

Brussels, 17 June 2004

8772/04

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

ADD 16

LIMITE

ASILE 34

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 the reply from the **German** delegation.

Apart from Ghana and Senegal, all information provided reflects a preliminary examination and does not constitute a definitive position of the German authorities.

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	Germany
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	Benin has a parliamentary presidential system. A successful democratisation process is taking place in Benin. Benin is a shining example of democracy and stability in a region racked by conflict.	Federal Ministry of Foreign Affairs, press release of 16 May 2003; country profile of 3 June 2004

2. Is there a situation of internal or international armed conflict in the country?	No	There is no country-specific security alert at present.	Federal Ministry of Foreign Affairs, security alerts of 15 April 2004
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	No	Human rights are enshrined in the Beninese constitution. The African Human Rights Charter forms part of the constitution and takes precedence over national law. On the whole, the human rights situation is satisfactory (Benin is not mentioned in Amnesty International's 2003 annual report). There is no state repression, and the "Freedom House" organisation confirms that the country is one of the few countries in Africa to enjoy full political freedom. However, the sale of children still takes place, as does the genital mutilation of girls and women.	Federal Ministry of Foreign Affairs, country profile of May 2001, restricted distribution; http://www.auswaertiges-amt.de/www/de/laenderinfos/laender_ausgabe_html?type_id=10&land_id=21#anfang of 3 June 2004

<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>No</p>	<p>Prison overcrowding, lack of legal certainty due to the judiciary's weakness and susceptibility to corruption, the continued existence of the death penalty, numerous and often unpunished instances of mob justice, and - last but not least - human rights violations in respect of women (genital mutilation, underage marriage, educational discrimination) and the sale of children all go to show that laws alone are not enough. Over the past year, the Beninese Government has been implementing a nationwide campaign to eradicate the practice of female circumcision. The Government has set up a committee to coordinate measures to combat the exploitation of children.</p>	<p>Federal Ministry of Foreign Affairs, country profile of May 2001, restricted distribution; http://www.netzwerk-afrika-deutschland.de/land/benin.htm of 3 June 2004</p>
<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>Not applicable</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 (see 4 above)		
(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	No (see 4 above)		

(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	According to the US Dept. of State, protection from expulsion is guaranteed in Benin. The government is cooperating closely with the UN.	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	No (see 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
	No	Despite the otherwise democratic conditions, the state of the judicial sector and the violation of women's rights militate against designating Benin as a safe country 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	Germany
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	Since gaining independence, Botswana has had a democratic multi-party system with free elections held at regular intervals. Its political stability is unparalleled in sub-Saharan Africa.	http://www.dse.de/za/lis/botswana/seite2.htm of 2 June 2004.

2. Is there a situation of internal or international armed conflict in the country?	No	There is no country-specific security alert at present.	Federal Ministry of Foreign Affairs, security alerts of 15 April 2004
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	No	Botswana may well be regarded as a constitutional state which guarantees freedom of expression and - in principle - frowns upon discrimination of a political, ethnic or religious nature. In reality, however, ethnic tensions sometimes erupt, and the police have been known to exert excessive force on rare occasions. There are tensions with the indigenous San groups ("Bushmen"), who have been moved from the central regions of the country. Their resettlement has led to numerous international protests. The arguments put forward by the Botswanan Government, which ordered the resettlement, are in fact illogical. In the meantime, the Botswanan Government feels obliged to expound its <u>own views</u> in detail. All the same, these screeds provide further evidence of the culture of political discussion in Botswana.	http://www.dse.de/za/lis/botswana/seite2.htm of 2 June 2004; Georgia A. Rakelmann MASTERS OF ADAPTATION The Bushmen of the Kalahari http://www.uni-giessen.de/palaver/safrika/heft2c.htm of 2 June 2004

		Government institutions generally adopt an open approach to criticism. A traditional legal system exists alongside a Western/Roman system. The tribal and village chiefs (<i>Kgosi</i>) continue to play an important role as institutions of authority.	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes	The main aim of Botswanan domestic policy is to maintain and strengthen democracy and respect for human rights. Botswana does not.	Federal Ministry of Foreign Affairs, Botswana country profile: Botswana, position at March 2004.
		appear in the most recent annual reports of Amnesty International. Although the death penalty still exists, there have been no known cases of it being handed down in recent years.	http://www.dse.de/za/lis/botswana/seite2.htm 3 June 2004
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?	Not applicable		

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, see above		
(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, with reservations, see above		
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	The number of asylum-seekers in Botswana has risen again as a result of the unrest in Zimbabwe. In the meantime, the situation in Namibia appears to be easing, enabling refugees to return there.	http://www.dse.de/za/lis/botswana/seite2.htm of 3 June 2004;
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes, with reservations, see 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

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	Germany
Name of country for designation	Cape Verde

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	Cape Verde is a democracy	This can be seen from the US source referred to: US Dept. of State, Country Report on Human Rights Practices – 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	While the government does generally respects its citizens' human rights, problems occasionally arise in some areas, e.g. as a result of abuses by the police.	This can be seen from the US source referred to: US Dept. of State, Country Report on Human Rights Practices – 2003.
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	No	While such practices are constitutionally prohibited, there are reports of the police mistreating prisoners.	This can be seen from the US source referred to: US Dept. of State, Country Report on Human Rights Practices – 2003.
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?		There is no armed conflict. The German Foreign Office considers the security situation in Cape Verde to be quite safe.	German Foreign Office, security advice (consulted on 28.5.2004): http://www.auswaertiges-amt.de/www/de/laenderinfos/laender/laender_ausgabe_html?type_id=4&land_id=76 .

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	There is constitutional provision for an independent judiciary. Defendants are entitled to a fair trial. However, the courts are overworked and proceedings take a very long time.	This can be seen from the US source referred to: US Dept. of State, Country Report on Human Rights Practices – 2003.
(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	No	Prison conditions are reportedly poor, with prisoners on occasion being mistreated by the police.	This can be seen from the US source referred to: US Dept. of State, Country Report on Human Rights Practices – 2003.

(c)	respect of the non-refoulement principle according to the Geneva Convention		No information available.	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	See (a). The government is working for observance of human rights. Following the 2001 elections, the government began taking action against alleged human rights violations, although no effective measures against them have been introduced.	This can be seen from the US sources referred to: US Dept. of State, Country Report on Human Rights Practices – 2003, and US Department of State, International Religious Freedom Report – 2003.

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	As there are hardly any asylum applicants from Cape Verde, the information available has up to now been sufficient, with all significant aspects covered.
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
	No	There is no guarantee that human rights really will be observed.

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	Germany
Name of country for designation	Chile

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	Chile is a multi-party democracy.	US Dept. of State, Country Report on Human Rights Practices – 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?	Yes	There is no persecution. The Pinochet years are being legally reviewed.	See above.
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes	There is no torture. Nor is there any mistreatment at the hands of the armed forces.	See above.
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?	Does not apply		

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	There is an independent judiciary, with a guaranteed right of appeal. The country has a free press.	See above.
(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	Chile is a member of or contracting party to the relevant international organisations and agreements.	
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	Chile has asylum legislation complying with the 1951 Geneva Convention.	See above.

(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	Chile is a country governed by the law of rule.	
-----	--	-----	---	--

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).	Does not apply	
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response

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	Germany
Name of country for designation	Costa Rica

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	Costa Rica has always been an exemplary democratic State governed by the rule of law.	US Dept of State Reports on Human Rights Practices, 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?	Yes	There is no discrimination of any kind.	US Dept of State Reports on Human Rights Practices, 2003
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes	Women are not subject to such treatment either.	see above
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?	Not applicable		

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	The judiciary and the press are absolutely independent.	see above
(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	Costa Rica is a member of all the relevant UN organisations and a traditional country of refuge.	see above and US Dept of State International Religious Report 2003
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	Costa Rica is regarded as the Switzerland of Latin America.	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	The laws of the country guarantee the principle of the rule of law.	see 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).	Not applicable	
3. Is the country suitable for inclusion on the minimum common list?	-YES/NO	Insert basis for response

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	Germany		
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	Ghana is a model country in the African continent, in terms of democratic principles, the principle of the rule of law including respect for human rights, and internal stability.	Federal Ministry of Foreign Affairs, country-specific information on Ghana of 3.6.2004, situation as at March 2004

2. Is there a situation of internal or international armed conflict in the country?	Yes	In the northern regions of Ghana tribal conflicts may occur. Both in the town of Tamale and in the Yendi district a state of emergency applies.	Federal Ministry of Foreign Affairs, Security alerts of 19.2.2004 (ref.:GHA 00054915)
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	No	There is no apparent discrimination in criminal prosecution or sentencing practice in Ghana with regard to characteristics such as race, religion, nationality, adherence to a certain social group or political conviction. However, discriminatory tribal customs which still exist at present, such as the Trokosi cult practised primarily in the Volta region (dedication of girls or young women in slave-like subordination to local priests to compensate for transgressions committed within the extended family circle) and the genital mutilation of girls, which continues to be performed, have not to date been completely repressed despite intense efforts and initial successes by the government (banned since 1994, at least three years' imprisonment under Art. 69 Penal Code), the Human Rights Commission and human rights organisations.	Federal Ministry of Foreign Affairs, Report on the classification of the Republic of Ghana as a safe country of origin within the meaning of Section 29a Law on Asylum Procedure [Asy/VfG] of 17.11.2003 (ref.: 508-516.80/3GHA), cannot be published.

<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>Yes</p>	<p>There is no danger in Ghana of inhuman or degrading treatment or punishment or a substantial real risk to life, limb or liberty. Cases of torture of offenders or prisoners awaiting trial which are reported in the newspaper are immediately – where identified – investigated by the police, which attracts the attention of the media. Torture is banned by the constitution in Ghana. There are no reports of political prisoners or of the politically motivated “disappearance” of individuals. There is no evidence of reprisals by third parties, for which the State is responsible.</p>	<p>Berlin Administrative Court, Decision of 17.2.2003 (ref.:1 X 61.03); Frankfurt/M. Administrative Court 7.7.2000 (ref.: 11 G 3288/00.AF); Federal Ministry of Foreign Affairs, Report on the classification of the Republic of Ghana as a safe country of origin within the meaning of Section 29a Law on Asylum Procedure [<i>AsylVfG</i>] of 17.11.2003 (ref.: 508-516.80/3GHA), cannot be published.</p>
--	------------	---	--

<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>Yes</p>	<p>In March 2002 the smouldering conflict within the Dagomba ethnic group did in fact erupt again in Yendi (northern region). The king of the Dagombas was killed and about 30 other people lost their lives. Against the background of the same unresolved conflict, four people died during clashes in April 2003 in the town of Tamale. However, in both cases further escalation of the conflict was prevented by a strong military presence.</p>	<p>Federal Ministry of Foreign Affairs, Report on the classification of the Republic of Ghana as a safe country of origin within the meaning of Section 29a Law on Asylum Procedure [Asy/VfG] of 17.11.2003 (ref.: 508-516.80/3GHA), cannot be published.</p>
<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?</p>			

(a)	the relevant laws and regulations of the country and the manner in which they are applied	Yes	<p>Judges enjoy immunity in the exercise of their judicial powers. Political parties may act freely on the basis of the constitution and the law on political parties and may also express themselves in the press. Human rights organisations, trade unions and religious communities are free to act within the framework of the existing laws.</p> <p>The freedom of the media is guaranteed in the constitution (Art. 162 et seq.). In July 2003 a bill on freedom of information was approved. Freedom of religion exists in Ghana and is fully respected.</p> <p>Fundamental freedoms and human rights are defined in detail and guaranteed in the constitution (Art. 12 et seq.). Art. 21 lays down the fundamental political rights of freedom of opinion and freedom of the press, as well as freedom of association and assembly. The task of the Commission for Human Rights and Administrative Justice (CHRAJ), enshrined in the constitution, is to monitor the human rights situation. Critical opinions expressed by the CHRAJ – for example, on corruption, cases of .</p>	<p>Federal Ministry of Foreign Affairs, Report on the classification of the Republic of Ghana as a safe country of origin within the meaning of Section 29a Law on Asylum Procedure [Asy/VfG] of 17.11.2003 (ref.: 508-516.80/3GHA), cannot be published.</p>
-----	---	-----	--	--

			expropriation and conditions in the prisons – are published.	
(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	<p>Ghana is a Contracting State to the following UN human rights agreements:</p> <ul style="list-style-type: none"> - International Covenant on Civil and Political Rights (including the first Additional Protocol), - International Covenant on Economic, Social and Cultural Rights, - Convention on the Elimination of All Forms of Discrimination against Women, - International Convention on the Elimination of All Forms of Racial Discrimination. - Convention on the Rights of the Child, - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. <p>Ghana has not expressed reservations regarding any of the agreements. The State is also party to the Rome Statute of the International Criminal Court and provides the first Vice-President of the Court.</p>	Federal Ministry of Foreign Affairs, Report on the classification of the Republic of Ghana as a safe country of origin within the meaning of Section 29a Law on Asylum Procedure [AsylVfG] of 17.11.2003 (ref.: 508-516.80/3GHA), cannot be published.

(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	Foreign refugees living in Ghana are given assistance and support by government agencies, the UNHCR and/or charitable institutions. Depending on the respective developments in the countries of origin, there have repeatedly been repatriation programmes (to Liberia and Togo), which have however been discontinued on account of current developments. In Mai 2002 for the first time – likewise with the assistance of the UNHCR – a small group of Sierra Leonean nationals returned to their home country. In connection with the crisis in Côte d’Ivoire in the first half of 2003, refugees in transit (mainly from Mali and Burkina Faso) were able to travel back unhindered to their home countries via Ghana.	Federal Ministry of Foreign Affairs, Report on the classification of the Republic of Ghana as a safe country of origin within the meaning of Section 29a Law on Asylum Procedure [Asy/VfG] of 17.11.2003 (ref.: 508-516.80/3GHA), cannot be published.
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	Ghana’s constitution and laws should provide suitable means of combating the violation of these rights.	

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 certain incidents, the above remarks justify the inclusion of Ghana as a safe country 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	Germany
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	Mali is a constitutional democracy with a decentralised system of government. The 1992 constitution is based on the French constitution	German Foreign Office: country and travel

		<p>and establishes a presidential democracy. In May 2002 General Amadou Toumani Touré was elected President in a fair election. In the parliamentary election, the governing ADEMA (<i>Association pour la Démocratie au Mali</i>) party lost its parliamentary majority. Both the presidential and the parliamentary elections were, apart from minor administrative incidents, considered free and fair by domestic and international observers (US Dept. of State). However, the German Foreign Office reports many irregularities in the parliamentary election. President Touré had eleven years earlier, as a general, led Mali to democracy, as interim President, following a coup against the dictator Traoré, and in 1992 handed over power, in the country's first free elections, to Alpha Oumar Konaré, who, after two five-year terms in office, was unable to stand again in the 2002 election.</p>	<p>information – Mali: Internet: <http://www.auswaertiges-amt.de/www/de/laenderinfos/laender/laender_ausgabe_html?type_id=10&land_id=104>. This information is available to the public.</p>
--	--	--	---

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)	Mali's government does generally respect human rights (but see 4 below). There were no reported human rights violations by the security forces, arbitrary killings, disappearances or torture cases in 2003. Yet problems do still arise in some areas. Reports are occasionally received of arbitrary arrests by the police or protracted detention without trial.	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	No	Female genital mutilation (FGM) is widespread. About 95 % of all women are circumcised. There is no law against this. The government does support education schemes to counter FGM and since 1999 there has been a national committee coordinating all work by various NGOs. In 1999 the government drew up a two-stage plan to eliminate FGM by 2008. The first stage, from 1999 to 2004, is mainly concerned	US Department of State, Country Report on Human Rights Practices – 2003. Amnesty International, annual report

		<p>with education about FGM; the second stage, from 2004 to 2008, is to introduce legislation. It remains to be seen whether legislation will be enacted and whether it will prove effective.</p> <p>Mali's penal code imposes the death penalty for serious criminal offences. According to information given in Amnesty International's annual report for 2001 (subsequent annual reports do not include Mali), at least 14 people were sentenced to death during the reporting year, although no death sentences have actually been carried out in Mali for ten years now.</p>	for 2001
--	--	--	----------

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?	Does not apply		
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	Genital mutilation is not a criminal offence. The judiciary is not uninfluenced by the executive.

(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	No (see (a))	If legislation banning genital mutilation is enacted, it will still have to be enforced.	
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	Those fulfilling the requirements of the 1951 Geneva Convention and the 1967 Protocol are, by law, granted refugee status. This is applied in practice by the government, as is the principle of non-refoulement.	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	No	See (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?		Insert basis for response
	No	The continuing FGM issue is the key factor here.

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	Germany
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.	<u>Mauritius is a parliamentary democracy (simple majority voting, unicameral system). There are regular national and local elections, which were held freely</u>	http://www.cia.gov/cia/publications/factbook/geos/mp.html + http://www.auswaertiges-amt.de/www/de/laenderinfos/laender/laender_ausgabe.html?t

		<p><u>and fairly in 2000.</u></p> <p><u>The judiciary is independent.</u></p> <p>http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm</p>	<p>ype id=10&land id=109 +</p> <p>http://news.bbc.co.uk/2/hi/afrika/country_profiles/1063172.stm +</p>
<p>2. Is there a situation of internal or international armed conflict in the country?</p>	No	<p>http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm</p>	<p>In principle, there is a situation of stability and harmony between the different races.</p> <p>http://news.bbc.co.uk/2/hi/afrika/country_profiles/1063172.stm</p> <p>There were tensions between the Hindu majority, on the one hand, and the Christians and the Muslim minority, on the other, as the latter were barred from higher positions in the government; no violent conflicts were reported in 2003.</p> <p>http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm</p>

3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	Yes.	http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm	
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	Yes.	<p>Within the context of the stable Mauritian democracy, the human rights situation is good. Torture and inhuman punishment are prohibited by law and the public authorities respect this prohibition in principle; nevertheless there were occasional breaches of human rights by the police; the most common form of this being forced confession. Cases of female rape by the security forces were no longer reported. Four people died from natural causes while in custody awaiting</p>	<p>In June 2003 a judge investigated the death of a Creole singer who was in police custody and came to the conclusion that he died of natural causes. Other sources report that he died of traumatic head injuries which could not have been self-inflicted.</p> <p>http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm</p> <p>In some cases access by arrestees (minorities or individuals who were not aware of their rights) to legal counsel was obstructed.</p>

		<p>trial.</p> <p>Detention conditions comply with international standards.</p> <p>There are no reports of arbitrary or unlawful deprivation of liberty.</p> <p>Freedom of the press and of opinion are guaranteed.</p> <p>The death penalty has been abolished for all crimes.</p> <p>http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm</p> <p>http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6da53f7c3faedef8802566aa0052fc85?Opendocument</p> <p>http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/fffda253689</p>	<p>http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm</p> <p>In a protest against a Government legal initiative to combat terrorism, President Cassam Uteem resigned his office. At least three people alleged that they had been ill-treated by police officers when arrested. Two human rights activists claimed that they were exposed to police harassment.</p> <p>Anti-terrorism law</p> <p>Opposition parties, sections of civil society and Amnesty International criticised a government draft law on combating terrorism as incompatible with international human rights standards. The law</p>
--	--	---	--

		<p>a936c8025676800439876?Opendocument</p>	<p>granted the police the authority to hold suspected "terrorists" in custody for 36 hours without contact with the outside world. It gave the Government the right to deport such persons from the country, refuse them asylum and return them to</p> <p>States in which they were at risk of human rights violations.</p> <p>Torture and ill-treatment</p> <p>At least three people alleged that they had been tortured or ill-treated by police officers. Although they filed their allegations officially with the police Complaints Investigation Bureau or the National Human Rights Commission and</p>
--	--	---	--

			<p>although investigations took place into these cases and other events that had come to light in previous years (including cases of deaths in custody) no police officers had yet been brought before the courts by the end of 2002.</p> <p>http://www2.amnesty.de/_C1256A380047FD78.nsf/0/E9ACDD45B95F1FAC1256D320045916A?Open&Highlight=2,Mauritius</p> <p>http://web.amnesty.org/report2003/mus-summary-eng</p> <p>On 22 April 2002, 17-year-old Kevin Besage filed a complaint alleging that he had been beaten by members of the police <i>Special Support Unit</i> in Roche-</p>
--	--	--	---

			<p>Bois and the nearby police station. The Complaints Investigation Bureau subsequently opened investigations and Kevin Besage identified three police officers as his assailants. No information was available on the further progress of the case.</p> <p>Human rights activists</p> <p>Two people were harassed by the police because of their human rights activities. In March 2002, police officers arrested two members of the non-governmental human rights organisation <i>Parti Lalit</i> while they were collecting information about the incidence of police brutality. The charges</p>
--	--	--	--

			<p>brought against both of them were later dropped.</p> <p>http://www2.amnesty.de/C1256A380047FD78.nsf/0/E9ACDDD45B95F1FAC1256D320045916A?Open&Highlight=2,Mauritius</p> <p>Freedom of assembly is guaranteed under the constitution; however in some cases permission to hold gatherings has been refused.</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?	Not applicable.		

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.	http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm
(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.	http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6da53f7c3faedef8802566aa0052fc85?Opendocument http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ffda253689a936c8025676800439876?Opendocument
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes.	http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes.	http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm

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).	Not applicable.	
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response

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	Germany
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	Senegal is a presidential democracy in which a pre-eminent role is allotted the President. The government is headed by	

		<p>a Prime Minister, who is appointed by the President. Parliamentary control is exercised by a directly elected Assemblée Nationale and a judiciary whose structure and jurisdiction are based on the French model. Senegal has a functioning multi-party system. Senegal's distinctive feature is, in principle, its democratic structures, governed by the rule of law. The state guarantees basic freedoms, in particular the freedom of religion, which is expressly safeguarded in the (secular) Constitution, likewise the freedoms of speech, of the press and of assembly.</p>	
2. Is there a situation of internal or international armed conflict in the country?	Yes	Internal conflict in Casamance.	
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	Yes, subject to reservations - see 4. and 5.	There has not been found to be any direct or indirect state persecution of individuals or groups of individuals on grounds of race, religion, nationality,	Federal Ministry of Foreign Affairs: Report with a view to classifying Senegal as

	below	<p>membership of a particular social group or political opinion. In recent years the Senegalese Government has made great efforts to improve the legal and institutional framework in order to provide effective protection for human rights and freedoms. Nevertheless, human rights violations have occurred, mainly during flare-ups in the Casamance conflict (see 4. and 5. below.).</p> <p>There are occasional cases of arbitrary arrest and imprisonment.</p>	<p>a safe country of origin within the meaning of section 29 a of the Law on Asylum Procedure [AsyVfG] (as at: September 2003)</p> <p>Situation reports from the Federal Ministry of Foreign Affairs are not intended for publication.</p>
4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?	No	<p>Torture is a criminal offence in Senegal. Nevertheless, cases of torture have emerged. Those responsible for such incidents are only rarely investigated and proceedings on such charges are long drawn-out for political reasons. To date, no members of the armed forces, the gendarmerie or the police have been</p>	<p>Federal Ministry of Foreign Affairs, op. cit.</p>

		<p>actually been convicted of human rights violations in Senagal.</p> <p>However, in its 2003 annual report Amnesty International does not make any allegations of torture against the Senegalese state. Nor has the US Dept. of State - unlike in previous years – received any reliable reports in 2003 of torture by the police or the gendarmerie in the course of questioning or during pre-trial detention. We are not aware of any cases of inhuman or degrading punishment in Senegal. Corporal punishment in accordance with Sharia law is prohibited. The death penalty can be imposed for very serious crime, espionage or treason, but we are not aware of any case in which it has been carried out.</p> <p>Female genital mutilation (FGM) is practised. FGM was made a criminal</p>	
--	--	--	--

			offence by law in 1999. Criminal proceedings dating back to 2002 and 2001 were initiated against alleged perpetrators of FGM, but they have not yet been concluded.	
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		During flare-ups in the Casamance conflict there have been recurrent human rights violations on both sides. Investigations into the human rights violations which the Senegalese army is alleged to have committed during the last armed clash with the MFDC have been pending for years.	Federal Ministry of Foreign Affairs, op. cit.
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, subject to reservations.	The judiciary is subject to influence and pressure from 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 (subject to reservations - see 4. and 5. above)		
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes (no evidence to the contrary)	Asylum and refugee status are provided for by law, in keeping with the Geneva Convention of 1951 and the 1967 Protocol. The government cooperates with the UNHCR. Senegal grants generous residence rights to refugees from abroad, particularly African countries in a relatively unbureaucratic manner.	Federal Ministry of Foreign Affairs, op. cit..

(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes (subject to reservations - see 4. and 5. 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
	Yes	<p>Given that political stability in Senegal is firming up following the democratic handover of power in March 2000 and given the Senegalese government's basic respect for human rights, as confirmed by various observers, neither the political situation nor the human rights position in Casamance at present can be said to be any worse than in previous years. Nevertheless, a careful watch must be kept on recurring armed clashes and on previously documented human rights violations by government forces, which have so far gone unpunished. Despite the simmering conflict in Casamance, Senegal's classification as a safe country of origin remains justified.</p>

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	Germany
Name of country for designation	Uruguay

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	The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free and fair	

		<p>elections. Uruguay is a multi-party democracy.</p> <p>(US Dept of State – Country Reports on Human Rights Practices - Uruguay – 2003, Released February 25, 2004)</p>	
2. Is there a situation of internal or international armed conflict in the country?	No	US Dept of State - Country Reports on Human Rights Practices – Uruguay – 2003, Released February 25, 2004	
3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?	Yes	<p>However, in 2003 there were reports of police violence, including abuse of prisoners in the jails and police stations, of poor prison conditions and of court cases sometimes lasting for many years, resulting in lengthy pre-trial detention. Violence against women, and some</p>	<p>Amnesty International Report - Uruguay – 2004 - This report covers the period January to December 2003</p> <p>Http://web.amnesty.org/report2004/ury-summary-eng</p>

		<p>discrimination against women and the black minority were also reported.</p> <p>(US Dept of State - Country Reports on Human Rights Practices – Uruguay – 2003, Released February 25, 2004)</p> <p>Amnesty International: In 2003 there were reports of torture and ill-treatment of detainees. Investigations into these allegations were initiated but not completed by the end of the year.</p> <p>The type and scale of these human rights violations are not such as to warrant the assumption of persecution on such a scale as to be relevant for our purposes.</p>	
--	--	--	--

<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>No</p>	<p>In 2003 there were reports of police violence, including abuse of prisoners in the jails and police stations and of poor prison conditions. (US Dept of State - Country Reports on Human Rights Practices – Uruguay – 2003, Released February 25, 2004) Amnesty International: There were reports of torture and ill-treatment of detainees.</p>	<p>Amnesty International Report - Uruguay - 2004 - This report covers the period January to December 2003 http://web.amnesty.org/report2004/ury-summary-eng</p>
<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>Not applicable</p>		
<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?</p>			

(a)	The relevant laws and regulations of the country and the manner in which they are applied	Yes	<p>- with reservations: The government generally respects the human rights guaranteed in the Constitution; however, there are problems in some areas (see Question 3). (US Dept of State – Country Reports on Human Rights Practices – Uruguay – 2003, Released February 25, 2004)</p> <p>In 1998 the UN did warn of the need for changes in the legal system. There is no current situation report on the matter available. (Concluding Observations of the Human Rights Committee: Uruguay. 08/04/98.)</p>	
-----	---	-----	--	--

(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	No	<p>In 2003 there were reports of police violence, including abuse of prisoners in the jails and police stations and of poor prison conditions. One prisoner is alleged to have died following ill-treatment by prison guards.(US Dept of State – Country Reports on Human Rights Practices - Uruguay – 2003, Released February 25, 2004)</p> <p>Amnesty International: There were reports of torture and ill-treatment of detainees.</p> <p>Investigations into these allegations were initiated but none had been completed by the end of 2003.</p>	<p>Amnesty International Report - Uruguay - 2004 - This report covers the period January to December 2003</p> <p>http://web.amnesty.org/report2004/ury-summary-eng</p>
-----	--	----	--	--

(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	US Dept of State - Country Reports on Human Rights Practices – Uruguay – 2003, Released February 25, 2004	
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	<p>The government investigated many of the reports of abuse of prisoners. The authorities investigate if accusations of police brutality are reported. Offenders are brought to justice.</p> <p>National and international human rights organisations are usually allowed to work unhindered. The authorities are generally cooperative. (US Dept of State – Country Reports on Human Rights Practices – Uruguay – 2003, Released February 25, 2004)</p> <p>Amnesty International: There were reports of torture and ill-treatment of detainees. Investigations into these allegations were initiated but none had been completed by the end of 2003.</p>	<p>Amnesty International Report - Uruguay - 2004 - This report covers the period January to December 2003</p> <p>http://web.amnesty.org/report2004/ury-summary-eng</p>

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	
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).		<p>Given the continued deterioration of the prison system in 2003:</p> <ul style="list-style-type: none"> • type, scale and frequency of police violence, including abuse of prisoners in the jails and police stations; results of complaints by individual victims; • details of prison conditions, of the options open to those affected, information on state measures and options open to those affected for improving the situation;. • statistics on prisoner health and the mortality rate among prisoners. <p>There are no other sources of information on the above issues.</p>

3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
		<p>The prison situation continued to deteriorate during 2003.</p> <p>According to the Director of the National Prison Service, the whole system is close to collapse. Against this background, there is a lack of detailed, up-to-date information, particularly on the areas covered in Question 2, which could have a bearing on the decision.</p>