

AMNESTY INTERNATIONAL EU OFFICE PRESS RELEASE

AI Index: IOR 61/003/2004
News Service No: 013/04
20 January 2004

STRICT EMBARGO: 11.00 BRUSSELS TIME (10.00 GMT) TUESDAY 20 JANUARY 2004

EU JHA MEETING THURSDAY: AMNESTY INTERNATIONAL WARNS PROPOSALS COULD LEAD TO “REFUGEES IN ORBIT”

(Brussels 20 January 2004) With EU Justice and Home Affairs ministers expected to revisit the issue of sending asylum seekers to “safe third countries” (JHA Council Dublin 22-23 January), Amnesty International has released an analysis paper expressing its concerns that common EU standards may be agreed which breach international refugee and human rights law, and which shift responsibility to countries outside the EU without proper safeguards.

In particular, Amnesty International is deeply concerned by attempts to weaken the safeguards regarding the refugee’s actual link with a third State which means a person could be sent to a third country in which he or she has never lived. Where that country is under no obligation to process the asylum claim, a situation of “refugees in orbit” may result, with asylum seekers unable to have their claims processed in any country, or worse be sent back to their country of origin.

Documents available on www.amnesty-eu.org:

“Amnesty International Open Letter to the Irish Minister for Justice, Equality and Law Reform”

“Aide-Memoire: Amnesty International Comments on Articles 28 and 28A of the Commission’s Amended Proposal for a Council Directive on Minimum Standards for Granting and Withdrawing Refugee Status”

Furthermore, Amnesty International is concerned that EU Member States could endorse a “neighbouring safe third country” concept, which is essentially an automatic burden-shifting system, based on the assumption that the level of refugee protection available in countries neighbouring the EU is comparable, if not equivalent to standards in force within the EU.

“Given the shortcomings of asylum systems in some neighbouring countries, including Romania and Bulgaria, it is seriously questionable to assume that refugee protection there is comparable to the EU,” Dick Oosting, Director of Amnesty International’s EU Office said in an Open Letter to the Irish EU Presidency.

Amnesty International reiterates its call for a cautious implementation of the “safe third country” concept incorporating international legal safeguards. Amnesty International’s analysis paper cites recent legal rulings regarding France, Belgium, Sweden and Estonia in relation to safeguards which should be adopted by EU countries.

For further comment/background and interviews:

Amnesty International EU Office (Brussels):

Tel: 32-2-5021499

Fax: 32-2-5025686

Email: amnesty-eu@ai.eu.be

Web-site: www.amnesty-eu.org