

**8772/04**

**ADD 14**

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**LIMITE**

**ASILE 34**

**NOTE**

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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

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Delegations will find attached the reply from the **Commission**.

**Assessment template**

<del>Name of Member State</del>	European Commission
Name of country for designation	BENIN

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Constitutional Democracy	
2. Is there a situation of internal or international armed conflict in the country?	No		

<p>3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?</p>	<p>YES</p>	<ul style="list-style-type: none"> <li>• There is, in principle, a general respect for citizens and human rights. However the situation is not completely consolidated as there are still, in particular:</li> <li>• A weak judicial and judiciary system , including important widespread judicial corruption</li> <li>• Important regionwide trafficking of children based on ‘vidomégon’</li> </ul> <p>Cases of wrong practices by police.</p>	
<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>YES</p>	<ul style="list-style-type: none"> <li>• There is a general respect for human rights .However:</li> <li>• death penalty not abolished even if not applied</li> <li>• Credible reports that police sometimes beat suspects and Allegations of beatings of journalist by police</li> <li>• Harsh prison conditions</li> <li>• Practice of FGM</li> </ul>	

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?	.N/A		
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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	No	<ul style="list-style-type: none"> <li>• No law prohibits trafficking in persons ( special case of ‘vidomegon’)</li> <li>• The law provides for sentences of imprisonment involving compulsory labour for certain acts or activities related to the exercise of the right of free expression. The law concerns threats to public order or calls to violence but is loosely worded and susceptible to abuse.</li> <li>• Limited action on cross border banditry and trafficking in drugs and persons.</li> </ul>	

(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	There is, in principle, a general observance of rights and freedom	
(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	The Government publicised various arrests of potential traffickers; however, there were no reports of subsequent legal action against the alleged traffickers. For example, none of the persons arrested in connection with the MV Etireno, a ship suspected of carrying trafficked children in 2001, have yet been brought to trial.  However freedom of media is high.	

<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	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?		<b>Insert basis for response</b>
	No	There is a general good situation however the situation is not completely consolidated and remains fragile. Further strengthening in various institutions still needed.

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out. Most of the information used comes from the country strategy paper (available at <http://europa.eu.int/comm/world/>) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)

**Assessment template:**

<del>Name of Member State</del>	European Commission
Name of country for designation	BOTSWANA

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Botswana has a long-standing record of peace and political stability. The country has a multiparty constitutional democracy and free and fair elections are held every five years.	



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?	Yes, with reservation	Civil and political rights are entrenched under the Constitution. The latter has a code of fundamental human rights enforced by the courts. There is freedom of association, of worship and of expression. However, concerns are expressed about the fact that homosexuality is illegal and about the death penalty, applied in specific murder cases. Moreover, the dialogue between Government and ethnic minorities needs to be intensified and their constitutional recognition to be formalised. An amendment of the constitution (articles 77-79) is under consideration at present aiming at equal treatment of all ethnic groups (today only 8 out of 18 are officially recognised).	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Generally Yes	<ul style="list-style-type: none"> <li>• Botswana retains the Death Penalty;</li> <li>• Its customary courts administer punishments in the form of lashings, generally against young offenders and</li> <li>• the prison conditions are poor and worsened by increasing number of illegal migrants of Zimbabwean origin.</li> </ul>	

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?	.N/A		
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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	Generally Yes	In particular, it is to be noted that: <ul style="list-style-type: none"> <li>• The law does not prohibit trafficking in persons</li> <li>• Despite the Prison’s Act, there have been occasionally reports of beating of suspects, prison violence, intimidation to obtain evidence etc.</li> </ul>	
(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	Generally Yes (but see comment)	There was a case in December 2003 regarding the government's reportedly forcible repatriation of a group of Namibian refugees to Namibia where 7 of the 8 were arrested on charges of high treason for their alleged role in the 1999 Caprivi uprising.	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes, with reservation	No guaranteed legal counsel for defendants in <u>customary</u> courts	

<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	Yes, with reservation	For Botswana Annex B mentions the US Dept.of State Country Report on H.R. Practices as only source of information. For a fully comprehensive assessment other sources available in Member States and within the EC should also be used.
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?	<b>No</b>	<b>Insert basis for response</b>

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out.

Most of the information used comes from the country strategy paper (available at <http://europa.eu.int/comm/world/>) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)

**Assessment template**

<del>Name of Member State</del>	European Commission
Name of country for designation	CAPE VERDE

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Multiparty Parliamentary Democracy	
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	<ul style="list-style-type: none"> <li>• Societal discrimination against women</li> <li>• Limitations on press freedom</li> <li>• Domestic violence against women is common</li> <li>• Child Labour</li> <li>• Juvenile Prostitution</li> </ul>	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	No	<ul style="list-style-type: none"> <li>• Credible reports of police abuse</li> <li>• Poor Prison conditions</li> </ul>	
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	N/A	

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	No	<ul style="list-style-type: none"> <li>• Revised penal Code protects certain rights of the victims of sexual abuse but did not ensure compensation</li> <li>• Government rarely enforces law prohibiting child labour.</li> </ul>	
(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			
(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	Investigation into allegations of human rights abuses by police did not result in any legal action against the perpetrators.	
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<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	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?		<b>Insert basis for response</b>
	No	

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out.

Most of the information used comes from the country strategy paper (available at <http://europa.eu.int/comm/world/>) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)

## Assessment template

<del>Name of Member State</del>	European Commission
Name of country for designation	CHILE

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Chile is a constitutional democracy with three independent branches: a strong executive headed by a president elected for 6 years, legislative, and judicial. Since the end of the military regime periodic free elections have been carried out, through which three governments have been elected following the established democratic processes	

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?	Yes		
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes		
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?	N/A		

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		
(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	Yes	However, it is to be noted that justice is sometimes not inclined to prosecute perpetrators of ill or degrading treatments against detainees. There is also concern about military courts which can judge civilians in penal cases.	Report of the University Diego Portales on human rights in Chile HoM report on torture in Chile (09/07/2003, EU limited)
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<b>OVERALL ASSESSMENT</b>		
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?	<b>Yes but</b>	<b>Insert basis for response</b>
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).	To be completed with the 2003 report on the human rights situation in Chile by the University Diego Portales of Santiago	
3. Is the country suitable for inclusion on the minimum common list?	<b>YES</b>	<b>Insert basis for response</b>

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out. Most of the information used comes from the country strategy paper (available at [http://europa.eu.int/comm/external\\_relations/chile/intro/index.htm](http://europa.eu.int/comm/external_relations/chile/intro/index.htm) ) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)

**Assessment template**

<del>Name of Member State</del>	European Commission
Name of country for designation	COSTA RICA

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Costa Rica has a strong tradition of democratic stability. It is a constitutional republic led by a directly elected President with a four-year mandate	

2. Is there a situation of internal or international armed conflict in the country?	No	Costa Rica has no armed forces.	
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	Yes,		
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes		
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?	N/A		



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		
(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	Yes		

<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	Yes but may be completed	
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).	Some concerns with children rights and children forced prostitution Cf reports and information from Casa alianza (an NGO) at <a href="http://www.casa-alianza.org/EN/noticias/lmn/noticia904?id_noticia=904">http://www.casa-alianza.org/EN/noticias/lmn/noticia904?id_noticia=904</a>	
3. Is the country suitable for inclusion on the minimum common list?	<b>yes</b>	<b>Insert basis for response</b>

NOTE: The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out.

Most of the information used comes from the country strategy paper (available at

[http://europa.eu.int/comm/external\\_relations/costarica/intro/index.htm](http://europa.eu.int/comm/external_relations/costarica/intro/index.htm)) and preparatory documents, country conflict assesment and reports from the delegation and from EU Heads of mission (restricted)

## Assessment template

<del>Name of Member State</del>	European Commission
Name of country for designation	GHANA

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Pluralistic Political System – Presidential and Parliamentary elections held every four years.	
2. Is there a situation of internal or international armed conflict in the country?	No		

<p>3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?</p>	<p>NO</p>	<p>The US Department of State – Country Report on Human Rights Practices, Ghana, 2003 reports:</p> <ul style="list-style-type: none"> <li>• Intra tribal violence in North Ghana.</li> <li>• Restrictions on the right to peaceful assembly and association</li> <li>• Societal discrimination of women</li> <li>• Persecution of women suspected to be witches (witch camps, North Ghana)</li> <li>• Child Labour</li> <li>• Trafficking in Children</li> <li>• Troksi Slavery</li> </ul>	
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<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>No</p>	<ul style="list-style-type: none"> <li>• Death Penalty remains on the Statute books. (most recent sentencing April 2003).</li> </ul> <p>Reports on:</p> <ul style="list-style-type: none"> <li>• Unlawful deprivation of life</li> <li>• Excessive use of force by police</li> <li>• Vigilante style justice</li> <li>• Poor prison conditions</li> <li>• Beating of suspects in custody</li> <li>• Female Genital Mutilation (FGM)</li> </ul>	
<p>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?</p>	<p>.N/A</p>		

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	No	<ul style="list-style-type: none"> <li>• Despite being made a criminal offence in 1994 by an amendment of the Criminal Code, FGM is still practiced.</li> <li>• Domestic violence Bill has yet been tabled in parliament</li> </ul>	
(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	No reports / evidence on repeated or systematic violations.	
(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	<p>The mandate of the National Reconciliation Commission (NRC - established in 2002) covers only human rights abuses committed during Ghana's periods of unconstitutional rule since independence. The NRC's mandate will expire in mid-2004.</p> <p>Justice system remains vulnerable to corruption and nepotism.</p>	
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<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	<b>No</b>	
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).	Amnesty International Report 2004 - Ghana <a href="http://web.amnesty.org/report2004/gha-summary-eng">http://web.amnesty.org/report2004/gha-summary-eng</a>	
3. Is the country suitable for inclusion on the minimum common list?	<b>No</b>	<b>Insert basis for response</b>

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out. Most of the information used comes from the country strategy paper (available at <http://europa.eu.int/comm/world/>) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)



**Assessment template**

<del>Name of Member State</del>	European Commission
Name of country for designation	MALI

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Constitutional Democracy	
2. Is there a situation of internal or international armed conflict in the country?	No		Security problem in part of the country

3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	No	<ul style="list-style-type: none"> <li>• Reports of arbitrary arrests</li> <li>• Domestic violence is common</li> <li>• Hereditary servitude relationships continued to link different ethnic groups</li> </ul>	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	No	<ul style="list-style-type: none"> <li>• FGM is widespread</li> <li>• Poor Prison conditions</li> <li>• Abolitionist of death penalty in practice</li> </ul>	
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?	N/A		

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	No	There is no law against FGM (female genital mutilation)	
(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	<ul style="list-style-type: none"> <li>• Justice system is slow and inefficient (long periods of pre-trial detention and lengthy delays in trials)</li> <li>• Reports of corruption in the courts</li> </ul>	

<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	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?		<b>Insert basis for response</b>
	No	General situation favourable but needs to be completed (FGM) and strengthened (legal and judiciary system).

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out. Most of the information used comes from the country strategy paper (available at <http://europa.eu.int/comm/world/>) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)

## Assessment template

<del>Name of Member State</del>	European Commission
Name of country for designation	MAURITIUS

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Parliamentary Democracy	
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?	Yes, with reservations	The reservations relate to the following: <ul style="list-style-type: none"> <li>• Discrimination and violence against women</li> </ul>	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes, with reservations	The Constitution prohibits arbitrary arrest and detention; there are no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. However, there are reports on <ul style="list-style-type: none"> <li>• Use of force by police to coerce a suspect to sign a confession;</li> <li>• Poor Prison conditions;</li> <li>• Forced Child Prostitution</li> <li>• Child Labour</li> </ul>	
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?	N/A		

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, with reservations	In particular, the Dangerous Drugs Act allows law enforcement authorities to hold suspects for up to 36 hours without access to bail or legal counsel.	
(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		There are concerns regarding: <ul style="list-style-type: none"> <li>• Government control of Nation’s television stations</li> <li>• Restrictions on the rights of workers in the export processing</li> </ul>	

(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	Pour mémoire: the law does not provide for granting of refugee or asylum to persons who meet the definition in the 1951 UN Convention relating to the Status of refugees.	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes		



<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	No	NGO reports should be taken into consideration.
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?	<b>NO</b>	<b>Insert basis for response more in-depth analysis required</b>

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out.

Most of the information used comes from the country strategy paper (available at <http://europa.eu.int/comm/world/>) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)

**Assessment template**

<del>Name of Member State</del>	European Commission
Name of country for designation	SENEGAL

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Multiparty Democratic System	

2. Is there a situation of internal or international armed conflict in the country?	Yes	Despite ongoing talks on the implementation of the 2001 peace agreement, tension and insecurity continued to be high in the disputed region of Casamance. There were sporadic clashes between the security forces and armed members of the <i>Mouvement des Forces Democratiques de Casamance</i> (MFDC).	
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	Yes	<ul style="list-style-type: none"> <li>• Killing of civilians suspected to support the MFDC by army in Casamance region</li> <li>• Child labour</li> <li>• Trafficking in People</li> <li>• Arbitrary arrests</li> <li>• Limitations on the freedom of speech and association</li> <li>• Persecution of journalists (most notably the case of Ibrahima Fall)</li> </ul>	State in Senegal is not a repressive one, neither in political practices, nor as far as human rights, religious and economic issues are concerned. Although the above practices are noticed, they do not obey to a state's policy set up for this purpose.

4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes	<ul style="list-style-type: none"> <li>• Cases of torture in custody (most especially civilians suspected of being members of the MFDC)</li> <li>• Attacks on civilians by MFDC's armed wings</li> <li>• FGM</li> <li>• Poor prison conditions</li> </ul>	In general there is more observance of human, political and civil rights in Senegal.
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	See above entries	

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	No	<ul style="list-style-type: none"> <li>• Failure of justice system to bring perpetrators of human rights violations to justice.</li> <li>• Despite stronger legal provisions against torture, the government was reluctant to prosecute members of the security forces accused of torture.</li> </ul>	It is obviously admitted that state's actions against officials violating laws and human rights rules have rarely or have often never been taken.

(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			
(c)	respect of the non-refoulement principle according to the Geneva Convention	No	Case of Mauritanian Military officer, Lieutenant Didi Ould M'Hamed in 2003	See (a)
(d)	provision for a system of effective remedies against violations of these rights and freedoms	No	Despite formal commitments by the authorities to investigate past human rights violations, no steps were taken to initiate an inquiry into large scale violations committed by security forces in Casamance in the past decade.	See (a)

<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	No	Senegal is likely to become as soon as possible a state of law if economic and administrative reforms continue to be undertaken as well as justice.
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).	Amnesty International Report 2004 <a href="http://web.amnesty.org/report2004/sen-summary-eng">http://web.amnesty.org/report2004/sen-summary-eng</a> Amnesty International Report <i>Senegal: Casamance Women Speak Out</i> <a href="http://web.amnesty.org/library/index/engaf490022003">http://web.amnesty.org/library/index/engaf490022003</a>	
3. Is the country suitable for inclusion on the minimum common list?		<b>Insert basis for response</b>
	No	

NOTE : The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out.

Most of the information used comes from the country strategy paper (available at <http://europa.eu.int/comm/world/>) and preparatory documents, country conflict assessment and reports from the delegation and from EU Heads of mission (restricted)

**Assessment template**

<del>Name of Member State</del>	European Commission
Name of country for designation	URUGUAY

<b>QUESTIONS</b>	<b>YES/NO</b>	<b>BASIS FOR RESPONSE</b>	<b>Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available</b>
1. Does the country have a democratic system in place?	Yes	Uruguay is a Presidential democracy. The President and the Vice-President head the executive branch. The General Assembly comprises the Chamber of Senates and Chamber of Representatives.	
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?	Yes,		
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes		
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?	N/A		

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		
(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	Yes		

<b>OVERALL ASSESSMENT</b>		
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?		<b>Insert basis for response</b>
	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?	<b>yes</b>	<b>Insert basis for response</b>

NOTE: The above assessment is preliminary and tentative, as a more comprehensive analysis remains to be carried out.

Most of the information used comes from the country strategy paper (available at [http://europa.eu.int/comm/external\\_relations/uruguay/intro/index.htm](http://europa.eu.int/comm/external_relations/uruguay/intro/index.htm) ) and preparatory documents, country conflict assesment and reports from the delegation and from EU Heads of mission (restricted)