a clash between asylum and immigration policy, and external policy - third countries are being pressed to cooperate in fighting illegal immigration in ways that risk compromising the EU's refugee protection obligations;
- Despite repeated commitments to promote a "balanced" approach to managing legal migration while fighting illegal immigration, all the emphasis seems to be on defensive measures with little regard to root causes and combating labour exploitation;
- The principle of "mutual recognition" which forms the basis for initiatives such as the European Arrest Warrant fails to acknowledge the significant differences in the standards of justice in EU countries.

Amnesty International's detailed recommendations include:

## **Human rights in Europe**

There is a pressing need for the establishment of a Council working group for human rights in Europe. Amnesty International believes that the steadily increasing workload relating to fundamental rights within the EU makes the current situation untenable. The overarching emphasis on security and counter-terrorism makes it all the more urgent to establish a proper forum to address these concerns also from a human rights perspective.

## **Migration Partnerships should not undermine asylum**

Amnesty International calls on EU Member States to ensure that migration partnerships with third countries are in full compliance with human rights standards and do not hamper the right to spontaneously claim asylum on EU territory. In particular, the Amnesty International paper expresses great concern about the recent initiative of certain Member States to develop partnerships with third countries such as Libya, that have poor human rights records. After a mission to Libya in February this year, Amnesty International gathered evidence of the "refoulement" of Eritreans from Libya.

## **EU Return Policy**

Any future EU legislative initiative should specify the grounds on which individuals can be expelled as well as the procedural safeguards and physical conditions regarding expulsion. Amnesty International is concerned that protection issues are not being given adequate attention. In fact, on 28 July this year, the organisation documented the cases of two asylum seekers from Somalia who were murdered a few months after being deported from the Netherlands and Denmark.

## **Judicial cooperation**

Amnesty International calls on the EU to set minimum standards for the admissibility of evidence obtained through ill-treatment or torture, as one of the important steps needed to improve protection of human rights and enhance the mutual trust needed for mutual recognition.

## **Police cooperation**

Amnesty International is concerned that increasing European police cooperation is leading to questions about police performance in EU Member States and the effectiveness of institutions and instruments that direct and regulate European police cooperation. The organisation calls on the EU to address issues specifically relating to the overseeing of cross-border cooperation, and recommends that any EU Code of Police Ethics be made legally binding.

## **For further comment/background and interviews:**

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