

Ministers must ensure respect for the right to seek asylum in Europe

Brussels 3 June 2009 - Justice and Home Affairs Ministers will meet tomorrow in Luxembourg at a time when the Italian authorities are breaching their human rights commitments by deporting migrants to Libya without an assessment of their need for protection.

Against this backdrop, the European Commission will table several initiatives to address migration management in the Mediterranean, including guidelines to establish the responsibility of States participating in joint border patrol operations under the EU agency Frontex, the relocation of refugees within the EU and plans to set up reception and processing facilities in north Africa.

"While welcoming coordinated efforts to save lives at sea, we are concerned about any proposal that could involve EU governments evading their responsibility to provide protection to refugees and to shift the burden to states of north Africa", remarked Bjarte Vandvik, ECRE Secretary General.

States have a legitimate right to control their borders. However, forcibly returning people to countries where they possibly face serious violations of their human rights and may be pushed further back into the hands of their persecutors contravenes international law.

"Italy is returning people, including refugees, rescued in international waters to a country that is not a country of origin and has not signed the United Nations 1951 Refugee Convention. Europe should not allow this violation of international obligations to continue" said Christopher Hein, director of the Italian Council for Refugees.

Fundamental rights are enshrined as founding principles of the Union. As provided for in the Treaties, Member States violating this principle risk a suspension of certain rights derived from membership of the EU. *"If States want to be part of a civilized club of nations, they have to play by the rules",* added Bjarte Vandvik.

The possible creation of a European Asylum Support Office will also be examined tomorrow. The establishment of such an office could facilitate greater solidarity towards Member States facing particular pressures on their asylum systems due to their geographical location. In particular, the Office could take a lead in developing a credible human rights approach to the challenge of mixed flows by deploying asylum expert teams to States that are experiencing backlogs or significant increases in the number of asylum seekers.

A European Asylum Office could also help to put an end to the dangerous current asylum lottery. Today, a person's chance of being recognised as a refugee varies hugely across Europe. For example, 100% of Iraqi asylum claims succeeded at first instance in Finland in 2007, versus literally none in Greece.

In this context, Ministers will also discuss the establishment of a mechanism to stop sending asylum seekers to states under particular pressures or which fail to guarantee a full and fair examination of asylum claims and proper reception standards. While such a mechanism would constitute a positive development, ECRE agrees with the Parliament that this must remain a tool for exceptional situations and that the state involved will be required and assisted to remedy the situation leading to the suspension of transfers.

Current numbers of asylum applications in the EU represent only a small fraction of a global population of refugees estimated at over 11 million. There are now fewer than 240,000 asylum applicants registered in the 27 Member States – by contrast in 1992 some 700,000 persons applied for asylum in the then 15 EU countries. The EU has a longstanding commitment with the establishment of a solid system to respect the rights of individuals seeking sanctuary. ECRE urges Ministers to take this timely opportunity to ensure access to protection in Europe, to work towards fairer and more efficient asylum systems, and to reassure their citizens that Europe remains a body of rights-respecting nations.

Notes to Editors

The European Council on Refugees and Exiles (ECRE) is a network of 69 refugee-assisting organisations in 30 European countries, working together to protect and respect refugees.

The Italian Refugee Council (CIR) is member of ECRE and works in defence of refugees and asylum seekers' rights in Italy. In Libya, CIR works as partner in a European project to protect migrants' rights and to promote asylum and international protection for refugees.

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