

FOR THE RESPECT OF HUMAN RIGHTS AND THE RIGHT TO ASYLUM BY THE EU

Ten NGOs lodge a complaint with the European Commission
against the Italian government

Press Release

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During the first week of October 2004, the Italian authorities deported to Libya close to 1500 boat people who had recently come ashore on the coast of Lampedusa island. Without even attempting to hide it from European public opinion, the government of Sylvio Berlusconi organised what amounted to an airlift to return the fugitives to a dictatorship whose record of human rights abuses and mistreatment of foreigners has been consistently denounced. There was no reaction from the European nor from any of the Member States.

And yet the complaint lodged by Italian, French and Spanish organisations¹ proves the operation took place in breach of fundamental principles to which the European Union is committed. By reference to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights adopted by the European Union in 2000 and the Geneva Refugee Convention, the main principles violated were prohibition of collective expulsion, protection against inhumane and degrading treatment and the principle of *non-refoulement* of asylum seekers.

Although these principles have guided the reasoning and the case law of the European Court of Justice for a long time and have now been formally incorporated into the constitutional treaty signed on the 29th of October 2004, no action was undertaken by the European Union either to stop the deportations from Lampedusa or to sanction Italy which was responsible for the violation of fundamental rights. This passive attitude may well encourage governments to consider themselves as no longer bound by their human rights obligations. It is true that the silence of the European Union can be explained largely by the fact that for many years now it has tried to disengage itself from its responsibilities by sub-contracting border controls, even selection procedures and detention of refugees and migrants, to countries outside the Union.

After several weeks of investigations, ten NGOs are asking the European Commission to initiate proceedings against Italy justified by the events denounced in their complaint, with a view to bringing an action before the European Court of Justice based on the violations described and to imposing appropriate sanctions on Italy.

Member states are often called to order for their economic breaches, rarely however where fundamental rights are involved. If the Commission were to declare itself incompetent in this affair, it would demonstrate that as far as the EU is concerned, human rights are merely a matter of rhetoric for the benefit of the outside world.

This appears particularly worrying a few months before fundamental steps are taken to reinforce the construction of the European Union.

¹ **ANAFE** (F) Association nationale d'assistance aux frontières pour les étrangers - **ARCI** (I) - **Asociación Andalucía Acoge** (E) - **ASGI** (I) Associazione per gli Studi Giuridici sull'Immigrazione - **APDHA** (E) Asociación Pro Derechos Humanos de Andalucía - **Asociación Sevilla Acoge** (E) - **Cimade** (F) - **Federación de Asociaciones SOS Racismo del Estado Español** (E) - **GISTI** (F) Groupe d'information et de soutien des immigrés - **ICS** (I) Consorzio italiano solidarietà.