



Statewatch

EU divided over list of “safe countries of origin” - *Statewatch* calls for the list to be scrapped

APPENDIX

Is the Country suitable for inclusion on the minimum common list?

BENIN

European Member State	Answer	Supporting Evidence
Austria	N/A 50%	Excision. Mainly in the North. ‘There is no law specifically prohibiting FGM’
Czech Republic 1 st July (updated)	YES/NO Conditional YES – dependent on further info.	Conditional due to potential problems: <ul style="list-style-type: none"> a. societal discrimination against women b. Widespread Female Genital Mutilation, trafficking in children for forced labour or domestic service (govt. attempting to tackle problem) c. Extremely harsh prison conditions d. FGM as torture, inhuman or degrading treatment, although illegal and punished with imprisonment and a

		<p>fine</p> <ul style="list-style-type: none"> e. some problems with law enforcement resulting in mob justice and ‘vigilant (sic) groups violence’ f. unsatisfactory enforcement of ban on FGM g. ‘corruption and inefficiency in judiciary may potentially hinder an opportunity to achieve legal redress, however the government tried to address these problems’
Denmark	<p>YES (NB: claim have insufficient info to answer question... ‘Given the importance of including a country on the common list determinations must be motivated by ample research and material. It is difficult to make such assertions given the amount of material provided and the short time frame given to make decisions’)</p>	
Estonia	NO	Human Rights practise
Finland	NO	<p>Situation not generally and consistently secure. Indicated by corruption in the judicial system and police violence.</p> <p>Problems Trafficking in children. No law prohibiting trafficking of persons. FGM</p>

		<p>Extensive mob violence without proper enforcement of justice.</p> <p>Police violence</p> <p>Harsh prison conditions</p> <p>Although relevant laws and regulations exist, their application is not sufficient.</p>
France 14 th July (updated)	YES	<p>FGM</p> <p>Outlawed Jan 2003. Effects c.17% population. Despite government and UNICEF campaign no trials as yet. ‘No prospect of short term eradication of the practise amongst the most backward, least educated and poorest section of the population’</p> <p>No specific legislation against child trafficking.</p> <p>‘Corruption is rife throughout Benin society’ Although will to halt this exists, ‘breadth and the depth of the phenomenon mean that it will be a very long haul’</p> <p>Benin does not appear in Amnesty International 2002 and 2003 reports</p>
Germany	NO	Judiciary and violation of women’s rights.
Hungary	YES	
Ireland 6 th July (updated)	YES	
Malta	YES (NB: draw attention to insufficient material provided and short time frame given to decide)	‘Given the importance of including a country on the minimum common list, determinations must be motivated by apple research and material. It is difficult to make such assertions with just the amount of

		material provided and the very short timeframe given to make such assessments.’
Netherlands	Inconclusive	General respect of human rights, with exceptions. However concerns about arbitrary arrests, police abuse, trafficking of children. Note that HRW and AI have no recent information on Benin. Request more information about 1. Protection against mob justice 2 possible refoulement to Togo.
Portugal	YES	Although recognise sexual discrimination of women, children and trafficking of child labour.
Slovakia	YES	
Sweden	YES	Ministry assessment
Commission	NO	Situation generally good but fragile.

Amended Proposals

EU member state	1 st response	2 nd response
Czech Republic	10 th June NO	1 st July Conditional YES/NO
France	28 th June YES Democratic; Institutions respected. ‘No serious infringement of individual and collective freedoms. The press enjoys freedom of expression’ BUT ‘Excesses can occur in the breaking up of demonstrations. The most serious problems arise from common law violence. Precarious living conditions in prisons and violence towards women.’	14 th July YES

	List Conventions Benin Party to. E.g. 1984 'Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'.	
Ireland	14 th June YES	6 th July YES

BOTSWANA

EU Member State	Answer	Supporting Evidence/ Comments
Czech Republic (1 st July)	YES	
Denmark	'We do not have sufficient experience to reply to this question'	Relying almost exclusively on US state department reports. (NB conclude have insufficient information to respond)
Estonia	YES	US Dept of State Country Report on Human Rights Practices Botswana 2003
Finland	NO	<p>Democratic structures, general respect for human rights BUT Death penalty, reports of torture, prison conditions and police violence 'are alarming'</p> <p>'The death penalty is used and executions are carried out'</p> <p>Evidence of police violence, limited press freedom, the death penalty and ill treatment of certain minorities in the country.</p> <p>Although the constitution</p>

		<p>prohibits torture and inhumane or degrading treatment, reported occurrences of torture where village courts impose corporal punishment. Also occasional police violence, ill treatment of prisoners, both physical and mental torture.</p> <p>Although generally provision for a system of effective remedies against violations of rights and freedoms, ‘some problems with trials (fairness and length) and with representation in customary courts.’</p>
France	YES	<p>No final comment</p> <p>Death penalty ‘Its application, which does not offend local public opinion, is presented as a deterrent against crime’. 38 cases since 1966.</p> <p>A lawyer is officially appointed where the death penalty is imposed ‘However, such lawyers receive a minimal salary and are sometimes incompetent’.</p> <p>Discusses the adequacy of the Constitution and existing laws, but does not really explore the application of these commitments.</p>
Germany	No final response, although answered all other	Democratic multi-party system. Free elections held

	questions.	<p>at regular intervals. Political stability that is unparalleled in sub-Saharan Africa. BUT Ethnic tensions, ‘police have been known to exert excessive force on rare occasions’.</p> <p>Concern over Government resettlement of indigenous San groups (‘Bushmen’). Claim government arguments for resettlement ‘illogical’. Resettlement provoked international protests.</p> <p>Death penalty: no known cases in recent years.</p>
Hungary	YES	<p>No comment</p> <p>Relied exclusively on ‘Sources of Annex B’. Have written no comments.</p>
Ireland	YES	No comment
Malta	YES	<p>Inadequate information and time to judge. Overall ‘generally and consistently safe’ and in terms of human rights although there are some infringements has a ‘good track record, comparing favourably internationally, not just Africa’.</p> <p>Answered ‘NO’ when questioned if ‘information sources listed in Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country.’</p>

Netherlands	YES	‘However, there is only one source.’
Portugal	YES	The law provides protection for human rights and punishments for violations of those rights. Generally and consistently the government and its agents do not exert degrading treatments or discriminatory practises’
Commission	NO NB Claim insufficient info provided by Council. Only provide US State Dept Country Report of Human Rights practise. State that for ‘fully comprehensive assessment’ other sources available in Member States and within the EC.	‘concerns are expressed about the fact that homosexuality is illegal and about the death penalty’ Although amendment of constitution underway, only 8 out of 18 ethnic groups officially recognised. Customary Courts administer punishments in the form of lashings generally against young offenders
Amended Proposals		
EU Member State	1 st Response	
Czech Republic	NO 10 th June Inadequate safeguards free and fair trial. NB a) ‘the de jure and de facto existence of the capital punishment as such may not necessarily hinder including a country on the minimum common list. However it must be established that both the legislation and judicial practise of the country provide free and fair trial including adequate legal counselling.’	YES 1 st July ‘Generally there are no major obstacles to put Botswana in the list of countries of safe origin’

	b) draw attention to inadequate time to acquire all relevant information ‘necessary for a qualified and competent assessment’	
France	YES 14 th July ‘one of the most stable and democratic countries in Africa’. Middle income. ‘Exemplary on a number of counts’	Botswana not reconsidered.

CAPE VERDE

EU Member State	Answer	Supporting Evidence/Comments
Czech Republic	YES	Democratic institutions and mechanisms and government effort to address problems. Problems: <ul style="list-style-type: none"> a. some reports of restrictions on freedom of the press b. continued reports of media self censorship c. Government attempts to combat violence against women and children is not very effective. d. Legislation on violence and societal discrimination against women as well as violence and sexual abuse of children is not effectively enforced.
Denmark	We do not have sufficient experience to reply to this question.	US Dept. of State reports Feb 2004 ‘police continued to beat persons in custody and detention’.
Estonia	YES	Relying on US Dept of State 25 th Feb 2004 Country

		<p>report on Human Rights And 18th Dec US State Dept International Religious Freedom Report</p>
Finland	YES 'but taking into account....concerns'	<p>'While democratic structures exist, limitations on press freedom, discrimination and violence against women, child abuse and police violence not leading to legal action are of concern'</p> <p>E.g. reports of police violence and poor prison conditions, severe domestic violence. Reported cases of police violence appear to lead to investigations, but to no further legal action. Inefficiencies in the judicial system make it difficult to address problems of domestic violence, child labour, child abuse, sexual violence against children etc.</p>
France	YES	<p>'The democratic nature of the regime is indisputable'</p> <p>'It may be noted that the courts are overworked, and that there are only a few judges, who sometimes have incomplete training. Guarantees in this area might therefore sometimes be considered as having room for improvement'</p> <p>'no cases of persecution have been reported'</p> <p>'No cases of torture or degrading treatment have been reported'</p>

Germany	NO	<p>Reports of abuse by police. Courts overworked and proceedings take a very long time. Prison conditions are poor.</p> <p>‘Following the 2001 elections, the government began taking action against alleged human rights violations, although no effective measures against them have been introduced’</p> <p>As evidenced by (US State Dept Country reports 2003, Dept of State International Religious Freedom Report 2003)</p> <p>‘There is no guarantee that human rights really will be observed’</p>
Hungary	YES	No comments entered
Ireland	YES	No comments. Based on Country Report on Human Rights Practices 2003. Released by the Bureau of Democracy, Human Rights and Labour.
Malta	<p>YES (5th July)</p> <p>NB 10th June Answered NO</p> <p>Inadequate information. Although answer that: ‘the legal situation, the application of the law within a democratic system and the general political circumstances in Cape Verde indicate that this country appears to be generally and consistently safe’</p>	‘Generally and consistently safe’ BUT repeated comments on short time frame and inadequate evidence.
Netherlands	YES	Relying on Netherlands Ministry of Foreign Affairs reports.

		Acknowledge 'there are incidentally human rights abuses by the police'
Portugal	YES	Recognise that US State Dept Report 'points out some difficulties on the human rights issues' but that 'in global terms, its appreciation is very positive'. Claims that EU Member States also have 'problems with police mistreatment and abuse of detainees, some limits on assembly and association, some government and societal discrimination against minority groups and foreign minority religious groups, some wage discrimination towards women and trafficking in persons, particularly women and girls' but that this does not make them undemocratic.
Slovakia	YES (NB answer NO when asked if have sufficient information to answer question)	Evidenced by US State Dept Country Reports.
Sweden	YES	Assessment within the Ministry
Commission	NO 14 th June NB changed to 'YES' 7 th July,	Government rarely enforces law prohibiting child labour Investigation into allegations of human rights abuses by police did not result in any legal action against the perpetrators.

CHILE

EU Member State	Answer	Supporting
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		evidence/comments
Czech Republic	Yes	<p>‘Despite some negative aspects...due to general compliance with criteria required for a country to be considered as safe we would support inclusion of Chile in the list.’</p> <p>Negative aspects</p> <ol style="list-style-type: none"> a. Problems with excessive use of force and mistreatment by police forces, physical abuse in jails and prisons b. Certain degree of discrimination vs. women and indigenous people c. Poor and deteriorating conditions in prisons including physical violence. Government is aware of this problem and tries to address it. d. In some cases inadequate prosecution of police violence.
Denmark	‘Since Denmark only receives a very small number of asylum seekers we do not have the necessary experience to answer this question’	US State Dept. Report Feb 2004 reports abuse and mistreatment of detainees by police and prison guards.
Estonia	No Comment	,
Finland		14 th June ‘The death penalty is only used during war or under exceptional circumstances

France	YES	<p>‘The prison system is open to criticism, but a prison building programme has begun and violence by warders is on the decrease. However there is no question of systematic or institutionalised violence. The fact that the number of appeals against police abuse more than doubled between 1990 and 2000 (from 83 to 186 rather reflects citizens restored confidence in state institutions’</p>
Germany	No final response	<p>Positive answers: Chile ‘multi party democracy’, ‘no persecution’ ‘no torture’ ‘independent judiciary’ ‘free press’ ‘asylum legislation complying with the 1951 Geneva Convention’</p>
Hungary	YES	No comments entered
Ireland	YES	<p>Reports of ill treatment of persons in police custody ‘but some indications that the courts are now taking complaints against the police more seriously’</p> <p>‘some convictions of policemen for excessive violence were secured in recent years’</p>
Malta	YES	<p>Inadequate information. Although answer that: ‘the legal situation, the application of the law within a democratic system and the general political circumstances in Chile indicate that this country appears to be generally and consistently safe’</p>

Netherlands	Inconclusive	Asked to give sources of information: response; 'difficult to give sources: sources do not speak of persecution, they do point at prosecution of persecutors'
Slovakia	YES (NB answer NO when asked if have sufficient information to answer question)	US State Dept.
Sweden	YES	Also relying on 'Assessment within Ministry'
Commission	YES	

COSTA RICA

EU Member State	Answer	Supporting evidence/ Comments
Czech Republic	Yes	<p>Due to the existence of democratic institutions and mechanisms despite problems. We would support inclusion of Costa Rica on the list.'</p> <p>Problems</p> <ol style="list-style-type: none"> a. Some physical abuse by police and prison guards. b. Domestic violence and abuse of children although government is combating this 'both in a legislative and political way'. c. 'Child prostitution and labour was a serious problem however declining' d. Legislation enforcement should be more effective.

Denmark	‘Since Denmark has not received any asylum seekers from this country we do not have the necessary experience to answer this question’	US Dept of State Country Report on Human Rights Practices 2003 Reports public forces and police ‘responsible for some physical abuse’
Estonia	YES	Although using the same evidence as Denmark...
Finland		
France	YES	‘It is inconceivable that a person would be persecuted for his political opinions, religious beliefs or ethnic origin’. The government is ‘attacking’ child prostitution, drugs and domestic violence, corruption and impunity.
Germany	No final answer	‘exemplary democratic state’, no discrimination, even against women, judiciary and press are independent, member of all relevant UN organisations,
Hungary	YES	No comments entered
Ireland	YES	No comments. Based on Country Report on Human Rights Practices 2003. Released by the Bureau of Democracy, Human Rights and Labour and Ministry Reports.
Malta	YES	Inadequate information. Although answer that: ‘the legal situation, the application of the law within a democratic system and the general political circumstances in Costa Rica indicate that this country appears to be generally and consistently safe’
Netherlands	YES	Rely on Netherlands Ministry of Foreign Affairs

		information. Recognise ‘some cases of abuse by police’
Slovakia	YES (NB answer NO when asked if have sufficient information to answer question)	
Sweden	YES	
Commission	YES	Although some concern with children’s rights and children forced into prostitution

GHANA

European Member State	Answer	Supporting Evidence
Austria	N/A 15-30% (I think this refers to the percentage of women forced to undergo FGM)	Widespread FGM occurs despite legislation passed in 1994 prohibiting it.
Commission	NO	Host of reasons, many mentioned below. Include: violence in the north, restrictions on the right to peaceful assembly and association, discrimination and persecution of women, child trafficking, child labour and Trokosi slavery system (bases on US Dept of State – Country Report on Human Rights Practices, Ghana 2003). Also police brutality, poor prison conditions, FGM etc.
Czech Republic 1 st July (updated)	Conditional YES – dependent on further info to be provided by British delegation and Commission Service on FGM. Original June 10 th answer was no due to the accompanying concerns.	Conditional due to potential problems: <ul style="list-style-type: none"> • Violence and societal discrimination against women and children • FGM practice • Traditional form of child servitude practised on a limited scale (Trokosi religious practice) • Some incidents of politically and ethnically motivated violence • Forced child labour and trafficking in children for forced labour • Vigilant groups violence
Denmark	YES	This they claim despite citing evidence of severe

		police beatings, “life-threatening” prison conditions, Trokosi practice and AI reports of ongoing FGM despite 1994 legislation prohibiting it.
Estonia	NO	Cites numerous US Dept of State reports and docs as evidence of human rights abuse
Finland	NO	Cites a range of discriminatory practices and clear violations of human rights similar to those listed by the Czech republic, but also corruption in the judicial system and restrictions on freedom of assembly.
France	YES	<ul style="list-style-type: none"> • Political life is not restricted • No reported cases of persecution (not mentioned an AI annual report) • Freedom of worship exists • National Reconciliation Commission created in 2003 • Government is committed to transparency through regular interaction with the public and respect for freedom of expression – political life in Ghana is peaceful • Ghanaian Commission on Human Rights and Administrative Justice described by Human Rights Watch as one of the best institutions in Africa. • Courts also do a good job of safeguarding human rights as enshrined in the constitution
Germany	YES	Expresses some concerns about tribal conflict in the north and the Trokosi practice as well as FGM, but argues that Ghana is a model democratic African state with a functional system of government, an effective constitution and little evidence of political persecution and human rights abuse.
Hungary	YES	“Sources of Annex B” – some references and links to sources right at the back.
Ireland 6 th July (updated)	YES (previously “Inconclusive”)	Originally had “Inconclusive” as their response to most questions including this one which they claimed to require further information in order to answer. This new “assessment [was] based on information at Annex B and responses of other Member States to ASILE 34 and the additional information sources listed by those states.”
Malta	NO	“Given the importance of including a country on the minimum common list, determinations must be motivated by ample research and material. It is

		<p>difficult to make such assertions given the amount of material provided and the short timeframe given to make such assessments.”</p> <p>Malta argues that although Ghana’s legal and constitutional provisions indicate the existence of fundamental rights and freedoms for its citizens, many abuses still occur. These include detention without charge for over 48 hours, failure to obtain a warrant for an arrest, FGM, beatings by police and customs officials, harsh even life-threatening prison conditions, corruption within the judicial system, occasional restrictions on freedom of assembly and the National Reconciliation Committee’s hearings into human rights abuses for the period of unconstitutional governments since 1957 had to be extended by six months due to the large volume of complaints. Similarly “in October 2003, the Chief Justice inaugurated a Complaints Unit of the Judicial Service to receive and investigate complaints of corruption, delays and unfair treatment. Within the first few weeks 46 were received.</p>
Netherlands	Inconclusive	Answers “Yes” to most of the previous questions but acknowledges there is some evidence of human rights abuses and failures within the legal system.
Poland	YES	Does not complete the form on the basis that it has received no asylum applications from Ghanaians.
Portugal	YES	<p>“The law provides protection for human rights and punishment for violations of those rights. Generally and consistently, the government and its agents do not exert degrading treatments or discriminatory practices.”</p> <p>This despite earlier acknowledging that there is no legal protection for women from sexual harassment and that they are still subjected to FGM and violence. Children are also trafficked and subjected to Trokosi as well as being used as labour.</p>
Slovakia	YES	Cites numerous reports.
Sweden	YES	“Assessments within the Ministry” basis for every answer.
United Kingdom	YES	This correction doesn’t alter any answers but

(28 th June)		<p>instead provides the information they were originally based on:</p> <p>Strong democracy, provides asylum, freedom of speech and religion, any violence FGM is not widespread and is being combated by the govt etc etc.</p>
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MALI

EU Member State	Answer	Supporting Evidence/ Comments
Austria	N/A 90-94%	FGM is common throughout Mali despite NGO and government campaigns against the practice.
Commission	NO	<p>Evidence of persecution:</p> <ul style="list-style-type: none"> • Reports of arbitrary arrests • Domestic violence is common • Hereditary servitude relationships continue to link different ethnic groups • FGM is widespread (and no law against it) • Poor prison conditions • Slow, inefficient and allegedly corrupt justice system <p>“General situation favourable but needs to be completed (FGM) and strengthened (legal and judiciary system).”</p>
Czech Republic (1 st July)	Conditional YES – dependent on further info provided by French delegation on Mali and Commission Service on FGM	Reverses their decision from no to yes without offering ANY evidence as a basis for doing so, while maintaining all of their original concerns. These involve widespread FGM, trafficking in children and hereditary servitude.
Denmark	‘We do not have sufficient experience to reply to this question’	<p>Expresses concern about fighting between rival Muslim groups in western Mali in 2003 that left 13 dead.</p> <p>Also the high rate of FGM. “24 percent of Malian women before the age of 15 years and 94 percent undergo FGM”</p>
Estonia	NO	US Dept of State (25 Feb 2004) Country Report on Human Rights Practice 2003 – Mali

		<p>US Dept of State (18 Dec 2003) International Religious Freedom Report – Mali</p> <p>State Party report on ICCPR: Mali (13 Jan 2003)</p>
Finland	NO	<ul style="list-style-type: none"> • Reports of arbitrary arrests, long pre-trial detention and lengthy delays in trials • Judicial system subject to heavy executive influence • Corruption in the courts • Discrimination against women, widespread domestic violence against women and FGM (and no legislation prohibiting it) • Child labour; child trafficked into forced labour • Very poor prison conditions
France (Complement on 14 th July)	YES	<p>“Mali has become a point of reference in the subregion for its respect of human rights, trade union rights, freedom of the press and religious freedom. There are no political prisoners.” (Just don’t form a religious party?)</p> <p>Although the death penalty has not been abolished and continues to be passed as sentence (14 in 2001), it has not been applied since 1980.</p> <p>Under Articles 166 and 177 of Penal Code deliberate injury and ill treatment are criminal offences – these provide basis of prosecuting those guilty of genital mutilation. They prefer not to pass a law against FGM in case this serves only to drive the practice “underground”</p> <p>In relation to serfdom and child trafficking: “Designating a country as a safe country of origin does not mean that its nationals cannot be recognised as refugees if fears are justified in specific cases.”</p>
Germany	NO	<p>Argues that the continued practice of FGM “is the key factor here” with evidence of around 95% of women being circumcised.</p>
Hungary	YES	<p>“Sources of Annex B” – some references and links to sources right at the back.</p>
Ireland	YES	<p>Refers to “Country Reports on Human Rights Practices, 2003 – Released by the Bureau of Democracy, Human Rights and Labour, 25 February 2004”</p>
Malta	YES	<p>Inadequate information and time to judge, though “the</p>

		application of the law within a democratic system and the general political circumstances in Mali indicate that this country appears to be considered generally and consistently safe.”
Netherlands	YES	Written very very little to back up this assertion.
Poland	YES	Does not complete the form on the basis that it has received no asylum applications from Malians.
Portugal	YES	<p>“The law provides protection for human rights and punishments for violations of those rights. Generally and consistently, the government and its agents do not exert degrading treatments or discriminatory practices.”</p> <p>The constitution prohibits most common forms of discrimination, but “social and cultural factors give men a dominant role.” “Domestic violence against women is reported and discrimination continues...there is female genital mutilation...children are trafficked into forced labour but cases of child abuse or neglect are rare.”</p>
Sweden	YES	“Assessment within the Ministry” only explanation given for all answers.
Slovakia	YES	<p>Refers mainly to US Dept of State reports:</p> <p>US Dept of State (Feb 25, 2004) Country report on Human Rights Practices 2003</p> <p>US Dept of State (Dec 18, 2003) International Religious Freedom Report 2003</p> <p>The Constitution of the Republic of Mali</p>
United Kingdom	N/A	N/A

MAURITIUS

European Member State	Answer	Supporting Evidence
Austria	N/A	N/A
Commission	NO	<p>Claims there to be no general and consistent persecution, torture or inhuman treatment, but has several reservations:</p> <ul style="list-style-type: none"> • Discrimination and violence towards women • Reports of police coercion to force confessions • Poor prison conditions • Forced child prostitution

		<ul style="list-style-type: none"> • Child labour • Dangerous Drugs Act allows law enforcement authorities to hold suspects for up to 36 hours without access to bail or legal counsel
Czech Republic (1 st July)	YES	<p>A correction issued on the same day as their original response (10th June) withdrew their answer of yes and requested more time to reach a conclusion. The addendum of 1st July reverts back to their original response.</p> <p>Includes a reservation about the level of violence and social discrimination against women, though both are illegal and are combated by the govt.</p>
Denmark	N/A	<p>Denmark receives no asylum-seekers from Mauritius so “do[es] not have sufficient experience to reply to this question.” However some concerns are raised:</p> <p>Problems with police abuse – “According to US Dept of State (Feb 2004) and AI there continued to be complaints about alleged torture or ill-treatment by police officers”</p> <p>“According to AI anti-terrorist legislation allows the government to extradite or deny suspects asylum and to return them to countries where they risk human rights abuses” (AI Report 2003 – Mauritius)</p>
Estonia	YES	<p>Refers solely to :</p> <p>Us Dept of State Country Report on Human Rights Practices – Mauritius – 2003 released Feb 25, 2004</p> <p>Concluding Observations of the Committee against Torture Mauritius 05/05/99</p>
Finland	N/A	<p>Provides some information on Mauritius but not in direct response to the questions being asked.</p>
France	YES	<p>Again a very thorough response emphasising the legal safeguards afforded to citizens, human rights commission, active ministry of women’s rights, free press etc.</p>
Germany	Left blank with no explanation!	<p>Occasional human rights breaches by the police – “four people died from natural causes while in custody”, but in general claims the situation to be good with torture and inhuman treatment illegal and well respected in general by the authorities.</p> <p>Anti-terrorism law criticised by many, including AI,</p>

		<p>for being incompatible with international human rights standards. Grants police the authority to detain suspects for 36 hours without charge or any access to the outside world. Also gave the govt the right to deport such persons, automatically refuse them asylum and return them to states where they might face human rights violations.</p> <p>Provides a number of case studies of people claiming to have suffered HR abuse at the hands of the police. Also a lot of web-links to documents.</p>
Hungary	YES	“Sources of Annex B”
Ireland	YES	<p>Refers solely to: Country Report on Human Rights Practices – 2003. US Dept of State, Feb 25 2004-07-24</p> <p>AI called for independent investigation into torture complaints in April 2001. AI reported that 13 deaths in police custody between 1996-2002 are the subject of judicial enquiries.</p>
Malta	YES	<p>“The legal system, the application of the law within a democratic system and the general political circumstances in Mauritius indicate that this country appears to be considered generally and consistently safe.”</p> <p>Argues that in general human rights are well respected, but like other countries has reservations about police forcing confessions, abusing detainees and delaying them access to legal counsel. Also expresses some concern about the government’s control over television stations and occasional police restrictions on freedom of assembly. Violence and discrimination against women, and the abuse of children “continue to be problems.”</p> <p>The Protection of Human Rights Law establishes the National Human Rights Commission which it claims to be important.</p>
Netherlands	YES	<p>Claims Mauritius to be a democracy with an independent judiciary, but provides no basis beyond that for its answers.</p> <p>“Although the government does not grant refugee status or asylum, in practice it provides protection against refoulement”</p>
Poland	YES	Does not complete the form on the basis that it has

		received no asylum applications from Mauritians.
Portugal	YES	<p>“The law provides protection for human rights and punishments for violations of those rights. Generally and consistently, the government and its agents do not exert degrading treatments or discriminatory practices”.</p> <p>Yet Portugal admits to there being:</p> <ul style="list-style-type: none"> • Members of the security forces who have committed human rights abuses. • Police who have abused suspects and detainees • Violence and discrimination against women • Child abuse including forced prostitution and child labour
Slovakia	YES	<p>Country Report on Human Rights Practices – Mauritius, released by the bureau of Democracy, Human Rights, and Labour, February 25, 2004</p> <p>U.S. Department of State Annual Report on International Religious Freedom for 2003 – Mauritius – December 2003</p>
Sweden	YES	“Assessment within the Ministry”
United Kingdom	N/A	N/A

SENEGAL

EU Member State	Answer	Supporting Evidence/Comments
Austria	N/A 20%	FGM is prevalent among the Muslim population particularly in the east of the country, where it also affects the non-Muslim population. No law specifically forbids FGM, though the President has spoken out against it and numerous charities and NGOs campaign against it.
Commission	NO	<ul style="list-style-type: none"> • Ongoing armed conflict in the disputed region of Casamance – “there were sporadic clashes between the security forces and armed forces of the Mouvement des Forces Democratiques de Casamance” • Killing of civilians suspected to support the MFDC by army in Casamance region • Child Labour • Trafficking in people • Arbitrary arrests • Limitations on the freedom of speech and

		<p>association</p> <ul style="list-style-type: none"> • Persecution of journalists (most notably the case of Ibrahima Fall) • Cases of torture in custody (especially of civilians suspected to be MFDC members) • Attacks on civilians by MFDC's armed wings • FGM • Poor prison conditions • Failure of justice system to bring human rights violators to justice • Government reluctant to prosecute members of security forces accused of torture.
Czech Republic (1 st July)	Conditional YES – dependent on info to be provided by French delegation on Senegal and Commission Service on FGM	<p>Once again a reversal of their original answer, with previous reasons for ruling against the country altered to “reservations” with language toned down.</p> <p>Previously argued that “Due to problems with discrimination against women and violence against them including FGM and government unwillingness to prosecute past crimes committed with Casamance insurgency we would support the option of not including Senegal on the list of safe countries of origin”.</p> <p>Instead now “FGM as a minor problem persist[s]” and the conflict within the Casamance region is “diminishing”.</p>
Denmark	“YES – although members of Mouvement des Forces Democratique de Casamance should not be included”	<p>“According to AI the justice system persistently failed to bring to justice perpetrators of human rights violations”</p> <p>Like Czech Republic, also points out that Senegal did not respect the non-refoulement principle in the case of lietenant Didi Ould M’Hamed.</p>
Estonia	YES	All based on “US Dept of State Country Report on Human Rights Practices – Senegal – 2003 Released February 25, 2004”
Finland	NO	<ul style="list-style-type: none"> • Conflict within Casamance region – “killings, torture and violence are caused by certain security force in the Casamance region” • Deaths caused by government forces and unsolved disappearances • Police have reportedly tortured suspects and arbitrarily arrested people • Lengthy pre-trial delays due to overloaded legal system

		<ul style="list-style-type: none"> • Judicial system is not independent and is influenced by political, economic and external pressures. • Limited freedom of the press and association • Child labour • Trafficking in women • Discrimination against women including domestic violence • FGM • Poor prison conditions • Torture attributed to security forces • With regard to the death penalty, Senegal is abolitionist in practice. • Case of Didi Ould M’Hamed
France	YES	<p>Extremely detailed answers to all questions with many reports cited and references to the Senegalese legal system. Some, perhaps disputable, claims include:</p> <p>“A model of harmonious coexistence between ethnic groups and faiths, Senegal is not cited in the latest annual report by the IFHR”</p> <p>“A study into torture conducted by the European heads of mission in Dakar in spring 2003 found that there had been no instances of torture in Senegal since 2000”</p> <p>Argue that although there is conflict in the Casamance region it is declining and in a particular lull at the moment.</p>
Germany	YES	<p>Argues that the government has made great efforts to improve the legal and institutional framework in order to provide effective protection for human rights and freedoms.</p> <p>Despite this Germany believes there to be human rights violations mainly during the flare-ups in the Casamance conflict. Also claims there are “occasional cases of arbitrary arrest and imprisonment”. In addition “cases of torture have emerged” and “those responsible...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 actually convicted of human rights violations in Senegal”.</p> <p>“Despite the simmering conflict in Casamance,</p>

		Senegal’s classification as a safe country of origin remains justified”
Hungary	YES	“Sources of Annex B” – some references and links to sources right at the back.
Ireland	YES	Internal conflict: “For many years there has been a separatist movement among the Dialo community in the Southern region of Senegal” Refers solely to “Country Reports on Human Rights Practices – 2003 – Released by the Bureau of Democracy, Human Rights and Labour, 25 February, 2004”
Malta	NO	Claims there to be no internal conflict: “The government and the MFDC signed two peace agreements in 2001. Up to 15,000 displaced persons are expected to return to their home villages in Casamance this year as a low-level insurgency that has gone on for two decades peters out” Human rights violations: <ul style="list-style-type: none"> • Govt forces responsible for several deaths and disappearances. • Police torture and beat suspects • Police arbitrary arrests • Lengthy pre-trial detention • Poor prison conditions • Govt occasional limitations on freedom of speech and association. • FGM • Govt doesn’t punish members of the military, gendarmerie or police for HR abuses. • Widespread sexual discrimination • Judiciary and magistrates subject to govt influence and pressure Despite democratic constitutional framework, many HR abuses in practice – though claims the situation is improving
Netherlands	YES	No basis for answers provided. References to www.minbuza.nl and web.amnesty.org (public report on Senegal 2003)
Poland	YES	Claims there to be no conflict. Refers only to “US Dept. of State Country Report on Human Rights Practices – Senegal – 2003 Released February 25, 2004”

Portugal	YES	<p>Claims government forces have been responsible for civilian deaths, that there exists police torture, arbitrary arrests, security forces human rights abuse, MFDC killings, torture and rape, threats to politicians and journalists who criticise the president, domestic violence and discrimination towards women, anti-discrimination laws not enforced, FGM, child labour and trafficking.</p> <p>And yet then claims there is generally no persecution as defined under article 9 of the Qualification Directive and generally no torture, inhuman or degrading treatment. “The government generally respected its citizen’s human rights” & “The law provides protection for human rights and punishments for violations of those rights”</p>
Slovakia	YES	<p>Just refers to:</p> <p>Country Report on Human Rights Practices – SENEGAL, released by the Bureau of Democracy, Human Rights, and Labour, February 25, 2004”</p> <p>US Dept of State Annual Report on International Religious Freedom for 2003 – Senegal – Dec 2003</p> <p>Amnesty International Report 2004 – Senegal</p> <p>US Committee for Refugees World Refugee Survey 2004 – Senegal</p>
Sweden	YES	<p>Believes there to be no conflict. Once again basis for all answers is “Assessment within the ministry”</p>
United Kingdom	YES	<p>There is conflict, some HR abuse “in limited circumstances” and “not on a general and consistent basis”</p> <p>Refers to Freedom House Report and AI Report 2004</p> <p>“Senegal is a generally safe country, but due to the conflict in the Casamance region there will almost certainly be some applicants who have a valid claim to asylum. Notwithstanding this the country can still be designated on the common list, since such applicants would still be able to access individual consideration of their case in the event that they themselves are in danger of persecution”</p>

URUGUAY

European Member State	Answer	Supporting Evidence
Austria	N/A	N/A
Commission	YES	No information offered
Czech Republic	YES	Reservations include: <ul style="list-style-type: none"> • Certain degree of discrimination towards women and black minority • Some problems with police violence • Poor and deteriorating prison conditions including physical violence • Some inadequacies in judicial procedure
Denmark	N/A	Denmark receives very few asylum seekers from Uruguay so doesn't feel able to answer. Does mention "reports of police violence, including abuse of prisoners in jails and police stations"
Estonia	YES	<ul style="list-style-type: none"> • US Dept of State – Country Reports on Human Rights Practices – Uruguay – 2003 Released February 25, 2004 • AI Report – Uruguay – 2003 • State Party report on ICCPR: Uruguay 5/5/97 • Concluding Observations of the Human Rights Committee: Uruguay 8/4/98 • Concluding Observations of the Committee against Torture: Uruguay 19/11/96
Finland	N/A	Provides some information on Uruguay but not in direct response to the questions being asked.
France	YES	A "stable democracy" with transparent elections and "relatively little corruption" in which "all political, civil, economic and social freedoms are guaranteed". No cases of torture reported since the return to democracy in 1985. There are poor prison conditions due mainly to budgetary problems, which has led to insufficient training for wardens and overcrowding (220% of capacity).
Germany	N/A - left blank	"In 2003 there were reports of police violence including abuse of prisoners in the jails and police stations, or poor prison conditions and of court cases sometimes lasting for many years, resulting in lengthy pre-trial

		<p>detention. Violence against women, and some discrimination against women and the black minority were also reported.”</p> <p>“The prison situation continued to deteriorate during 2003. 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...which could have a bearing on the decision.”</p> <p>U.S. Dept of State – Country Reports on Human Rights Practices – Uruguay – 2003, Released February 25, 2004</p> <p>AI Report – Uruguay - 2004</p>
Hungary	YES	“Sources of Annex B”
Ireland 6 th July (updated)	YES	<p>Based on Ministry assessment and Annex B</p> <p>Successive elections since return to democracy in 1985 have been fair. Some cases of police ill-treatment but these are isolated incidents.</p>
Malta 5 th July (updated)	YES (Changed from NO)	<p>Reversal despite changing no answers at all to the questions before this. Including:</p> <p>“A report by the National Peace Commission confirmed human rights violations such as torture, illegal arrests and detentions in clandestine centres during the military dictatorship. Some members of the security forces committed some human rights abuses. There were numerous reports of abuse of prisoners inside the prison system. Human rights groups and an organisation of the families of prisoners filed complaints that included routine beatings in processing; routine hazing and beatings of prisoners during searches; poor quality and insufficient food, bedding and clothing and poor access to medical care. Prison conditions deteriorated during 2003. Overcrowding increased. The majority of prisoners infected with HIV and AIDS did not receive adequate treatment or medication.”</p> <p>Having first claimed that “Although the legal and/or constitutional provisions of Uruguay may indicate the existence of fundamental rights and freedoms for its citizens, there is the concern that the general circumstances of Uruguay, as demonstrated in the</p>

		illustrations set out throughout this assessment, do not indicate this country to be generally and consistently safe yet.” Now “despite some concerns relating to Uruguay’s human rights track record, which at present seem to be more of a sporadic nature, it appears that there is general compliance...”
Netherlands	YES	No basis offered
Poland	YES	Does not complete the form on the basis that it has received no asylum applications from Uruguayans.
Portugal	N/A	N/A
Slovakia	YES	US Dept of State Country Report on Human Rights Practices 2003, Released Feb 25 th 2004
Sweden	YES	“Assessment within the Ministry”
United Kingdom	N/A	N/A