

Brussels, 1 July 2004

**8772/04
ADD 8 COR 2**

**Interinstitutional File:
2000/0238 (CNS)**

LIMITE

ASILE 34

CORRIGENDUM TO THE NOTE

from : Presidency

No. prev.doc. : 8772/04 ASILE 34

No. Cion prop. : 10279/02 ASILE 33 + REV 1 (de, en, fr) - COM(2002) 326 final/2

Subject : Amended proposal for a Council Directive on minimum standards on procedures
in Member States for granting and withdrawing refugee status
- Minimum common list of safe countries of origin

Delegations will find attached a corrigendum to the reply from the **Czech** delegation concerning Benin, Botswana, Ghana, Mali, Mauritius and Senegal.

ASSESSMENT TEMPLATE

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	Czech Republic
Name of country for designation	Benin

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	Reservation: - problems in judiciary - corruption - irregularities in last presidential elections	Freedom House – Freedom in the World, 17 July 2003

2. Is there a situation of internal or international armed conflict in the country?	NO		
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	NO There is no consistent persecution	Reservation: - despite government educational efforts some societal discrimination against women continued - widespread FGM practice and trafficking in children for forced labor or domestic service remained problem despite various government efforts to combat these phenomena	-
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	NO There is no consistent inhuman ... treatment.	- extremely harsh prison conditions - FGM – Government as well as numerous NGOs address this problem. FGM is illegal and punished by imprisonment and fine.	
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	NO	There is no internal or international armed conflict in the country.	

6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?				
(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	Reservation: - some problems with law enforcement resulting in mob justice and vigilant groups violence - unsatisfactory enforcement of ban on FGM	
(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES	Reservation: See answer No 6 (a)	
(c)	respect of the non-refoulement principle according to the Geneva Convention	YES		
(d)	provision for a system of effective remedies against violations of these rights and freedoms	YES	Reservation: Corruption and inefficacy in judiciary may potentially hinder an opportunity to achieve legal redress, however the government tries to address these problems.	

OVERALL ASSESSMENT		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	YES/NO	Insert basis for response
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
	Conditional YES – dependent on further information that are to be provided by the Commission Service on FGM and information that will be provided on Benin by the Czech MFA.	Bearing in mind a possibility of individual claim assessment potential problems in areas listed under answers 3, 4, 6 (a) and (d) can be still taken into account. Due to this fact and various efforts to tackle negative phenomena listed above we conditionally support putting Benin on the list of safe countries of origin.

ASSESSMENT TEMPLATE

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 25 June 2004

Name of Member State	Czech Republic
Name of country for designation	Botswana

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	Basic political institutions and processes can be regarded democratic.	Freedom House – Freedom in the World, 17 July 2003
2. Is there a situation of internal or international armed conflict in the country?	NO		

3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	NO There is no any persecution		
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	NO There is not any inhuman treatment		
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	NO	There is no internal or international armed conflict in the country.	
6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?			

(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	Reservations: <ul style="list-style-type: none"> - forced and bonded labor, including by children are not prohibited however, there were no reports that such practices occurred - compulsory labor is prohibited by a provision of penal code - Botswana keeps capital punishment in law and practise 	
(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES		
(c)	respect of the non-refoulement principle according to the Geneva Convention	YES		
(d)	provision for a system of effective remedies against violations of these rights and freedoms	NO	Reservation: <ul style="list-style-type: none"> - The judicial system did not provide timely fair trials due to a serious and increasing backlog of cases. 	

OVERALL ASSESSMENT		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	YES/NO	Insert basis for response
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
	YES	Generally there are no major obstacles to put Botswana in the list of safe countries of origin.

ASSESSMENT TEMPLATE

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	Czech Republic
Name of country for designation	Ghana

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	Basic political institutions and processes can be regarded democratic. Reservation: - executive influence on judiciary and some corruption	Freedom House – Freedom in the World, 17 July 2003

2. Is there a situation of internal or international armed conflict in the country?	NO		
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	NO There is no consistent persecution	Reservation: - human rights abuses committed by members of the police and other security forces - FGM in some part of the country	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	NO There is no consistent inhuman treatment.	- violence and societal discrimination against women and children - FGM practice - traditional form of child servitude (Trokosi) practiced on a limited scale - some incidents of politically and ethnically motivated violence - forced child labor and trafficking in children for forced labor - vigilant groups violence	
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	NO	There is no internal or international armed conflict in the country.	

6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?				
(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	Reservation: See answer No 4 - partly insufficient enforcement of relevant legislation	
(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES	Reservation: See answer (a) above	
(c)	respect of the non-refoulement principle according to the Geneva Convention	YES		
(d)	provision for a system of effective remedies against violations of these rights and freedoms	YES	See answer (a) above	

OVERALL ASSESSMENT		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	YES/NO	Insert basis for response
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
	Conditional YES – dependent on further information that are to be provided by the British delegation on Ghana and Commission Service on FGM and information that will be provided by the Czech MFA.	Due to problems listed under answer No 4 we would, under current assessment , support the option of including Ghana on the list of safe countries of origin.

ASSESSMENT TEMPLATE

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 25 June 2004

Name of Member State	Czech Republic
Name of country for designation	Mali

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	Basic political institutions and processes can be regarded democratic Reservation: - executive influence on judiciary	Freedom House – Freedom in the World, 17 July 2003

2. Is there a situation of internal or international armed conflict in the country?	NO		
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	NO There is no consistent persecution	A possibility of individual asylum clam grounds as well as government's effort to tackle the following problems must be born in mind. Reservation: - widespread FGM practice - trafficking in children for forced labor is diminishing	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	NO There is no consistent inhuman treatment.	See answer No 3	
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	NO	There is no internal or international armed conflict in the country.	
6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?			

(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	Reservation: See answer No 3	
(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES	Reservation: See answer No 3 However society awareness and rejection of such a practise and government effort to address the problem of FGM increases.	
(c)	respect of the non-refoulement principle according to the Geneva Convention	YES		
(d)	provision for a system of effective remedies against violations of these rights and freedoms	NO	Legislation banning FGM is lacking, however according to the information provided by FRA at the last meeting it is to be introduced.	

OVERALL ASSESSMENT		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	YES/NO	Insert basis for response
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
	Conditional YES – dependent on further information that are to be provided by French delegation on Mali and Commission Service on FGM.	Bearing in mind a possibility of individual claim assessment potential problems in areas listed under answers 3 and 6 can be still taken into account. Due to this fact and efforts mentioned under answer No3 we conditionally support putting Mali on the list of safe countries of origin.

Assessment template

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	Czech Republic
Name of country for designation	Mauritius

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	Basic political institutions and processes can be regarded democratic	Freedom House – Freedom in the World, 17 July 2003
2. Is there a situation of internal or international armed conflict in the country?	NO		

3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	NO There is no consistent persecution	Reservation: - There is a certain degree of violence and societal discrimination against women, however law criminalizes these acts and provides the judicial system with greater powers to combat this problem and women had access to education, employment, and government services.	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	NO There is no consistent inhuman ... treatment.	- See reservation in answer No 4	
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	NO	There is no internal or international armed conflict in the country.	
6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?			

(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	- Societal discrimination and spouse violence against women as the biggest problem is addressed by law and combated against by the government.	
(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES	- See answer 6 (a)	
(c)	respect of the non-refoulement principle according to the Geneva Convention	YES		
(d)	provision for a system of effective remedies against violations of these rights and freedoms	YES	See answer 6 (a)	

OVERALL ASSESSMENT		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	YES/NO	Insert basis for response
	YES	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
	YES	Despite some negative aspects as violence against women and their societal discrimination, which are combated against, due to general compliance with criteria required for a country to be considered as safe we support inclusion of Mauritius in the list.

ASSESSMENT TEMPLATE

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	Czech Republic
Name of country for designation	Senegal

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	YES	Basic political institutions and processes can be regarded as democratic. Reservation: - Political and security situation in Casamance region is still not stable. - executive influence on judiciary	Freedom House – Freedom in the World, 17 July 2003 Amnesty International Report 2003

		- occasional restriction on freedom of speech	
2. Is there a situation of internal or international armed conflict in the country?	YES	There is still an internal conflict in Casamance province, however diminishing compared to previous years.	
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	NO There is no consistent persecution	Reservation: - discrimination against women - continued FGM practice in part of population - sporadic violence affecting civilians in connection with the Casamance insurgency	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	NO There is no consistent persecution.	Reservation: See answer No 3	
5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?	YES	Reservation: Senegal is not a party to any international armed conflict. There is still an internal however declining conflict in Casamance province. Peace agreement was reached, however not supported by all rebel groups. Thus sporadic armed skirmishes affecting civilian population continue.	

6. Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?				
(a)	the relevant laws and regulations of the country and the manner in which they are applied	YES	Reservation: - insufficient enforcement of legislation banning FGM - unwillingness of government to prosecute members of security forces accused of torture and abuse as well as reluctance to punish widespread domestic violence	
(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	YES	Reservation: See answer No 3	
(c)	respect of the non-refoulement principle according to the Geneva Convention	NO	- Case of extradition of Mauritanian Lieutenant Didi Ould M'Hamed,	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	YES	Reservation: - See answer 6 (a) above - partially limited independence of judiciary	

OVERALL ASSESSMENT		
	YES/NO	Insert basis for response
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	NO	Information indicated on the list are not sufficient to answer question 6 (c)
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).		Information on Lieutenant Didi Ould M'Hamed included in Amnesty International Report 2004 should be used as well.

3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
	Conditionally YES – dependent on further information that are to be provided by French delegation on Senegal and Commission Service on FGM.	Remaining volatile security and political situation in Casamance region has to be strongly taken into account. Besides this, some problems with discrimination against women and violence against them including FGM as a minor problem persist. There are also indications of government unwillingness to prosecute past crimes committed in connection with Casamance insurgency. However, due to a possibility of an individual claims assessment, generally Senegal can, under current assessment , constitute grounds for including in the list of safe countries of origin.
