

ECRE DOCUMENTATION SERVICE

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Policy Developments

UNHCR

Asylum applications down by 18% in Europe

On 20 May 2005, UNHCR released asylum statistics for the first quarter of 2005 in 36 industrialised countries. According to figures the number of asylum applications in Europe was down by 18 percent compared to the first quarter of 2004 and by 34 percent compared to the first quarter of 2003. The ten new EU members received 6,000 claims for asylum, representing a 46 percent drop compared to the last quarter. Compared to the first quarter of 2003, the number of asylum applications in the EU is down by 31 percent, and by 34 percent in Europe as a whole. France remained the top receiving country, followed by the United States and the UK in third place. Greece was the only country that faced an increase in asylum applications in the first quarter of 2005; the numbers were up by 177 percent.

<http://www.unhcr.ch/cgi-bin/texis/vtx/statistics/pendoc.pdf?tbl=STATISTICS&id=428da0db2>
<http://un.by/en/news/world/2005/24-05-05-05.html>

Global number of refugees at lowest level since 1980

On 17 June, UNHCR published its annual global report stating that the global number of refugees is at its lowest level since 1980 (9.2 million) but that the numbers of internally displaced and stateless people remain high. Despite the drop in refugee numbers the total number of people 'of concern' to UNHCR (including asylum seekers, returnees, stateless persons and some IDPs) has increased to 19.2 million. According to the agency, the drop in applications can mainly be attributed to the high level of voluntary repatriation: more than 5 million refugees have been able to return to their countries of origin since 2001, 3.5 million of these to Afghanistan. Afghans remain the largest refugee group in the world, and Sudanese accounted for the biggest increase in numbers of refugees in 2004, though the number of Congolese refugees had also increased. The top countries of

asylum were Iran and Pakistan. The other largest asylum countries are Germany, Tanzania and the United States.

<http://www.unhcr.ch/cgi-bin/texis/vtx/template?page=publ&src=static/gr2004/gr2004toc.htm>
http://www.unhcr.se/se/News/pdf/17June05_.pdf

UNHCR welcomes the nomination of new High Commissioner

On 15 June 2005, former Portuguese Prime Minister António Guterres took up his duties as the new High Commissioner of the UN refugee agency. Mr Guterres has 20 years experience in government and public service. He acted as Prime Minister of Portugal from 1996-2002. From 1981 to 1983, Mr. Guterres was a member of the Parliamentary Assembly of the Council of Europe, as well as chairman of the Committee on Demography, Migrations and Refugees. He is a co-founder of the Portuguese Refugee Council. He succeeds former High Commissioner Ruud Lubbers.

<http://www.unhcr.ch/cgi-bin/texis/vtx/news/pendoc.htm?tbl=NEWS&id=42afdc154>
<http://www.unhcr.ch/cgi-bin/texis/vtx/news/pendoc.htm?tbl=NEWS&id=429f2a0c2>
<http://www.unhcr.ch/cgi-bin/texis/vtx/news/pendoc.htm?tbl=NEWS&id=4293491c2>

UNHCR-ICMIC Resettlement Deployment Scheme 2004 annual report

During the Annual Tripartite Consultations on Resettlement on 14-15 June 2005, the UNHCR-ICMIC presented its annual report for 2004. According to the report, the scheme met its objectives in 2004 to increase the resettlement referral capacity of UNHCR, and also to bridge operational human resources gaps in offices around the world. The report confirmed that the scheme has provided a broader contribution to the resettlement process than was initially envisaged. Moreover, in addition to an increase in the quantity and quality of resettlement submissions, and the strengthening of partnerships, resettlement systems and tools have been developed, and more

include those Belarus authorities implicated in persecution of the mass media.

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P6-TA-2005-0295+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

Council of Europe Tells Russia to Honour its Human Rights Obligations

On June 22, the Council of Europe's Parliamentary Assembly (PACE) urged Russia to improve its democracy, calling for more power for the parliament, pluralist and impartial broadcasting, and normal conditions for civil society. While acknowledging that the authorities had to deal with serious problems, such as terrorism and corruption, solutions should be in line with Council of Europe principles. They called on the Russian authorities to accelerate the pace of compliance with remaining commitments to the Council of Europe, which Russia joined in 1996. Other demands included immediate abolition of the death penalty, an end to human rights violations in Chechnya, improvement of the judiciary, and zero tolerance for the abuse of soldiers. Russia was also advised to cease activities that undermine the territorial integrity of neighbouring countries and to withdraw its military forces from Moldova.

PACE Report

<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/WorkingDocs/Doc05/EDOC10568.htm>

PACE Resolution

<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/EREC1710.htm>

Amnesty International comment

<http://web.amnesty.org/library/Index/ENGEUR460252005>

PACE President urges Verkhovna Rada to help Ukraine comply with its commitments

At a press conference organised in Kiev on 8th July, Council of Europe Parliamentary Assembly (PACE) President René van der Linden expressed concern that

“Ukraine belongs to those few countries that have signed or ratified the least number of Council of Europe conventions.” In a speech before the Verkhovna Rada (Ukraine Parliament) the day before, he had called upon parliamentarians to put pressure on the authorities to speed up the ratification process.

He recalled that in some provisions the amendments to the Constitution represented a step back on the path to a state governed by the rule of law including the fact that the parliament agreed to extend the powers of the prosecutor's office and fixed an imperative mandate of parliamentarians. These two provisions do not conform with European standards and should be brought into line with Ukraine's obligations and commitments to the Council of Europe.

Ukraine became a member of the Council of Europe in 1995. The PACE Monitoring Committee proposed to discuss the report on the honouring of obligations and commitments by Ukraine at the PACE October session (Strasbourg, 3-7 October).

<http://assembly.coe.int/ASP/APFeaturesManager/defaultArtSiteView.asp?ArtId=242>

OSCE

OSCE organised seminar on migration and integration

On 11-13 May 2005, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), organised a Human Dimension Seminar on Migration and Integration in Warsaw. The Seminar explored four key aspects of integration policies: cross-border and inter-agency co-operation on migration issues; the legal framework including questions related to non-discrimination and access to the labour market; participation of migrants in public life, including the role of NGOs and migrant organisations; socio-cultural aspects of integration which ensure that newcomers are not required to renounce their own identity, lifestyles and beliefs in order to adopt the identity of the receiving society, but may benefit from both. A wide-ranging number of recommendations resulted, addressed to the OSCE institutions and field operations as well as the governments of the OSCE participating states.



These recommendations have no official status and are not based on consensus but are regarded as an indicator for the OSCE in setting priorities and refocusing its programmes aimed at protecting human rights of migrants and supporting their efficient integration.

The seminar summary can be found at the following link: http://www.osce.org/documents/odihr/2005/07/15652_en.pdf

IOM

IOM survey on human trafficking

An IOM review of research and data on human trafficking shows that despite a huge increase in the number of publications and studies about human trafficking during the last decade, very little is known about the true extent and impact of human trafficking. The report “*Data and Research on Human Trafficking: A Global Survey*”, is based on a survey of nine regions in the world, and notes that most research is limited to mapping trafficking routes and identifying countries of origin and destination. There are few studies based on extensive long-term research while information on the actual numbers of people trafficked continues to remain very vague. Moreover, with research primarily focusing on the trafficking of women and children for sexual exploitation, other forms such as the trafficking of men and trafficking for forced labour are being neglected, according to the survey.

<http://www.iom.int/en/news/pbn010705.shtml>

Legal Developments

United Nations Treaty Monitoring Bodies

The full texts of all Concluding Observations and Jurisprudence of all Treaty Monitoring Bodies are available at the website of the Office of the High Commissioner for Human Rights, <http://www.unhchr.ch/tbs/doc.nsf>

Human Rights Committee (HRC)

At its 84th session from 11-29 July, the HRC considered periodic reports from the following states: Slovenia, Syria, Tajikistan, Thailand and Yemen. The reports are not available at the time of writing.

Committee Against Torture (CAT)

At its 34th session from 2-21 May 2005, CAT considered periodic reports from Albania, Bahrain, Finland and Switzerland. The next session of the Committee will take place in November when it will consider reports from Ecuador, Austria, France, Sri Lanka, Nepal, Bosnia and Herzegovina, the Democratic Republic of Congo, Guyana, and possibly the United States.

Concluding observations

Albania

CAT/C/CR/34/ALB

In respect of the first report on Albania, which was drafted in cooperation with NGOs, the Committee welcomed several improvements in the human rights situation in the country, most significantly, the adoption of a democratic constitution in 1998. Another positive development mentioned was the law on migration, which was established in 1995. The Committee expressed several concerns however, such as the possibility of refoulement of persons, without any legal procedures in cases affecting public order or national

security. The Committee therefore recommended that the Albanian authorities amend its legislation to comply with all the required guarantees.

Finland

CAT/C/CR/34/FIN

The Committee welcomed the Act on the Integration of Immigrants and Reception of Asylum-Seekers adopted in 2001, which seeks to enhance the integration, equality and freedom of choice of immigrants. It also viewed the amendment of the Act in 2002 to accommodate the needs of vulnerable people as an improvement. It furthermore, since the last report, welcomed the strict provisions of law said to be in place to govern the use of force, including the use of sedatives and other medication, in the execution of deportation orders, as well as the creation of a new Office of Minority Ombudsman in 2001, replacing the Ombudsman for Aliens, which will have wider powers such as the ability to act for asylum-seekers and deportees.

The Committee was however concerned that the “accelerated procedure” under the Aliens Act allows an extremely limited time for applicants for asylum to have their cases considered and to appeal and it has been reported that in one recent case a rejected asylum seeker was allegedly subjected to torture following return to his country of origin. The Committee recommended the Finnish authorities review the application of the “accelerated procedure” and strengthen the legal safeguards for asylum-seekers to ensure that all asylum procedures conform to article 3 of the Convention and other international obligations in this field.

Switzerland

CAT/C/CR/34/CHE

The Committee was positive about measures taken by the Federal Office for Migration to address cases of gender-based persecution. The Committee also welcomed efforts by the Swiss authorities to improve the procedures during forced removals by air, such as

the proposal, regulating the use of force by police during deportations and during the transport of detainees, for a ban on the use of all restraint methods that restrict breathing as well as on the use of irritant or incapacitating sprays. The committee welcomed the elaboration of “guidelines relating to forcible deportations by air” and it also noted that the Swiss Academy for Medical Sciences was consulted in the process of producing these. The Committee was however concerned that the “guidelines relating to forcible deportations by air” do not contain an explicit ban on the wearing of masks or hoods by officers involved in the deportations.

The Committee expressed concern over changes introduced by the revised law on asylum, which restrict asylum-seekers’ access to legal counsel and the length and conditions of detention as well as access to social benefits. The Committee also noted that there was a lack of statistical information on persons granted asylum on the basis of having been victims of, or in danger of being subjected to, torture.

The Committee recommended that the State party continue to enforce practice in regard to forced removal by air and ensure that independent human rights observers and/or doctors are present. The Swiss authorities are also asked to ensure compliance with the requirements of article 3. Finally, the Swiss authorities should ensure that asylum-seekers are granted full respect of their right to a fair hearing, to an effective remedy and to social and economic rights during all procedures and that all asylum-seekers detained at airports are informed of their rights, such as the right to access medical assistance.

Jurisprudence:

France

CAT/C/34/D/195/2002 Communication No. 195/2002

Breach of article 22 and 3

The complainant, a citizen of Algeria, Mr. Mafhoud Brada, lodged an application for asylum in France in August 1995 that was later rejected. He claimed to

have been subjected to torture and prosecution following his refusal to participate as a fighter pilot in bombing operations against the civilian population in Algeria. The complainant also claimed that since he fled the country two of his brothers had been arrested and tortured resulting in the death of one of them. The complainant claimed that his forced repatriation to Algeria would constitute a violation by France of article 3 of the Convention and that he would risk torture upon return.

In 1998 he was sentenced to 8 years imprisonment for committing a rape but was released in 2001. During that time a deportation order was launched against the complainant who appealed the decision. On 29 August 2001, the court’s interim relief judge **suspended the return decision**, considering that the risks to the complainant’s safety involved in a return to Algeria raised serious doubts as to the legality of the deportation decision. However, in a judgment dated 8 November 2001, the Administrative Court rejected the appeal against the order and the designated country of return. On 4 January 2002, the complainant lodged another appeal, this time with the Bordeaux Administrative Court of Appeal. On 30 September 2002 nonetheless, the complainant was deported to Algeria on a flight to Algiers and has been missing since.

The State party, as its main argument, claimed that the complainant had not exhausted domestic remedies within the meaning of article 22, paragraph 5, of the Convention. The State party also maintained that the complainant’s personal behaviour seemed implausible, deserting in 1994 on humanitarian grounds as a conscientious objector being at odds with his violent criminal conduct on arrival in France i.e. rape under threat of a weapon, and while in prison for that crime showing himself to be “a danger to society” by making two violent attempts to escape.

The Committee observed that at the time of his expulsion on 30 September 2002, the appeal lodged by the complainant with the Bordeaux Administrative Court of Appeal on 4 January 2002 was still pending. Also, on 19 December 2001, the Committee had indicated interim measures to stay the complainant’s

expulsion until it had had an opportunity to examine the merits of the case, the Committee having established, through its Special Rapporteur on Interim Measures, that in the present case the complainant had established an arguable risk of irreparable harm. The Committee thus concluded that in expelling the complainant in the circumstances that it did the State party breached its obligations under article 22 of the Convention. When turning to issues under article 3 of the Convention, the Bordeaux Administrative Court of Appeal, following the complainant's expulsion, found that the complainant was at risk of treatment in breach of article 3 and that the decision to expel him thus was, as a matter of domestic law, unlawful.

Sweden

Mr. Agiza vs. Sweden

CAT/C/34/D/233/2003, Communication No. 233/2003

Violation of article 3 and 22 of the Convention

The complainant, Ahmed Hussein Mustafa Kamil Agiza, an Egyptian national born on 8 November 1962, currently in prison in Egypt, claimed that his removal by Sweden to Egypt on 18 December 2001 would violate article 3 of the Convention.

The complainant claimed asylum in Sweden on 23 September 2000. In Egypt, he had been sentenced, in his absence, to prison by a military court charged with terrorist activities and murder. In October 2001, the Swedish Security Police advised the Migration Board to leave the decision on his application to the Swedish Government. On 18 December 2001, the Government rejected the application for asylum and, after seeking a diplomatic assurance from the Egyptian Government that he would be treated in accordance with international law upon return, he was deported the same day. The complainant, together with another man, was allegedly handcuffed when brought to a Stockholm airport where he was handed over by Swedish police to a group of special agents from the United States of America, waiting in a private jet. The complainant alleged that the agents stripped the clothes from the men's bodies, inserted suppositories of an unknown

nature, placed diapers upon them and dressed them in black overalls. Their hands and feet were chained to a specially designed harness, they were blindfolded and hooded and were brought to the plane. A March 2005 report by the Swedish chief parliamentary ombudsman also found that the Swedish security service and airport police "displayed a remarkable sub-ordinance to the American officials" and "lost control of the situation," leading to the ill-treatment before the men were transported to Cairo. Upon arrival in Egypt, the complainant claimed that he was further ill treated and that he was denied a fair retrial. The Committee noted that both the Swedish Government and organisations such as Human Rights Watch are urging for an independent international inquiry into the actions of all three governments regarding the events.

The State party contested both the admissibility and the merits of the complaint. The State party referred to the right to deny safe haven to those involved in terrorist activity and that the time elapsed since the exhaustion of domestic remedies had been unreasonably prolonged. Before the details of the deportation were made public, the State party maintained that the allegations of torture were unsubstantiated, based on visits to the Complainant while imprisoned in Egypt, made by the Swedish ambassador in Cairo. The Government has since then taken a more self-critical approach stressing the need for an independent international inquiry. In May 2004, the Swedish State Secretary at the Foreign Ministry, Mr Hans Dahlgren, stated that the Egyptian Government had not complied with the fair trial component of the guarantees.

The Committee found that at the outset it was known, or should have been known, to the State party's authorities at the time of the complainant's removal that Egypt resorted to consistent and widespread use of torture against detainees, and that the risk of such treatment was particularly high in the case of detainees held for political and security reasons. In the Committee's view, the risk of torture in Egypt in the event of expulsion, was confirmed when, immediately preceding expulsion, the complainant was subjected on the State party's territory to treatment in breach of

article 16 of the Convention by foreign agents but with the acquiescence of the State party's police. It followed that the State party's expulsion of the complainant was in breach of article 3 of the Convention. The procurement of diplomatic assurances, which, moreover, provided no mechanism for their enforcement, did not suffice to protect against this manifest risk.

The Committee against Torture found that the State party acted in breach of article 3 of the Convention. The Committee also found that the State party had failed to fully cooperate by neither disclosing relevant information, nor presenting its concerns to the Committee whereby it breached its obligations under article 22 of the Convention

Ms T. A. vs. Sweden

CAT/C/34/D/226/2003, Communication No. 226/2003

Violation of Article 3

The complainant, Ms. T. A., was a Bangladeshi citizen, acting also on behalf of her nine-year-old daughter S.T. Both were awaiting deportation from Sweden to Bangladesh. Ms. T.A. complained that their expulsion to Bangladesh would amount to a violation by Sweden of articles 3 and 16, and possibly of article 2, of the Convention. On request of the Committee Sweden decided to stay the enforcement procedure of the expulsion order.

The complainant had since 1994 been active for the Jatiya Party in Bangladesh. In 1999 she was arrested following a demonstration and mistreated. In 2000 she was again arrested and subjected to torture including rape. This has been substantiated by medical reports. According to other reports the complainant and her daughter were currently suffering serious trauma, including PTSD.

Following her arrest in August 2000, the complainant and her daughter made arrangements to leave Bangladesh and arrived in Sweden on 13 October

2000 on a tourist visa. On 9 November 2000 they made an application for asylum, which was denied by the Migration Board on 24 September 2001. Several unsuccessful appeals followed.

The Swedish Migration Board did not dispute the fact that she had been tortured, but her application was rejected on the grounds that these acts could not be considered attributable to the State of Bangladesh but to the acts of individual police men. The Board also stated that the Jatiya Party was in alliance with the Bangladesh National Party, currently in government. Another argument against her case was the fact that Ms. T.A. applied for asylum two months after entering Sweden. Therefore, the Swedish authorities did not consider that she had substantiated her claim that she would risk torture if returned to Bangladesh.

The Committee however upheld her complaint and ruled that Sweden was in violation of the Constitution. It reasoned that the State party had not contested that the complainant had in the past been persecuted, detained, raped and tortured. The Committee took note of the complainant's statement that she belonged to a faction of the Jatiya Party which is in opposition to the current ruling party, and that torture of political opponents is frequently practiced by state agents. Furthermore, the acts of torture to which the author was subjected to, appeared not only to have been inflicted as a punishment for her involvement in political activities, but also as a retaliation for the political activities of her husband and his presumed involvement in a political crime. The Committee also noted that her husband was still in hiding, that the torture to which she was subjected occurred in the recent past and had been medically certified, and that the complainant was still being searched for by the police in Bangladesh.

Based on these facts, the Committee considered that substantial grounds existed for believing that Ms T. A. would risk being subjected to torture if returned to Bangladesh. Having concluded this, the Committee did not examine the other claims raised by the complainant.

Mr. M.M.K. vs. Sweden

CAT/C/34/D/221/2002, Communication No. 221/2002

No violation of Article 3

The complainant, Mr. M.M.K., a Bangladeshi citizen, currently residing in Sweden where he had requested asylum, claimed that his removal to Bangladesh would constitute a violation of articles 3 and 16 of the Convention by Sweden.

Mr. M.M.K applied for asylum in Sweden on 14 February 2001. He claimed that as a member of the Jatiya party he had been kidnapped, detained and falsely accused of having committed serious crimes, including murder in 1995. While being held in custody he claimed to have been submitted to mental and physical torture.

The Swedish Migration Board denied his application on 19 December 2001, as his case was not considered credible. The Aliens Appeal Board upheld the decision on 6 August 2002, stating that the documentary evidence submitted, which included two medical reports, was not credible as false documents are easily obtained in Bangladesh. It concluded that the complainant's information about his political activities and that he had been subjected to "torture" did not justify the conclusion that he would risk political persecution or torture in Bangladesh if returned there.

As regards the complainant's claim that he was at risk of being tortured by the police, the State party noted that he was allegedly arrested and tortured by police on instructions from the then ruling party, the Awami League, because of his political activities for the Jatiya party. In October 2001 the Awami League was replaced by a government coalition consisting of the BNP and three smaller parties, among them a fraction of the Jatiya party. Since the Awami League is currently in opposition, the risk of being exposed to harassment by the authorities instigated by that party should have been seriously reduced.

The Committee observed that the main reason the complainant fears that he is at risk of torture if returned to Bangladesh, is that he was previously subjected to torture by the police, and that he risks detention upon return to Bangladesh, due to criminal charges pending against him. The Committee concluded, contrary to the Swedish authorities, that it was probable that the complainant had been subjected to torture, based on a medical report, which was submitted after the deadline, but taken into account against the wish of the Swedish authorities. The Committee took account of the State party's contention that, as the Awami League is currently in political opposition, the complainant does not have anything to fear from the political parties now in power, since he is a member of one of the coalition parties. Furthermore, although he claimed to be of an opposing faction, the Committee did not consider that this fact per se justified the conclusion that the complainant would be at risk of persecution and torture at the hands of supporters of the government faction of the Jatiya party or the BNP. Regarding the complainant's allegation that since he risked detention in respect of the pending court charges against him, and that detention is inevitably followed by torture, the Committee concluded that the existence of torture in detention as such does not justify a finding of a violation of article 3, given that the complainant had not demonstrated that he personally would be at risk of being tortured.

The Committee therefore did not find the State Party in breach of article 16 as removal would only in very exceptional circumstances constitute cruel, inhuman or degrading treatment and such exceptional circumstances had not been established in the complainant's case.

Mr. Ruben David vs. Sweden

CAT/C/34/D/220/2002, Communication No. 220/2002

No violation of Article 3

The complainant Ruben David is a Christian Bangladeshi citizen, currently awaiting deportation from Sweden to Bangladesh. He claimed to have been a victim of violations of articles 3 and 16 of the

Convention, by Sweden.

On 5 February 2000, the complainant entered Sweden and applied for asylum on the same day on the grounds that he had been persecuted because of his religion and his involvement in the Bangladesh Freedom Party (BFP). Under the terms of two arrest warrants issued in 1997, the complainant had been sentenced to life imprisonment for murder and anti-State activities and would be arrested if returned to Bangladesh. On 27 March 2001, the Migration Board denied the application.

Although the Swedish authorities did not deny that the complainant has been tortured in the past, confirmed by various medical reports of Swedish doctors, they did not consider him to have substantiated his claim that he would be at risk of torture in the future. Regarding the conviction for murder, the State party challenged the validity of the documents provided to prove this. It stated that following enquiries by the Swedish Embassy in Dhaka, it was established, after looking at the court records, that the complainant was not one of the 18 accused and convicted of murder, as he claimed. The results of this enquiry called into question the complainant's credibility, according to the Swedish authorities. In addition, the State party pointed to various inconsistencies and contradictions in the complainant's evidence.

Taking into account that the State party had not contested the complainant's claim that he was tortured, the Committee noted however that seven years had passed since the torture took place, the complainant's level of responsibility in the BFP was low and his participation was at the local level only. In addition, it observed that the complainant had provided no evidence, documentary or otherwise, either to the State party or to the Committee, to demonstrate that he had been convicted and sentenced to life imprisonment for murder. In fact, it was clear from the judgment provided by the State party that the complainant's name is not among those convicted. For these reasons, and

considering the fact that the government had changed since the alleged torture, the Committee considered that the complainant had failed to show that substantial grounds existed, to prove that he would be at a real and personal risk of being subjected to torture if removed from Sweden.

The complainant relied also on article 16 of the Convention claiming that he could not be expelled in light of his mental health. However, the Committee recalled its prior jurisprudence that the aggravation of the condition of an individual's physical or mental health by virtue of a deportation is generally insufficient, in the absence of additional factors, to amount to degrading treatment in violation of article 16. The Committee noted the medical evidence presented by the complainant demonstrating that he suffered from severe post-traumatic stress syndrome, most probably as a consequence of the torture suffered by him in 1997. The Committee considered, however, that the aggravation of the complainant's state of health, which might be caused by his deportation, is in itself insufficient to substantiate this claim, which was accordingly considered inadmissible.

Switzerland

CAT/C/34/D/222/2002

No violation of Article 3

The complainant, Mr. Zubair Elahi, a Pakistani national, applied for asylum in Switzerland on 27 September 1999, but his application was rejected. The complainant maintained that sending him back to Pakistan would constitute a violation by Switzerland of article 3 of the Convention against Torture. He asked the Committee to apply interim measures of protection since, on the date he lodged his complaint, he faced imminent deportation. Switzerland agreed upon request of the Committee not to deport the complainant.

The complainant, baptised a Roman Catholic, converted to Islam in 1990. He reverted openly to Christianity in 1996 and had himself rebaptised by a Catholic priest. At the University of Lahore, however, the complainant was still regarded as a Muslim and was appointed President of the Muslim Students

Federation in 1997. Discovering he was a Christian in December 1998, Muslim Students Federation officials threatened to kill him and the complainant had to leave the University. Federation officials also pressed the police to bring criminal proceedings against the complainant under article 295c of the Pakistani Criminal Code.

After being detained at a police station in early January 1999, where he was ill-treated and threatened with death, the complainant escaped and fled to Switzerland. The complainant applied for asylum in Switzerland on 27 September 1999 but was rejected on 10 January 2002. The appeal was subsequently rejected as well by the Swiss Asylum Review Commission on 5 August 2002. On 26 September 2002, the applicant lodged an application for review with suspensive effect with the Swiss Asylum Review Commission. The Commission rejected the application in a ruling dated 13 November 2002.

The complainant asserted that he was in danger of being immediately arrested by the police, tortured or ill-treated or even condemned to death or summarily executed if deported to Pakistan. Switzerland was not concerned over the limited access to primary health care in rural areas, especially for refugees and other vulnerable groups.

Committee on the Rights of the Child (CRC)

During its 39th session from 16 May to 3 June, the CRC considered the periodic reports of Bosnia and Herzegovina, Costa Rica, Ecuador, Mongolia, Nicaragua, Nepal, Norway, Philippines and Yemen.

Concluding Observations

Bosnia and Herzegovina

CRC/C/15/Add.259

The Committee considered the initial report of Bosnia and Herzegovina (BiH) and noted with appreciation the adoption of the Law on the Protection of National Minorities and the adoption of the By-law on the Protection of Trafficking Victims attached to the Law

on Movement and Stay of Aliens and Asylum in July 2004. While the Committee welcomed that, as of September 2004, more than 1 million former refugees and displaced persons from BiH, including children, had returned home, it noted that a significant number of refugees remain in the region (around 100,000 living in Serbia and Montenegro and Croatia and 50,000 living elsewhere) and that a further 314,000 are still displaced within the country. The Committee was also concerned at the information that violent incidents against returnees and displaced persons and their property, memorials or religious objects are frequent in the country.

Regarding the Republika Srpska, the Serbian region in BiH, the Committee welcomed the 1998 Law on Displaced Persons, Refugees and Returnees, which regulates the status, rights and duties of displaced persons, refugees and returnees as well as their reintegration into society. However, the Committee expressed concern that no comprehensive programmes have been initiated at national level in this respect. The Committee was also concerned that refugee and displaced children are accommodated together with adults in 'collective centres' and that these also accommodate chronically ill persons.

The Committee recommended BiH to continue its efforts aimed at the safe return of displaced and refugee children and their parents and to prevent, as far as possible, violent attacks against returnees and displaced persons and/or their property as well as to address the special needs and rights of displaced and refugee children, and in particular to ensure proper accommodation arrangements for these children as well as reintegration into society of their parents. Furthermore the Committee suggested that BiH harmonize legislation with the refugee legislation at the state level, to look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of adequate documentation, and ensure them access to the rights prescribed for these categories of persons and to continue to seek technical cooperation from UNHCR in this regard.

Norway

CRC/C/15/Add.262

Regarding the third periodic report of Norway, the Committee welcomed the many measures taken to bring national legislation into full conformity with the Convention. However, the Committee noted that the national legislation in some areas, inter alia immigration, required further attention. The Committee urged the State party to ensure that the best interests of the child are a primary consideration in the decisions taken regarding deportation of their parents. The Committee noted with concern the high proportion of immigrant children living in households with a persistently low income. The Committee expressed concern about the large number of unaccompanied asylum-seeking children (33 in 2003) who disappeared from reception centres and who are vulnerable to abuse and exploitation. The Committee was also concerned about the insufficient supervision of and care provided to unaccompanied asylum-seeking children as well as about the insufficient psychological and psychiatric services provided to children living in reception centres. The Committee therefore urged the State Party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children.

While welcoming measures taken to combat trafficking in women and children, the Committee was concerned that trafficking in women and children for sexual exploitation remains a problem in Norway.

Council of Europe

Convention on action against trafficking in human beings signed by fifteen states

On 16 May, fourteen Council of Europe Member States signed the Convention on action against trafficking in human beings, these were: Armenia, Austria, Croatia, Cyprus, Iceland, Luxembourg, Malta, Moldova, Norway, Poland, Portugal, Romania, Serbia and Montenegro and Sweden. On 8 June Italy signed

the Convention, which was adopted on 3 May by the Committee of Ministers of the Council of Europe, together with two other treaties, on the prevention of terrorism and the prevention of financing of terrorism. Council of Europe Convention on action against trafficking in human beings:

<https://www.coe.int/ViewDoc.aspx?id=13857&BalCol=999C&BalCol=HTB5&BalCol=HTAC5>

Commissioner for Human Rights on Switzerland

The Commissioner for Human Rights of the Council of Europe, Mr. Alvaro Gil-Robles, criticized Switzerland in his report on his visit to the country from 29 November to 3 December. The first part of the report deals with asylum in Switzerland and most of Gil-Robles comments concerned respect for the human rights of foreign nationals who come to Switzerland for essentially humanitarian reasons and whose right to live there has not yet been determined or has been denied. Gil-Robles was also concerned about the exclusion from the social welfare system of persons whose asylum claims have been determined inadmissible. According to Gil-Robles' report, the withdrawal of social assistance "may give rise to a problem of compatibility with the prohibition of inhuman or degrading treatment enshrined in Article 3 ECHR, which is prohibited in absolute terms, irrespective of the victim's conduct." Gil-Robles also recommended alterations to the asylum procedures at airports and to the "out of hand rejection" method. Furthermore, Switzerland should incorporate humanitarian protection and the concept of persecution by non-state protagonists, in its laws on asylum.

Access the report of the CoE:

http://www.coe.int/T/f/Commissaire_D.H/Unité_de_Communication/Documents/Par_années/2005/index.asp#TopOfPage

Commissioner for Human Rights report on UK

Attitudes towards refugees and asylum seekers are becoming increasingly hostile in the UK, the Commissioner for Human Rights of the CoE, Mr. Gil-Robles, stated in a report on the human rights situation in the UK, following a visit to the country from 4 to 12 November 2004. The third part of the report lists a



number of concerns regarding asylum and immigration such as the increased use of detention, weakened procedural guarantees and reduced social assistance. The report includes a UK Government response to some of the critical findings made by Mr Gil-Robles, including those on detention of children and the non-suspensive appeals system's compliance with article 3 of the European Convention on Human Rights.

Access Gil-Robles report on UK:

http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH%282005%296_E.doc

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

For full reports and documentations, please visit: <http://www.cpt.coe.int/en/>

Albania

A delegation of CPT carried out its sixth visit to Albania from 23 May to 3 June 2005. The visit mainly focused on conditions in detention.

Belgium

A delegation of CPT carried out its fourth periodic visit to Belgium from 18 to 27 April 2005. The delegation focused, inter alia, on the procedures and methods applied during the repatriation by air of foreign nationals

Latvia

CPT has published its report on its visit to Latvia in 2002. The report details the situation in the Olaine Detention Centre for Illegal Immigrants.

Malta

A delegation of CPT carried out an ad hoc visit to Malta from 15 to 21 June 2005, of which the main purpose was to follow up on the implementation by the Maltese authorities of the recommendations made

by the CPT concerning the detention centres for foreigners visited in January 2004.

United Kingdom (UK)

In a follow-up report based on a visit in March 2004 CPT re-assessed the treatment of foreigners detained in the United Kingdom pursuant to the Anti-Terrorism, Crime and Security Act 2001 (ATCSA). In this report CPT concluded that the situation could be considered as amounting to inhuman and degrading treatment for some of the detainees. In its response the UK Government rejected this conclusion and maintained that throughout their detention under the ATCSA powers, the individuals concerned received humane and decent treatment and appropriate levels of medical and psychological care.

European Commission Against Racism and Intolerance (ECRI)

On 14 June the European Commission against Racism and Intolerance (ECRI) of the CoE released five new reports on racism, xenophobia, anti-Semitism and intolerance in Albania, Croatia, Poland, Sweden and the United Kingdom. Although the reports conclude that positive developments have occurred in all five countries, ECRI sees the opportunity for several improvements. The full text of the five new reports is to be found at: http://www.coe.int/t/E/human_rights/ecri/

Albania

Regarding the situation of refugees and asylum seekers, ECRI stated in its third report on Albania that the asylum procedure functions, although it heavily relies on the support of UNHCR, who is for instance responsible for the issuance of identity cards. ECRI therefore recommended that Albania adopts the necessary secondary legislation and takes over the responsibility of all stages of the asylum procedure. ECRI also recommended that Albania train officials involved in the asylum procedure, including border

guards in human rights and other relevant legislation to ensure that the principle of non-refoulement is strictly respected and that persons in need of international protection and assistance be given appropriate access. The disproportionate number of Roma and Egyptian children being victims of traffickers was of serious concern to ECRI and it recommended that the Albanian authorities increase their efforts to combat this phenomenon.

Croatia

ECRI welcomed the adoption of the Law on Asylum, which entered into force on 1 July 2004 and forms, according to the UNHCR, a good basis for an asylum procedure. However, there are still many obstacles faced by refugees and asylum seekers. ECRI recommended therefore that the government increases its effort to improve the situation of refugees and asylum seekers, especially in regard to reception facilities and the legal and social assistance provided. Croatia should fight the negative image that is widely spread among the population who perceive asylum seekers to be criminals and it should provide sufficient training on human rights issues to officials involved. ECRI also recommended increased efforts to fight trafficking, as Croatia is not only a transit, but also a destination country.

Poland

ECRI noted in its third report on Poland that the entry into force of a new Law on Granting Protection to Foreigners, which includes four possible statuses for refugees and asylum seekers was generally seen as an improvement for the protection of refugees and asylum seekers in Poland. ECRI also welcomed the new Law of Social Assistance, which provides refugees with Polish language courses and social assistance. Progress has also been achieved regarding the length of the asylum procedure and the legal and social protection for unaccompanied minors. ECRI was concerned however about the problems faced by persons who have been granted tolerated status (subsidiary protection), instead of refugee status. Although they basically have the same rights as persons with refugee

status, they are not allowed to move outside of Poland or to benefit from the integration programme under the Law on Social Assistance. They also face several problems in other regards in reality, as UNHCR and NGOs have indicated. ECRI recommended, inter alia, that Polish authorities “examine the conclusions and recommendations of the UNHCR Office in Poland and of human rights NGOs working in this field expressing the need to change legislation and practice pertaining to asylum-seekers, refugees and persons with “tolerated status” in order to improve their general situation.”

Sweden

In its second report, ECRI expressed concern regarding the trend towards restrictive asylum policies. The Swedish authorities have stressed that asylum policies have not been made more restrictive and illustrate this by the fact that they are drafting a proposal to grant full refugee status to persons who have a well-founded fear of persecution on grounds of gender and sexual orientation, instead of subsidiary protection, as is the case at present. The Swedish authorities however, have also stressed that they have to face up to the challenge posed by the large numbers of asylum seekers who come to Sweden without documents (currently around 90%), one consideration being whether to grant only temporary permits, with no family reunification rights attached, to all categories of asylum applicant allowed to stay in Sweden, if they cannot prove their identity in an acceptable manner. It was noted that non-governmental organisations claim that, since ECRI's second report, there has been a trend towards making asylum policies and practices more restrictive in respect of a less rigorous attitude to adherence to the principle and the obligations arising from Article 3 of the ECHR. This concern has grown since 11 September 2001, the most debated case being the expulsion in December 2001 of two Egyptian nationals who were subsequently subjected to torture in Egypt. To this end, ECRI recommended in particular that the Swedish authorities review the provisions currently regulating the accelerated asylum procedure. ECRI also recommended that Sweden carry out the planned reform to give responsibility to examine asylum appeals to the administrative courts

instead of the Aliens Appeals Board.

United Kingdom (UK)

In the report on the UK, ECRI has dedicated a special section to the issue of “the effect of changes in asylum policies on the situation and the public perception of asylum seekers, refugees and minority groups”. ECRI expressed its concern that asylum seekers and refugees are especially vulnerable to racism and discrimination, partly as a result of changes in asylum policies and of the tone of the debate surrounding the adoption of such changes. Therefore ECRI recommended that the UK authorities “encourage a more balanced public debate on asylum and provide more information on the circumstances from which people claiming asylum are fleeing.” Furthermore, ECRI recommended that the UK authorities ensure that the asylum procedure enable those seeking protection to have the merits of their cases thoroughly examined. Therefore, the use of safe country of origin lists and removals to “safe third countries” should be reviewed and the quality of decision making improved. The report also contains recommendations regarding destitution of asylum seekers and the use of detention, the latter of which should only be applied to those cases where it is absolutely necessary.

European Court of Human Rights (ECHR)

For full texts of the following cases, visit: <http://www.echr.coe.int>

Netherlands

Said v. the Netherlands, Application no. 2345/02
Violation of Article 3

In this case the Court found that the expulsion of an Eritrean by the Netherlands would lead to a breach of Article 3 ECHR.

The applicant, Mahmoud Mohammed Said, was an Eritrean national born in 1967 and currently staying in the Netherlands. The applicant claimed that he served

as a soldier in Eritrea and deserted. He fled Eritrea and arrived in the Netherlands on 8 May 2001, where he applied for asylum on 21 May. His request for asylum was rejected. After having been previously convicted twice, the applicant was convicted of manslaughter and assault on 21 January 1994 and sentenced to seven years’ imprisonment. While he served his personal sentence, a second son was born to the applicant and his Dutch partner. Both his children have Dutch nationality and neither his partner nor his children speak Turkish.

By a decision of 30 January 1997, the Deputy Minister of Justice withdrew the applicant’s permanent residence permit and imposed a ten-year exclusion order on him in view of his conviction of 21 January 1994. The applicant lodged an objection, which was rejected. His appeal was unsuccessful. The applicant was deported to Turkey on 11 February 1998. However, he returned soon afterwards and was once again deported to Turkey on 4 June 1998. He again appealed unsuccessfully.

The applicant complained that, as a result of the withdrawal of his residence permit and the imposition of a ten-year exclusion order, he had been separated from his wife and two children, who are Netherlands citizens and cannot be expected to follow him to Turkey. He relied on Article 8 (right to respect for private and family life).

The ECHR noted that the expulsion order constituted an interference with the applicant’s right to respect for his family life, but that the interference was in accordance with national law and pursued legitimate aims. Concerning whether the interference was “necessary in a democratic society”, the Court concluded that there was a legitimate basis for assuming that the applicant constituted a danger to public order and security, as he was convicted of a serious, violent crime, which was not his first conviction. Furthermore, the Court found no obstacles to the family settling with him in Turkey.

In the circumstances of the applicant’s case, the Netherlands State could not be said to have failed to



strike a fair balance between the applicant's interests on the one hand and its own interest in preventing disorder or crime on the other. The Court therefore held, by six votes to one, that there had been no violation of Article 8.

Latvia

Sisojeva and others v. Latvia, Application no. 60654/00. Chamber judgement

Violation of Article 8

The Court found that in certain cases, Article 8 ECHR (the right to respect for private and family life) can be used to argue that a state has an obligation to formalise the residence status of persons in an uncertain situation, even in the absence of an expulsion decision.

The applicants, Svetlana Sisojeva, her husband Arkady Sisojev and their daughter Aksana Sisojeva, were born in 1949, 1946 and 1978 respectively. The parents are Russian nationals, who have been living in Latvia since 1968, while their daughter has no nationality. Living in Latvia since 1968 with Soviet nationality, where Mr Sisojev was stationed as a Soviet army soldier, the family became stateless with the break-up of the Soviet Union and the independence of Latvia in 1991. They applied for a permanent resident status with the Latvian authorities, which allowed their application for entry in the register. Having been issued former Soviet passports, Mr Sisojev and Aksana Sisojeva obtained Russian nationality in 1996.

The Latvian District Court held that Mrs Sisojeva was entitled to apply for a passport as a "permanently resident non-citizen" and that Mr Sisojev and Aksana Sisojeva were entitled to permanent residence permits. That decision was set aside on an appeal and on 26 June 2000 the applicants were notified that they were required to leave Latvia.

In November 2003 the family received a letter explaining how Svetlana Sisojeva could regularise her stay in Latvia and obtain an identity document as a

stateless person, so that her daughter and husband could then be issued with residence permits. However, as they did not follow these recommendations, the applicants did not obtain residence permits.

The applicants stated that in the meantime, on 6 March 2002, Svetlana Sisojeva had been summoned to the regional headquarters of the security police, where she had been questioned about the application she had lodged with the ECHR and about an interview she had given on the subject to a Russian television channel.

Relying on Article 8 of the Convention, the applicants lodged a complaint to the ECtHR on 29 August 2000 as the Latvian authorities' refused to regularise their status in Latvia. They further submitted that the questioning of Svetlana Sisojeva by the police had hindered the exercise of their right of individual petition, in breach of Article 34.

The Court reiterated, firstly, that the Convention did not guarantee any right to enter or reside in a State to individuals who were not its nationals. However, decisions taken by States on immigration could in some cases amount to interference with the exercise of the right to respect for private and family life as protected by Article 8.

In the applicants' case the Court observed that, although no formal order for the applicants' deportation had been made, it was not enough for the host State to refrain from deportation, as it was the obligation of the State to give those concerned, if necessary by taking positive measures, the possibility of exercising their rights without interference. The Court accordingly considered that the Latvian authorities' prolonged refusal to recognise the applicants' right to permanent residence in Latvia constituted interference with their right to respect for their private life.

The interference had been intended to ensure compliance with immigration laws and had therefore pursued the legitimate aim of "prevention of disorder". However, the Court considered that the authorities had failed to strike a fair balance between the legitimate aim of preventing disorder and the applicants' interest

in the protection of their rights under Article 8. The Court noted that although the applicants were not of Latvian origin, they had spent virtually all their lives in Latvia and had developed personal, social and economic ties there that were strong enough for them to be regarded as sufficiently integrated into Latvian society. It therefore held that the interference in question had not been “necessary in a democratic society” and had breached Article 8.

In these circumstances, the Court considered that only serious concerns could justify the refusal to regularise the applicants’ status and it had been unable to discern any such concerns. It further observed that in the case of Mr Sisojev and Aksana Sisojeva, regularisation had been subject to Svetlana Sisojeva’s status being regularised. By making the possibility of leading a normal life contingent on circumstances beyond their control, the Latvian authorities had not taken the measures that could have been reasonably required of them.

The Court concluded that Latvia had complied with its obligations under Article 34.

European Court Rejects Russian Government’s Appeal in First Chechen Cases

A panel of five judges of the European Court of Human Rights has rejected a request by the Russian Government to refer three judgements to the Grand Chamber of the Court. On 24th February the European Court published its first judgements arising from the conflict in Chechnya (see ECRE documentation service March 2005), finding that Russia had violated the applicants’ right to life (Article 2 of the European Convention on Human Rights) and their right to an effective domestic remedy (Article 13). The applicants in these cases are represented by lawyers at the Russian human rights organisation and ECRE member, Memorial, with lawyers from the London-based European Human Rights Advocacy Centre (EHRAC).

As a result of this latest decision by the panel of five judges, the three judgements became final on 6th July 2005 and the Russian government is obliged to implement them by 6 October 2005.

For more information on the Memorial/EHRAC project see:

http://www.londonmet.ac.uk/research-units/hrsje/ehrac/ehrac_home.cfm

For the EHRAC/Memorial press release on this issue please contact Claire Rimmer at ECRE on crimmer@ecre.org

European Court of Justice

Luxembourg in breach of Temporary Protection Directive

The European Court of Justice (ECJ) ruled on 2 June 2005 that Luxembourg had failed to implement the Temporary Protection Directive the transposition deadline of which expired on 31 December 2002. Luxembourg had argued legislation on refugees and foreigners was an “extremely complex and sensitive issue” and that the plan was to transpose all directives on these issues at once, according to Agence Europe. However, the ECJ did not accept this argument. The ruling is the outcome of an infringement procedure brought by the European Commission, having previously requested twice that Luxembourg implement the Directive and having given them a reasonable time period in which to do so. This is the first ruling relating to a measure taken under Title IV of the Nice Treaty, the part that covers “visas, asylum, immigration and other policies related to free movement of persons”. Currently, eight more of such cases are pending before the ECJ.

The ruling is not yet published but can soon be found on:

<http://www.curia.eu.int/> case number C-454/04 Commission v. Luxembourg

National Developments

Austria

New Asylum Bill approved by the Federal Government

On 10 May 2005, the Federal Government approved the Minister of Interior's proposal for a new Asylum Act (see May issue of ECRE Documentation Service) and it was then passed in the Austrian National Assembly on 7 July. The proposal, which is a reaction to a court decision judging parts of the Asylum Act unconstitutional, introduces a period of 72 hours for the initial assessment of a case, and a 20-day limit for a first-instance decision. Asylum seekers whose claims have been rejected can now be held in detention for a period of ten months, instead of the previous six months awaiting expulsion. Furthermore, the amendments to the Act suggest that those assisting foreigners who do not hold a valid residence permit will be liable to imprisonment. The new law also contains the possibility to force feed hunger striking asylum detainees, although this is believed to be unconstitutional, as are six other provisions in the new law.

Migration News Sheet, June 2005

<http://www.bloomberg.com/apps/news?pid=10000085&sid=ap56KBkrSHr4&refer=europe>

<http://www.diepresse.at/Artikel.aspx?channel=&ressort=i&cid=493291&archiv=false>

<http://www.islamonline.net/English/News/2005-05/15/article02.shtml>

Symposium on Asylum in Vienna on the occasion of World Refugee Day

On the 20 June 2005 the Ministry of Interior held a symposium in Vienna to discuss asylum developments at the European level, successful examples of integration policies as well as the development of legal frameworks in Austria. The meeting was attended by the head of the asylum unit of the European

Commission, representatives from UNHCR, IOM, the European Parliament as well as various academics. In her speech the Minister of Interior highlighted the fact that more than 2 million people had received asylum in Austria since 1945, one million of whom had a durable status. The minister also stated that asylum would be a priority in Austria's forthcoming presidency of the EU. Minister's speech: <http://www.bmi.gv.at/bmireader/documents/140.pdf>

Belgium

Belgium criticized for detention of asylum seekers in transit zone

Belgium is criticised for detaining asylum seekers in the transit zone of Brussels' National Airport, according to a new annual report on Belgium's human rights record, commissioned by the European Commission. Belgian authorities, however, state that asylum seekers are not 'imprisoned' in the zone but free to leave the country on a plane whenever they choose. The experts also criticised the country for allowing minors to be detained. "Contrary to the assurances made by the Belgian government (...) the imprisonment of minors has become a reality" and "constitutes a flagrant violation of international norms (...) which Belgium is obliged to conform to," it said. On the other hand, the report welcomed the creation of new administrative procedures to help young asylum seekers link up with families or others who can help them. **The EU Network of Independent Experts on Fundamental Rights who wrote the report, consisting of 25 human rights experts, was created in 2002 by the Commission,** on the orders of the European Parliament. Since then, they have written an annual report on each EU member state with recommendations made to the competent EU authorities. All 25 reports on each EU member state are due to be published on 31 May, as one text.

Access the report:

<http://www.cpd.ucl.ac.be/cridho/InformesCFRCDF2004/nacionales/CFR-CDF.rapBELGIUM.2004.pdf>



<http://www.expatica.com/source/ea/ea/ahmid-4&tyid=192&me-Bjims4mclainocaylm-seekers>

Bosnia and Herzegovina

UN Representative report on internally displaced persons in Bosnia and Herzegovina

On 15 June 2005, following a visit to Bosnia and Herzegovina from 9 to 15 June 2005, the representative of the United Nations Secretary-General on the human rights of internally displaced persons issued a statement on his findings related to internally displaced persons in the country. He stated that regarding solving property disputes, returning large numbers of displaced persons and creating a safe environment for most returnees to live in, obstacles still remain. According to the representative, these obstacles include discrimination against returnees in the job market and infringements of the right to education in parts of the country following the maintenance of segregated schools. Moreover, the lack of implementation of laws and a weak as well as an overburdened judiciary are creating problems for returnees, as are delays in connecting rebuilt houses to water and electricity. He also stated that in particular female heads of household, who are traumatised victims of war crimes tend to be in disadvantaged positions.

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/BDF7B09E2E0C8B96C125701A004CAC04?opendocument>

Croatia

UN Representative report on internally displaced persons in Croatia

Following a visit to Croatia from 6 to 8 June 2005, the representative of the United Nations Secretary-General on the human rights of internally displaced persons issued a statement on his findings related to internally displaced persons in the country. According to the UN representative, a comparatively small group of internally displaced persons still remain, following substantial action by the government to deal with this group of persons. He welcomed the commitments at

the highest levels to resolve the situation, and the recent conclusion of the Sarajevo Declaration concerning the return of refugees in the region. However, the representative emphasised the need for the media and policy-makers to work towards diminishing public prejudices against returnees and other displaced persons.

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/9F05DFD2BD2A5617C125701B00484D55?opendocument>

Denmark

New integration bill

A proposal to tighten Danish integration rules was unveiled on 11 May 2005. The main purpose of the proposal is to get more refugees and immigrants into employment. It includes suggestions to tighten the rules for social benefits for married parents, and at the same time reduce child support payments for ‘worn out’ parents. Furthermore, immigrants who commit crimes will, according to the proposal, be deported. The introduction of integration contracts to be signed by all immigrants is also proposed. Financial support or residence permits may be withdrawn in some circumstances as a consequence of breaching such a contract.

Only the Socialist People’s Party and the Unity List have come out against the proposal. The leader of the Danish People’s Party said that although she supports the integration efforts, “...immigrants and foreigners shouldn’t be integrated into Denmark but sent back to where they come from”.

http://www.unhcr.se/News/mpdf/May_2005.pdf

<http://www.bt.dk/politik/artikel:aid=369534/>

<http://www.bt.dk/politik/artikel:aid=369532/>

Helping repatriated Iraqis

The Danish government has granted DKK 1 million for a project offering assistance to exiled Iraqis. The project involves setting up two offices, one in Arbil and one in Basra, with the purpose of advising returning Iraqis on housing, job prospects and how to get their children into schools. The project is a joint agreement between the Iraqi ministry of immigration and the Danish aid organisation ‘Care4You’.

http://www.unhcr.se/News/pdf/June_2005.pdf
<http://www.jp.dk/arkiv:aid=3080414>

Danish container ship rescues 27 refugees from distress at sea

On 31 May 2005, the Danish container ship 'Clementine Mærsk', rescued 27 refugees from a boat drifting in the Mediterranean. The boat carried 24 Somalis, two Tunisians and one Palestinian, who had been drifting for eight days while other vessels passed it refusing to help. After the rescue action, the ship continued as planned to one of the biggest ports in the UK, Felixstowe. The captain of the ship was later criticised by local British politicians and lawyers, for his decision to continue the journey as planned, instead of sailing to the nearest harbour to set the refugees ashore. However, UNHCR praised the actions of the captain.

According to a spokesperson for the rescuing vessel, the refugees' boat was in 'distress', which is why the captain went to their aid. Also, due to the size of the ship, it would have been difficult to find a harbour deep enough to disembark. 26 of the 27 refugees applied for asylum in the UK.

http://www.unhcr.se/News/pdf/June_2005.pdfm
<http://www.irr.org.uk/2005/june/ha000015.html>
<http://www.bt.dk/nyheder/artikel:aid=367288>
http://www.unhcr.org.uk/press/press_releases2005/pr08June05.htm

Finland

Children with 'pervasive deficiency syndrome' now also a problem in Finland

Refugee children with 'pervasive deficiency syndrome', also referred to as apathetic refugee children, a much debated problem in Sweden, have now been discovered in Finland. Since the phenomenon became known in Sweden, a survey has been conducted in Finland, and six cases of apathetic and deeply depressed children have been discovered. The children originate from five different families of which one has been granted asylum.



According to an employee of the Helsinki Deaconess Institute, there is a risk of the problem growing bigger in Finland, since most of the ill children come from families where the parents are victims of torture, hence "mentally absent and not capable of carrying the parental role".

http://www.unhcr.se/News/pdf/May_2005.pdf
<http://www.hbl.fi/cgi-bin/meldv/Nwp-H&Dpnks&Dt=005&Mdt=jtm&Spr=04588&...>

France

Proposal for new anti-immigration measures

On 11 May 2005, the interior minister presented a package of new tougher anti-immigration measures, including tighter border controls and the formation of an independent "immigration police", and a central immigration control service to coordinate the immigration-related work of the police, gendarmerie, local authorities and government departments. The minister also proposed a change in the civil code to ensure that marriages between French citizens and foreigners conducted abroad will not necessarily be recognised in France.

Moreover, the government proposal includes the introduction of biometric visas that record the holder's fingerprints, making it more difficult for other persons to use the visa, and increasing expulsions. The interior minister rejected amnesties similar to the one conducted in Spain. He claimed that previous mass amnesties in 1981 and 1997 had encouraged illegal immigration, and that it currently was "far, far too easy" for an immigrant to enter the country and then stay on illegally.

http://www.refugeecouncil.org.uk/news/2005/may05/curr0505_2.htm
<http://www.guardian.co.uk/france/story/0,11882,1481776,00.html>
<http://news.bbc.co.uk/2/hi/europe/4537455.stm>

Introduction of list of safe countries of origin

On 30 June, the French Office for the Protection of Refugees and Stateless Persons (OPFRA) adopted a first list of safe countries of origin, in order to reduce

the numbers of asylum applications. Applicants originating from a country classified as safe will go through a fast track asylum procedure, with a non-suspensive effect upon appeal. Furthermore, applicants from 'safe' countries will not qualify for temporary residence permits, or any kind of support.

<http://www.lefigaro.fr/cgi/perm/archives/>
<http://www.lefigaro.fr/cgi/perm/archives/>

Germany

German visa system in breach of EU law

On 11 May 2005, it was reported that Commissioner Franco Frattini told MEPs from the European Parliament's justice committee that Germany's 'lax' visa affair contravened EU law. Apparently Frattini had stated that Germany had breached the Schengen agreement on two counts: by not ensuring that visa applicants intended to return to their home countries after the visa had expired, and by not sufficiently checking the financial means of the applicants.

The visa affair was initiated when Germany liberalised its visa rules to facilitate access to the country for citizens of new democratic states in Eastern Europe. The system allowed thousands of Eastern Europeans into the country between 2000 and 2003, and according to German opposition allowed an influx of "drug dealers, prostitutes and gangsters from former Soviet states".

<http://www.euobserver.com/?sid=22&aid=19033>
<http://www.legislationline.org/index.php?country=17&org=0&eu=0&topic=10>

Germany goes ahead with expulsion of Kosovars and criminals from Iraq and Afghanistan

Following an agreement between German authorities and the United Nations Interim Administration Mission in Kosovo (UNMIK), five Kosovo Ashkalis were returned to Kosovo on 19 May 2005. Kosovo Ashkalis belong to one of Kosovo's ethnic minority groups not eligible for refugee status, but whose members have previously been granted temporary protection in Germany.



On 24 June 2005 the Ministers of Interior of the German Länder decided to accelerate the expulsion of minority members from Kosovo as well as certain categories of Afghan and Iraqi nationals. Single Afghan men who have lived for less than six years in Germany (from 24 June) as well as Afghans convicted of criminal offences or considered a risk to national security are to be expelled. Afghans who have been living in Germany for more than six years and are employed, as well as Afghans over 65 years of age with family in Germany may stay provisionally. Also Iraqi nationals who have been convicted of serious criminal offences or are considered Islamist extremists will be expelled.

In addition, the Ministers rejected a proposal brought forward by Germany's Minister of Interior Otto Schily to grant children from refugee families who were born in Germany or are attending school a right to stay for humanitarian reasons. Opponents of the proposal stressed the role of the commission, which has authority to decide controversial cases of family expulsions in the best interests of the affected children. They said families who protracted their expulsion should not be rewarded.

Süddeutsche Zeitung, 25. June 2005

Migration News Sheet, June 2005

See also: European Parliament EU Developments

Ireland

Drop in asylum applications

Figures from the Office of the Refugee Applications Commissioner show that the number of asylum applications in Ireland fell from 8000 in 2003, to 4800 in 2004. According to the Ministry for Justice, the sharp drop in application is mainly due to an increased national investment in the asylum system, carrier sanctions and fast track procedures of claims from asylum seekers from certain countries. The Irish Refugee Council however, suggest that international factors may have had a major impact as well, considering the fact that the number of asylum applications in industrialised countries has not been this low since 1980.

See: International Policy Section, UNHCR on drop in global refugee numbers.

Separated Children in Europe Newsletter no 21,
June 2005

http://www.separated-children-europe-programme.org/separated_children/publications/newsletter/index.html

Irish Times, 26 April 2005

Ireland raises resettlement quota

Ireland is to raise its quota of resettled refugees from 10 cases (around 40 persons) to 200 persons per year. Announcing the decision on 8 June, Justice minister Michael McDowell said it was part of a policy of better targeting protection issues: "I am happy to be able to put in place arrangements which will allow the State to better target those most vulnerable and in need of protection and to make more effective use of resources in the protection area. Ireland also continues to be committed to provide protection to persons who are found to be refugees following consideration of their applications in our enhanced domestic asylum determination process." UNHCR has commended Ireland's increased quota as "a model for other European countries" to follow to share the global responsibility for protecting vulnerable refugees.

www.justice.ie

<http://www.unhcr.ch/cgi-bin/texis/vtx/news/pendoc.htm?tbl=NEWS&id=42a86039b>

Italy

Interior minister rejects Amnesty International's allegations of migrant mistreatment

On 20 June 2005, Amnesty International released a report that strongly criticised Italy for supposed maltreatment of irregular migrants and asylum seekers in its temporary reception and identification centres. Furthermore, on 28 June 2005, the organisation published an appeal to the EU regarding expulsions from Italy to Libya, stating that more than 866 people were reportedly detained in temporary holding centres on the island. The Lampedusa detention centre has a maximum capacity of 190 people and is, according to the organisation alarmingly overcrowded. Amnesty also claimed that Italy had forcibly returned at least 45

people to Libya on 22 June 2005, despite pressure from NGOs and UNHCR.

The Italian interior minister rejected the claims of brutality towards irregular migrants and asylum seekers, and also denied the accusations of mass deportation. He presented two sets of figures implying a large drop in arrivals and expulsions. According to the minister the figure of landings had dropped from 23,000 in 2002 to 13,000 in 2004; expulsions were down to 60,000 in 2004 compared to 88,000 in 2002.

<http://web.amnesty.org/library/Index/ENGIOR610152005>

http://www.adnki.com/index_2Level.php?cat=Politics&loid=8.0.182037942&par=0

http://www.amnesty-eu.org/static/documents/2005/b472_june2005_libya.pdf

http://www.amnesty-eu.org/static/documents/2005/b472_june2005_libya.pdf

UN claims Italian figures on asylum misleading

On 27 May 2005, UNHCR responded to what it called 'misleading statistics' being reported in the Italian media that only eight per cent of those claiming asylum in Italy were recognised as genuine refugees. UNHCR stated that "over half of asylum applications in Italy whose cases were examined on their merits in 2004 were judged to be in need of international protection".

According to UNHCR, the media had failed to include those who were granted protection for reasons other than fear of persecution according to the 1951 Refugee Convention.

<http://www0.un.org/apps/news/story.asp?NewsID=4411&Cr=football&Cr1>

<http://www.unhcr.ch/cgi-bin/texis/vtx/home/pendoc.htm?tbl=NEWS&id=429704254&page=news>

<http://www.unhcr.ch/cgi-bin/texis/vtx/home/pendoc.htm?tbl=NEWS&id=429704254&page=news>

Bossi Fini Law on asylum in force

In 2002 the so-called "Bossi Fini" Law (l. 189/2002) introduced a series of reforms in Italian immigration law. The reforms were mainly intended to reduce the number of illegal immigrants and to increase the circumstances under which detention could be used. The "Bossi Fini" law also modified Italian Law no. 39 of 1990 on the asylum procedure. This entered into

force on 21 April 2005, following the passing of a new regulation which enabled this in December 2004. The Bossi Fini law introduced “Temporary Identification Centres (CIT)” where asylum seekers can be held for 20 days where their identity cannot be verified, after which he/she will receive a temporary stay permit, unless no decision has been taken. Asylum seekers who have entered the country “illegally” or who have received an expulsion or a refoulement order, must be held in “Temporary Permanence Centres (CPT)”.

Amnesty International voiced its concerns to the UNHCR Standing Committee on 8-11 March 2005, contesting that the Bossi Fini law allows for many asylum seekers to be detained or restricted in their liberty in circumstances beyond those allowed by international standards and that under the simplified procedure, the legal assistance available is inadequate.

<http://web.amnesty.org/library/index/engior420012005>

http://www.ecre.org/country02/italy_151-156.pdf

http://www.unitn.it/en/internazionale/189/law_189_2002.htm

FIDH report on access to asylum procedures

The Italian authorities have taken various initiatives on asylum and immigration controls, which are not always in line with human rights, concludes a report of the International Federation on Human Rights (FIDH), published on 15 June. The report, entitled “Right to asylum in Italy: access to procedures and treatment of asylum seekers”, is based on a field mission to the country at the end of 2004, which focused mainly on the treatment and removal of immigrants and asylum seekers. The report makes 13 recommendations to the Italian government, amongst others to substantially increase the budget for the reception of asylum seekers and improve access to asylum procedures.

Access the report:

http://www.fidh.org/article.php3?id_article=2473

Malta

Emergency plan to deal with mass influx of migrants

In a speech on 13 June, the Family Minister introduced a plan that is to come into operation if Malta were to face a mass influx of irregular migrants. The plan includes the building of a centre providing temporary protection. The minister also spoke about the trauma irregular migrants faced when escaping persecution in their countries of origin. She confirmed that “our objective today is to tell all the Maltese people to welcome these people. Apprehension is understandable but we have to learn to understand one another. There is no place for hatred and racism”.

Furthermore, following the continuous influx of irregular immigrants, the Foreign Minister met with the Ambassadors of European Member States in order to gain support and assistance from these states in tackling the acute problem and help to combat its consequences. The minister presented the ambassadors with a document explaining where Malta most urgently requires assistance. The problem areas include help in repatriation of those who have been denied refugee status, and the settlement of those who have. The minister also suggested further cooperation in the field of maritime security.

<http://www.timesofmalta.com/core/article.php?id=190556>

<http://newseengine.di.unipi.it/news-bin/>

[To My Head: plan to deal with mass influx of migrants malta](http://www.toth.com/plan-to-deal-with-mass-influx-of-migrants-malta)

<http://euobserver.com/?aid=19540&rk=1>

http://www.maltamedia.com/news/2005/eu/article_6665.shtml

Netherlands

Temporary halt of returns to Congo

The Immigration Minister has announced a temporary halt of returns of asylum seekers whose claims have been rejected, originating from the Democratic

Republic of Congo. The decision followed a report by the Network current affairs programme on 21 June, claiming that Congolese officials had obtained confidential reports on several deportees and subsequently ill-treated them. According to the minister, an independent inquiry will investigate how the Dutch files ended up in the hands of the Congolese authorities.

<http://news.bbc.co.uk/1/hi/world/europe/4618807.stm>

<http://archive.wn.com/haguenews/>

Plans to limit immigration from the Dutch Antilles and Aruba

On 13 May 2005, the government announced plans to restrict entry and residence rights for young people from the Dutch Antilles and Aruba, aged between 18 and 24, in the Netherlands. The proposal includes measures to deport Antilleans and Arubans guilty of committing a crime in the Netherlands. Also, according to the proposal, young Dutch Caribbean citizens have to find a job or begin their studies within three months of arrival, in order to stay in the country. The appointment of legal guardians will also be introduced. The proposal faces legal challenges, since citizens of the Dutch Caribbean are Dutch citizens, and it may hence be discriminatory.

<http://www.washingtontimes.com/world/20050513-104746-2272r.htm>

http://ap.lancasteronline.com/4/netherlands_aruba

Norway

Speedier asylum procedure introduced

According to new plans coming into effect in Norway, asylum applications will be processed in seven weeks. Applications that are considered to be unfounded will continue to be processed within 48 hours, in accordance with regulations coming into effect in 2005. The new plan introduces a maximum processing time of three weeks for asylum seekers from countries that have a good network of contacts with Norway. All other applications are to be processed within the time frame of seven weeks.

http://www.unhcr.se/News/pdf/May_2005.pdf

<http://www.aftenposten.no/english/local/article1032918.ece>

Serbia and Montenegro (Kosovo)

UN representative report on internally displaced persons in Serbia and Montenegro

Following a visit to Serbia and Montenegro from 16 to 24 June 2005, the Representative of the United Nations Secretary-General on the human rights of internally displaced persons issued a statement on his findings related to internally displaced persons in the country. According to the representative, the overall situation of internally displaced persons is increasingly hard in the Republic of Serbia, and in particular he highlighted the situation of the 6,800 individuals still living in collective centres. He encouraged the authorities to speed up efforts to simplify their administrative processes, in a way that would respond to the specific difficulties of non-documented persons, such as Roma and members of other marginalised communities.

The representative felt that the situation of internally displaced persons had improved in Kosovo, in particular in relation to the drop in number of violent interethnic incidents. However, concerns remained regarding obstacles such as curtailed freedom of movement and a lack of job opportunities. The representative also expressed concerns regarding the unclear responsibility assigned to UNMIK or the Provisional Institutions of Self-Government in Kosovo for those who remain displaced inside Kosovo. As for the Republic of Montenegro, the representative was concerned that as non-citizens of Montenegro internally displaced persons were disadvantaged in practice in the area of work or access to property or business licenses.

<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/B7222C1788B398EEC125702A004CAB83?opendocument>

IOM campaign to inform the public of the dangers of irregular migration and trafficking

As part of its on-going programme “Prevention and Capacity Building Activities in the Province of Kosovo and the FYR of Macedonia”, the IOM office in Pristina has launched a province-wide information campaign to inform the general public of the dangers of irregular migration and of trafficking. The one-year information campaign is funded by the Finnish government and implemented in coordination with OK Division, a local multi-media company that produces billboards, posters, flyers and Public Service Announcements for both radio and television.

<http://www.iom.int/en/news/PBN120705.shtml#item4>

Russia

Czech Aid Agency Forced to End Operations in Chechnya

The Czech NGO People in Need has been forced to end its operations in Chechnya due to the fact that the Russian authorities have refused to prolong its registration. No reason was given for that refusal, which People in Need called “unfortunate, unfounded, and unfair.” The charity has delivered humanitarian aid worth 20 million euros (\$24 million) to the North Caucasus over the past five years. In December 2004, the Chechen Interior Ministry claimed to have discovered weapons and a clandestine printing press in the basement of People in Need’s Grozny office. People in Need is one of the few remaining foreign NGOs still working in the region.

<http://www.alertnet.org/thenews/newsdesk/L14700674.htm>

Slovenia

Agreement to assist voluntary return

The government and IOM has come to an agreement on the establishment of a programme to assist voluntary return for different groups of immigrants in the country. The programme pays



special attention to groups such as victims of trafficking, disabled immigrants, and pregnant women, the elderly, single parents and unaccompanied minors. In addition, asylum seekers and refugees will be offered the possibility to return to their countries of origin on a voluntary basis.

IOM is to advise these groups of individuals on practical issues such as obtaining travel documents, and provide help with departure, transit and arrival where possible.

Separated Children in Europe Programme, Newsletter no 21, June 2005

http://www.separated-children-europe-programme.org/separated_children/publications/newsletter/index.html

<http://www.iom.int/en/news/PBN270505.shtml#item5>

Spain

Victim of domestic violence granted asylum in Spain

On 31 May 2005, the Interior Minister confirmed that a woman originating from a Gulf state had been granted refugee status in accordance with the 1951 Refugee Convention. According to the minister, the woman had been coerced into marriage and had been subjected to abuse by both her husband and other members of his family on a continuous basis. The Inter-Ministerial Committee on Asylum and Refugee Status had taken into account the seriousness of the continuous maltreatment the applicant had suffered, and also the absence of protection provided by the authorities in her country of origin, including the inability to escape violence inside the country.

Moreover, the Interior Minister declared that his government would continue to apply this to all women in similar situations. He also said that Spain was expanding its police and civil guard security forces, taking on 380 new members of staff in order to protect battered women.

<http://www.alertnet.org/thenews/newsdesk/L31632486.htm>

Amnesty for 700,000 illegal immigrants

Nearly 700,000 people applied for work and residence permits under a three-month amnesty, counted as the largest amnesty for illegal immigrants ever carried out in Europe (see the May issue of the ECRE Documentation Service). According to the Labour Minister, the registration process had been an enormous success, and he estimated it would increase social security contributions by up to £1bn over the next year. The government will continue to crack down on employers using illegal labour, carrying out inspections of more than half a million work places in 2005.

http://www.refugeecouncil.org.uk/news/2005/May05/curr0505_1.htm

<http://news.bbc.co.uk/1/hi/world/europe/4579127.stm>

Sweden

Delay in replacing the Aliens Appeal Board

The Minister for Migration and Asylum Policy has declared that the closure of the Aliens Appeal Board will be delayed by three months. Hence, the courts will take over the work of the Board on 1 April 2006, instead of 1 January 2006. One of the main reasons for the delay is a concern that too hasty a reorganisation could affect the legal rights of individuals. Moreover, the minister has introduced a proposal for a new Aliens Act in which the need for protection will be prominent. This will include the right for children to seek asylum as individuals. There is also a proposal to place gender-based persecution, and persecution on account of sexual orientation on the same level as persecution for reasons of race, nationality, membership of a particular social, religious or political group.

http://www.unhcr.se/News/pdf/May_2005.pdf

<http://www.dn.se/DNet/jsp/>

[polopoly.jsp?d=1042&a=419755](http://www.dn.se/DNet/jsp/polopoly.jsp?d=1042&a=419755)

<http://www.regeringen.se/sb/d/3214/a/45838>

Government to give guidance on practice relating to apathetic refugee children

On 29 April 2005, the Aliens Appeal Board handed over the case of a 13-year-old Uzbekistan boy suffering from 'pervasive deficiency syndrome' (apathy) to the government to receive guidance on how to handle these cases in the future. Even though the Minister for Migration and Asylum Policy confirmed that the case would have priority, no decision has been taken as of yet. Since October 2004, the Aliens Appeal Board has admitted appeals from approximately 80 families with children suffering from the same syndrome, families that are now waiting for the government to decide upon their future. The Swedish government is expected to issue new guidelines for asylum procedures regarding apathetic refugee children in mid-July, at the earliest.

http://www.unhcr.se/News/pdf/June_2005.pdf

<http://www.dn.se/DNet/jsp/>

[polopoly.jsp?d=1042&a=430549](http://www.dn.se/DNet/jsp/polopoly.jsp?d=1042&a=430549)

<http://www.un.se/pressmeddelanden2/050429.htm>

Turkey

ECRI Round Table in Turkey

On 14 June 2005, the European Commission against Racism and Intolerance (ECRI) held a round table in Turkey, as part of a series of national round tables in the member states of the Council of Europe, organised in the framework of ECRI's Programme of Action on Relations with Civil Society. One of the main themes of the meeting was that of asylum seekers and refugees in Turkey. In its recently published report on Turkey, ECRI urged Turkey to withdraw its geographical reservation concerning the origin of asylum seekers, and encouraged the authorities to pursue and strengthen their cooperation with UNHCR and NGOs working on behalf of asylum seekers. ECRI further recommended that the Turkish authorities provide all staff in contact with asylum seekers with human rights training and awareness training in the problems encountered by asylum seekers. ECRI emphasised the need to introduce greater transparency in the processing of asylum applications and improve ways of informing asylum seekers of their rights. The authorities were also urged to ensure that short time limits for appeals, and the application of the concept

of safe countries of asylum do not create obstacles to the asylum procedure.

http://www.coe.int/t/E/human_rights/ecri/1-ECRI/4-Relations_with_civil_society/1-Programme_of_action/15-Round_Table_Turkey_2005/2-Briefing_eng.asp
Link to report: http://www.coe.int/t/E/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Turkey/Turkey_CBC_3.asp#TopOfPage

United Kingdom

Girl facing genital mutilation not member of particular social group

On 9 June 2005, the Court of Appeal ruled that a 17 year-old-girl from Sierra Leone, who fears being subjected to genital mutilation upon return to her country of origin, should not be granted asylum in the UK. The Home Office refused the girl asylum in 2003, but gave her permission to remain in the country for three years on humanitarian grounds. An immigration adjudicator later overruled this decision. On appeal, the Immigration Appeal Tribunal reversed this later decision, and two out of three appeal court judges have now backed its decision on the ground that women facing genital mutilation do not fall under the category of a particular social group.

According to one of the judges, the custom of genital mutilation is so widespread in Sierra Leone, and so bound by its culture and traditions that this causes difficulties in claims for asylum by girls who fear it. The case has been handed over to the House of Lords, in order to clarify what defines social group in accordance with the legislation.

<http://news.bbc.co.uk/1/hi/uk/4077284.stm>
<http://news.scotsman.com/latest.cfm?id=4667862>

Unaccompanied minor awarded compensation for unlawful detention

A 15-year-old Afghan asylum seeker has been granted £11,000 in compensation for being held unlawfully at Oakington reception centre in June 2004. Upon arrival the boy claimed to be 14 years old. However, a dispute

over the boy's age led him to be treated as an adult and hence held at Oakington for 12 days last year, before a court order forced his release. The case for damages was to be heard at the High court on 25 May. However, the current Home Secretary conceded that the boy had been held unlawfully before the actual hearing took place.

<http://news.bbc.co.uk/1/hi/england/cambridgeshire/4579821.stm>
<http://www.cambridge-news.co.uk/news/city/2005/05/26/e2536f22-fb17-4818-b22d-b53293f99137.lpf>

National Register for Unaccompanied Children

The National Register for Unaccompanied Asylum Seeking Children (NRUC) became fully operational this month. The register is to provide a central database, which will store information on all unaccompanied asylum seeking children in the UK. All agencies responsible for care, policy and funding, including the Home Office and local authorities will be obliged to keep the system updated.

<http://www.gjmdesign.com/NRUCLaunch/launch.html>

Separated Children in Europe Programme no 21, June 2005

http://www.separated-children-europe-programme.org/separated_children/publications/newsletter/index.html

British deportation policies condemned by UNHCR

A UNHCR representative has widely condemned Britain's practice of returning asylum seekers whose claims have been rejected to countries such as Somalia. The UNHCR representative said that earlier this year they had urged governments to suspend the deportation of asylum seekers whose claims have been rejected to areas affected by the tsunami, including Somalia. The UNHCR has also published advisory notes raising concerns regarding these countries.

According to a spokesperson for the Home Office, deportations are only carried out if the authority has been satisfied that the asylum seeker is not in need of

international protection, and removals are made on a case-by-case basis.

<http://politics.guardian.co.uk/homeaffairs/story/0,11026,1504873,00.html>

<http://www.thezimbabwean.co.uk/17-june-2005/un-condemns-british.html>

Zimbabwe deportations halted

A senior judge, who is also a specialist in immigration law, has urged the government to halt further deportations to Zimbabwe, pending a court hearing on 4 August 2005. This followed a call from a Refugee Legal Centre representative, stating that there was evidence to suggest that asylum seekers faced abuse in Zimbabwe owing to the fact that they had applied for asylum in the UK. According to the senior judge, there is no question that the situation in Zimbabwe has given rise to real concern about the safety of those returned.

The Home Secretary has acknowledged those members of the African nation's opposition would face persecution upon return to Zimbabwe, and are hence in need of international protection. However, he has also stated that a total suspension of all removals would lead to abuse of the asylum system, and that there is no evidence of systematic abuse of former asylum seekers returned to the country. Despite these announcements, the Home Office announced on 14 July 2005, that deportations would be suspended until the cases were heard on August 4.

Until November 2004, there was a ban on deportations to Zimbabwe that had been in force since 2002. During the first three months of 2005, 95 Zimbabweans were sent home.

http://news.bbc.co.uk/1/hi/uk_politics/4657667.stm

<http://news.scotsman.com/politics.cfm?id=751392005>

http://news.bbc.co.uk/1/hi/uk_politics/4625073.stm

<http://politics.guardian.co.uk/homeaffairs/story/0,11026,1529157,00.html>

Second reading of new Immigration, Asylum and Nationality Bill

On 5 July, the second reading of the government's new Immigration, Asylum and Nationality bill took place in Parliament. The new bill is to take forward elements of the government's 2005 five-year strategy and

includes a new asylum model introducing a streamlined process for applications. The new bill also introduces the end of the practice of granting refugees indefinite leave to remain. This practice will be replaced by an initial grant of limited leave. Concerns have been raised regarding restrictions and removal of appeal rights for students, workers and family members, the creation of new offences in relation to employing illegal entrants and a proposal for increased data sharing by immigration officials without data protection safeguards.

Concerns have also been raised relating to the position of separated children in the new bill: according to the proposal age-disputed children are to go through the new system as adults, and those accepted as minors will have much more burdensome reporting restrictions placed upon them. Moreover, the government maintains that legal advice is not necessary when claiming asylum.

<http://www.politics.co.uk/legislationitempage.aspx?menuindex=430010609&itemid=16081124>

<http://www.iasuk.org/C2B/PressOffice/display.asp?ID=270&Type=2>

<http://www.justice.org.uk/images/pdfs/ianbillsrc.pdf>

Separated Children in Europe Programme no 21, June 2005

http://www.separated-children-europe-programme.org/separated_children/publications/newsletter/index.html

Human Rights Commissioner's report on the United Kingdom

Following a visit to the UK in November 2004, the Commissioner for Human Rights of the Council of Europe presented his report on 8 June 2005. The Commissioner raised concerns regarding many of the UK's most recent asylum reforms, and emphasised

that the treatment of asylum seekers is a measure of the treatment of foreigners in general, and, in particular, how seriously obligations to defend victims of persecution are taken.

In his report, the Commissioner urged the UK to provide for an automatic judicial review when detaining a third country national under the Immigration Act for more than three months, and to ensure sufficient legal representation in such cases, and also to ensure that third country nationals detained under the Act are not held in ordinary prisons. The UK was also urged to extend the five day limit to appeal a decision to the High Court, and to improve the quality of first instance decisions by immigration officers through increased training and improved internal review. The authorities were also called on to provide appeals with suspensive effect in fast-track proceedings, and to ensure that National Health Service assistance is not withheld from destitute applicants. Furthermore, the Commissioner recommended that the burden of proof be placed on the prosecution to show that the accused has destroyed his/her identity documents on purpose.

The Commissioner urged the UK to ensure the public availability of statistics relating to detained minors, to use more alternative forms of supervision of families with children pending deportation, and to ensure that the detention of minors is always authorised by a judicial authority and subject to periodic judicial review.

[http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH\(2005\)6_E.doc](http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH(2005)6_E.doc)

EU Developments

ECRE

ECRE recommendations to the UK Presidency

On 7 July ECRE sent a memorandum to the UK Presidency of the European Union, “Putting refugee protection at the heart of the Hague Programme”. In the memorandum ECRE made seven specific recommendations to the UK on how to take forward the Hague Programme agenda on refugee and asylum policy in a way that will lead to the development of a coherent European asylum system that respects refugees’ human rights and dignity. The seven points are:

1. Ensure asylum seekers have access to a fair and efficient asylum procedure
2. Create mechanisms to ensure consistent, high quality asylum systems across the EU
3. Ensure returns are safe, dignified and sustainable
4. Include NGOs in evaluating and sharing best practice on refugee integration
5. Introduce a long-term residence status for refugees
6. Ensure respect for the 1951 Refugee Convention and human rights when cooperating with third countries
7. Create a EU refugee resettlement programme.

The memorandum will shortly be available at www.ecre.org

ECRE calls for safe, dignified and sustainable returns

On 30 June ECRE published a paper on the return of asylum seekers whose applications have been rejected in Europe. The paper contains proposals on return policies, based on the idea that the credibility of a removal system and an asylum system is fundamentally undermined if it fails to protect those in need of international protection. The paper focuses on European Asylum Systems and return policies, obstacles and alternatives to return, increased efforts to enforce return and follow-up on returns. The European Commission is expected to publish a

proposal for a Directive on Minimum Standards on Return in September.

Main conclusions and recommendations include:

- Fair and efficient asylum systems are a pre-requisite to return.
- States must not enforce returns prematurely.
- International cooperation with countries of origin in a spirit of solidarity at all stages of the return process is a pre-requisite to achieving sustainable return.
- European states should not enforce removals and should grant a legal status to certain categories of persons, especially those who cannot be returned for reasons beyond their control.
- In undertaking returns European states must ensure their actions do not breach any of their human rights obligations under international and European law.
- Detention should only be used as a last resort, and should be in full compliance with international human rights law.
- The denial of human rights and the withdrawal of support as a means of forcing asylum seekers whose applications have been rejected to cooperate with return procedures or compel them to leave of their own accord is unacceptable.
- Sending states should set procedures in place to check that returnees have reached their destination safely. There should also be follow-up and monitoring of returns to identify whether return policies are safe, effective and sustainable.

ECRE issues its proposals on returns as part of a series of proposals entitled ‘The Way Forward - Europe’s Role in the Global Refugee Protection System’, designed to provide constructive recommendations on a number of topical refugee policy issues and contribute to and positively influence the European debate. The



first Way Forward Paper was published in April 2005 and contained proposals for Europe's resettlement activities. Forthcoming proposals will address the issues of making refugee protection effective in regions of origin, creating fairer and more efficient asylum systems in Europe and improving solutions for refugees through integration.

The return of asylum seekers whose applications have been rejected in Europe, ECRE, June 2005, is available on ECRE's website: www.ecre.org.

ECRE urges EU to increase resettlement

At a conference on resettlement on 4-5 July, hosted by the UK Presidency in London, ECRE called on Europe to develop resettlement programmes to bring the most vulnerable refugees to safety in Europe. ECRE's General Secretary Peer Baneke said European countries are doing comparatively little to resettle refugees and that "a resettlement programme co-ordinated across the EU would send a powerful signal that Europe is committed to sharing the responsibility for refugee protection, particularly with the poorest countries that host the majority of the world's refugees." Chief Executive of the British Refugee Council, Maeve Sherlock, said, "resettlement programmes have a key part to play in the protection of refugees" and that "NGOs have a key role to play in ensuring the success of these programmes". Both speakers highlighted the importance of resettlement as an addition to, not a substitute for, the regular asylum process.

During the second day of the seminar, Tony McNulty, UK Minister for Immigration, Citizenship and Nationality stated that an EU scheme could help further burden sharing and the provision of protection as well as help improve public understanding of the plight of refugees. Angela Martini, the Head of Sector Asylum Policy in the European Commission said, however, that it was too early to establish a EU resettlement scheme framework and that the Commission will approach the issue gradually; addressing the challenges and showing the benefits of resettlement.

Access Peer Baneke's speech:

www.ecre.org

ECRE/British Refugee Council press release:

http://www.refugeecouncil.org.uk/news/2005/Jul05/relea0705_1.htm

ECRE Way Forward Paper on Resettlement:

<http://www.ecre.org/positions/Wfresex1.pdf>

Guidelines and report on the treatment of Chechens released

On 14 June ECRE published guidelines on the treatment of Chechen internally displaced persons (IDPs), asylum seekers and refugees in Europe, recommending that:

- Forced or mandatory return to the Russian Federation of any Chechen seeking international protection should not take place
- European governments should ensure access to fair asylum procedures so that Chechen asylum seekers can avail themselves of protection on their territory
- The internal protection alternative should not be invoked in the case of Chechens as it is currently not viable
- EU Member States should resettle Chechen refugees from Azerbaijan, Kazakhstan and Georgia as a mark of solidarity

The Chechen guidelines are a response to the high number of Chechen refugees in Europe and the fact that some states are denying these refugees international protection on the grounds that they would be safe elsewhere in the Russian Federation. The guidelines include information on the latest developments in the Chechen Republic and the Russian Federation as well as information on the situation for Chechen asylum seekers and refugees in other European Countries.

The release of the guidelines coincides with the publication of a Norwegian Refugee Council report, "Whose responsibility? Protection of Chechen internally displaced persons and refugees", which was produced with the support of the ECRE network. Conclusions include:

- Grave human rights abuses continue with impunity in Chechnya.
- Chechens who seek refuge in other parts of the Russian Federation are not granted the protection they are entitled to by international standards.
- The return of Chechens cannot be guaranteed to take place in safety and dignity

ECRE's Chechen guidelines, June 2005:

<http://www.ecre.org/positions/Chechen.doc>

Report of the Norwegian Refugee Council, "Whose responsibility? Protection of Chechen internally displaced persons and refugees", June 2005:

http://www.nrc.no/Whose_responsibility_Chechnya.pdf

Integration and reception newsletter

On 28 June, ECRE published a new edition of the Integration and Reception Newsletter that compiles and summarises developments in the area since December 2004. The newsletter comprises publications and events related to EU and Council of Europe developments, academic studies and ECRE activities.

ECRE Integration and Reception newsletter, June 2005:

<http://www.ecre.org/erfproject/newsletters/Reception%20&%20Integration%20Newsletter%20Final.doc>

European Council

UK priorities for its EU Presidency (1 July-31 December 2005)

The UK took over the EU Presidency on 1 July from Luxembourg. According to the government's official website the UK's immigration and asylum priorities are:

- Taking forward work to strengthen the EU's borders
- Improving co-operation on combating people trafficking
- Improving the security of EU travel documents

- Enhancing co-operation between Member States' asylum authorities
- Establishing the Visa Information System, a system for exchanging visa data
- Working together with countries of origin and transit countries to help improve their systems of migration management and refugee protection

Addressing the European Parliament on 23 June, British Prime Minister Tony Blair argued that a 'relevant JHA agenda,' would focus on crime, security and immigration: "implementing the EU action plan on counter-terrorism which has huge potential to improve law enforcement as well as addressing the radicalisation and recruitment of terrorists; cross-border intelligence and policing on organised crime; developing proposals to hit the people and drug traffickers hard, in opening up their bank accounts, harassing their activities, arresting their leading members and bringing them to justice; getting returns agreements for asylum seekers whose applications have been rejected and illegal immigrants from neighbouring countries and others; developing biometric technology to make Europe's borders secure."

Fighting terrorism and crime was also the focus of attention when UK Home Secretary Charles Clark spoke to the Parliament's LIBE Committee on 13 July. With the terrorist attacks in London in mind he said more efficient preventive measures must be developed and in this, the EU faces a difficult task in finding the balance between fundamental rights and freedoms on the one hand and security on the other.

On 7 July, ECRE sent a memorandum to the UK Presidency, containing seven recommendations (see ECRE section of EU Developments). Just before the UK took over the Presidency, Amnesty International issued a ten point program, urging the UK to "ensure scrupulous observance of the international protection obligations when developing the external dimension of asylum and immigration policies" as well as "counter practices of unlawful detention and removal of foreign nationals from the EU." On 20 June, World Refugee



Day, Amnesty had urged Europe to take current discussions on a Returns Directive as an opportunity

to thoroughly re-examine its current policy, legislation and procedures on detention conditions and removal practice, based on their recent report on UK detention policies. The Returns Directive is likely to be presented at the Justice and Home Affairs (JHA) Council on 12-13 October when the UK also expects to adopt the Asylum Procedures Directive, according to a provisional agenda of Council meetings during the Presidency.

The UK Presidency Website:

www.eu2005.gov.uk

UK Presidency Programme on asylum and immigration:
<http://www.statewatch.org/news/2005/jul/10703-05.pdf>

Full text of Blair's speech in the European Parliament:
<http://www.number10.gov.uk/output/Page7714.asp>

Delivering on human rights - Amnesty International's ten-point program for the UK Presidency of the European Union can be accessed at:

<http://www.amnesty-eu.org/>

Amnesty letter to UK on World Refugee Day:

http://www.amnesty-eu.org/static/documents/05_06_20_Open_Letter_UK_asylum_final.rtf

Access the provisional agenda:

<http://www.statewatch.org/news/2005/jun/uk-jha-agenda.pdf>

European Council endorses Hague Programme Action Plan

At the summit of 16-17 June, European Heads of State and Government endorsed an action plan that outlines the implementation of the Hague Programme 2005-2010. The action plan is based on a Commission proposal from 10 May and will aim to accomplish the objectives set out in the Hague Programme. The Action Plan sets dates for Commission proposals and other developments, but no deadlines for their adoption by the Council and the European Parliament. The most significant aspects of the Action Plan and thus forthcoming issues on the EU agenda are the following:

On asylum, migration and border policy, a common analysis of migratory phenomena in all their aspects will be carried out, such as reinforcing the collection, provision, exchange and efficient use of up-to-date information and data. This involves for example a proposal for a mutual information system on migration, expected in September 2005, and the possible development of a European Migration Monitoring Centre in 2006.

A main priority will be to adopt the last instrument left to be adopted in the first phase of the development of a Common European Asylum System, the asylum procedures directive. The directive is expected to be debated in the EP in September and adopted by the Council soon afterwards. An evaluation of the first phase will be carried out together with an ongoing process of monitoring the transposition and implementation of the first phase instruments. Focus will otherwise be on establishing the second phase of the development of a common European Asylum System by establishing a common asylum procedure and a uniform status for those granted asylum and subsidiary protection, due by 2010. During the autumn of 2005, the Commission is expected to publish a proposal on long-term residence status for beneficiaries of international protection. Also in the second half of 2005, the Commission will present a communication aimed at promoting practical cooperation between states' asylum services. During 2006, the Commission will undertake two feasibility studies, one on the joint processing of asylum applications within the EU and one on processing outside EU territory.

A Policy Plan on legal migration including admission procedures is expected in 2005. This will be based on the debate on the Green Paper on economic migration

On *integration*, the Commission will publish a Communication on establishing a coherent European framework for integration. The proposal is expected in early September 2005, and will be presented as complementing a proposal on return procedures. Several measures to increase the structural exchange

of information on integration will be introduced in 2005 and 2006, including an annual report on immigration and integration, the second edition of the handbook on integration and a website.

Besides the expected Commission proposal on return procedures, a number of instruments will be developed regarding the *fight against illegal immigration*. The Commission is for example to conclude readmission agreements and appoint a Commission special Representative for this purpose.

Regarding the *external dimension of asylum and migration*, a plan of action for EU Regional Protection Programmes, including resettlement will be presented during 2005, as well as the launch of pilot protection programmes. As ECRE understands it, this will be presented, together with a Commission Communication on migration and development, as an “external package” in September 2005.

The Commission is also planning to introduce three new financial instruments under the Framework Programme “Solidarity and Management of Migration Flows” to support the objectives of the Hague Programme Action Plan. It proposes the setting up of a Return Fund, a Borders Fund and an Integration Fund, and in addition to this, it proposes to extend the European Refugee Fund until 2013. The setting up of these funds and the allocation of money to them will however depend on the outcome of the overall negotiations on the Financial Perspective 2007-2013, which will be a high priority on the EU agenda.

At the end of the year, the European Commission is to present its first annual report on the implementation of these measures and a proposal for a supplement to the action plan emphasising the external dimension of the area of freedom, security and justice, to be adopted by the Council. In the second part of 2006, the European Council will take stock of the progress of implementing the Hague Programme and possibly

update the action plan. Also in November 2006, the Commission was expected to propose revisions, which

would take account of the impact of the entry into force of the European Constitution. It is unclear how this will be affected by the “no” votes in the referendums in France and in the Netherlands.

The Hague Programme Action Plan:

<http://www.statewatch.org/news/2005/jun/hague-council-com-prog.pdf>

Council conclusions:

http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/85349.pdf

Commission Communication on Action Plan

<http://www.statewatch.org/news/2005/may/eu-com-hague-prog.pdf>

Commission Links Dossier:

http://www.europa.eu.int/comm/justice_home/news/information_dossiers/the_hague_priorities/index_en.htm

Cooperation with Libya in the area of immigration strengthened

On 3 June the JHA Council adopted Operational Conclusions on cooperation with Libya in the field of migration, based on the recommendations of the European Commission’s report on the expert mission to Libya, which took place late in 2004. In these conclusions, the Council called on Member States and the Commission to implement swiftly a series of measures in various areas: cooperate within the EU particularly on control of sea borders; hold short and medium term discussions with Libya on concrete measures to be taken in the fight against illegal immigration; and implement dialogue and cooperation with other African countries, such as Niger. The conclusions make it clear that cooperation is conditional on Libya’s respect for asylum and human rights, as “the extent and development of such a cooperation will depend on Libya’s commitment on asylum and fundamental rights”. They do not go as far as requiring Libya to sign the 1951 Refugee Convention, but do ask the Libyan authorities to

“demonstrate a genuine commitment” to fulfil their obligations under the OAU (Organisation of African Unity) Convention, and specifically mention the requirement for “effective cooperation with *UNHCR* and to respect of the principle of non-refoulement”. It is unclear, however, what the EU will accept as a demonstration of a genuine commitment to human rights and refugee protection and to what extent the practical measures envisaged, such as cooperation on returns to Libya, will be compatible with EU member states’ own non-refoulement obligations.

Several organizations had put forward their concerns in advance of the JHA Council. ECRE issued an open letter dated 1 June to the EU Presidency, urging it to make cooperation with Libya conditional on respect for refugee rights. ECRE stressed that although “it is appropriate for the EU to support and encourage Libya to offer asylum and full protection to refugees, such protection does not exist and it is far too early for returns from the EU to be included in a framework for cooperation.” Amnesty International also put forward a set of essential preconditions for cooperation with Libya on illegal immigration in an open letter to the EU Presidency published on 24 May.

In its Conclusions the Council has invited the Commission to report on the outcome of its exploratory discussions with the Libyan authorities. Following a Commission mission on 22-23 June the EU and Libya adopted a joint declaration stating their firm commitment to cooperate in the fight against illegal immigration. The declaration includes a number of cooperation measures to be explored during the coming months, such as an emergency sea rescue plan, border guard training, cooperation on immigrant reception centres and encouragement for cooperation with neighbouring countries. Libya is reported to have accepted EU offers of help to establish asylum legislation. Funding for these measures will be drawn from the ARGO budget line, on which the Commission launched a call for proposals for Member States on 29 June. For 2005, this programme, which provides funding for measures related to external borders, visas,

asylum and immigration will focus on a limited number of objectives and actions to address the problems caused by ‘illegal immigration’ by sea in the Mediterranean. EU-Libya cooperation would also be eligible for funding under the AENEAS programme for North Africa.

Link Council Conclusions and press releases:

<http://www.eu2005.lu/en/calendrier/2005/06/02jai/index.html>

ECRE open letter to EU Presidency:

www.ecre.org

Amnesty open letter:

www.amnesty-eu.org

Commission report on the expert mission to Libya:

<http://www.statewatch.org/news/2005/may/eu-report-libya-ill-imm.pdf>

Access press release on ARGO Work Programme 2005:

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/812&format=HTML&aged=0&language=EN>

Access ARGO call for proposals:

http://europa.eu.int/comm/justice_home/funding/argo/funding_argo_en.htm

No agreement on framework decision on racism and xenophobia

The JHA Council on 2-3 June was not able to reach an agreement on the framework decision on racism and xenophobia, proposed by the Commission in 2001. Luxembourg Justice Minister Luc Frieden, who was president of the JHA Council at the time, said the discussions were very political and that even though all agreed that “racism and xenophobia go against the fundamental values in which we believe as political leaders (..), we have different ideas in Europe about freedom of expression”. In some countries this means that freedom of expression knows almost no bounds and in others freedom of expression does have limits, Frieden continued. The European Parliament had encouraged the adoption of the common framework decision on racism and xenophobia in several resolutions, but due to the difficulty in reconciling



national views, it now seems likely that the Commission will withdraw the proposal all together.

Access the Conclusions and press release

<http://www.eu2005.lu/en/calendrier/2005/06/02jai/index.html>

Duplication of efforts between EU and the Council of Europe to be investigated

A need to define the relationship between the EU and the Council of Europe was perceived at the third summit of the Council of Europe (CoE) in Warsaw on 17 May. “We entrust our colleague, Jean-Claude Juncker, the Prime-Minister of Luxembourg, to prepare, in his personal capacity, a report on the relationship between the CoE and the EU”, Heads of State and Government announced in a declaration that was adopted at the closing of the meeting. Juncker had pointed to the duplication of efforts between the expanding EU and the CoE and the summit sought to clarify the mandate of the CoE. “The CoE shall pursue its core objective of preserving and promoting human rights, democracy and the rule of law. All its activities must contribute to this fundamental objective. We commit ourselves to developing those principles, with a view to ensuring their effective implementation by all member states (...)”, states the declaration on which Jean-Claude Juncker’s report is to be based. The promotion of human rights was affirmed as a priority of the CoE and an action plan was adopted to put this into practice. The action plan sets out the principal tasks of the CoE for the coming years regarding, among other things, managing migration, ensuring the continued effectiveness of the European Convention on Human Rights, combating trafficking and promoting social cohesion.

For more information

http://www.coe.int/t/dcr/summit/default_EN.asp

<http://euobserver.com/?aid=19072&rk=1>

Texts of EU readmission agreements published

The signed text of the EU readmission agreement with Albania, which includes a requirement for Albania to readmit not only its own nationals, but

also irregular migrants in the EU who have transited Albania, has been published in the Official Journal (OJ 2005 L 124). The text of a similar agreement concluded with Sri Lanka is also on line.

Access OJ on readmission agreements:

<http://europa.eu.int/eur-lex/lex/>

<JOHtml.do?uri=OJ:L:2005:124:SOM:EN:HTML>

Treaty of Accession with Bulgaria and Romania published

The Treaty of Accession with Bulgaria and Romania as well as the Council Decision on the admission of both countries in the EU have been published in the Official Journal of the European Union (OJ 2005 L 157). The opinion of the Commission on the accession and resolutions of the Parliament can also be found in this edition of the Journal.

Access OJ on the accession of Bulgaria and Romania

<http://europa.eu.int/eur-lex/lex/>

<JOHtml.do?uri=OJ:L:2005:157:SOM:EN:HTML>

European Commission

Proposal on Fundamental Rights Agency presented

On 30 June the Commission adopted its proposal for a Council regulation regarding the establishment of a Fundamental Rights Agency. The Commission proposes three main tasks for the Agency: the analysis of collected data, the provision of advice to the institutions and awareness raising of human rights issues. The Agency is set to replace the European Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna. The main difference in the new proposed legislation is that the new regulation “will extend the scope from racism and xenophobia to cover all areas of fundamental rights referred to in the Charter, without prejudice to those areas which are already covered by operations of other Community agencies”. The new agency is designed to complement and not to duplicate the work of other international and national human rights bodies.

No obstacles to a quick adoption of the regulation are expected as both the Council and the Parliament have already agreed with the idea of setting up such an agency. The European Parliament, for instance, adopted a resolution on 26 May, based on a report by MEP Kinga Gal, stating that “the Fundamental Rights Agency must have a strong mandate and the power to follow the development of the implementation of the Charter of Fundamental Rights within the European Union and accession countries”. The resolution emphasizes that “the Agency should also be able to cover third countries when they are involved in human rights issues affecting the Union”. The resolution underlines the independence of the Agency but affirms that the European Parliament should nominate staff and receive reports from the Agency.

Prior to the publication of the proposal, several human rights organizations had questioned the added value of the Fundamental Rights Agency. Amnesty International feared that political interests may push the agency into a marginal role with little impact on the rights of EU citizens due to political interests. Amnesty argued that “the prime purpose of the agency should be to fill the gap between principle and practice in the way the EU address human rights within its own borders.”

Commission Proposal for a Council Regulation establishing a European Union Agency for Fundamental Rights COM (2005) 280 1-2

http://europa.eu.int/comm/justice_home/doc_centre/rights/doc/com_2005_280_en.pdf

Access EP Resolution on promotion and Protection of Fundamental Rights

(Kinga Gal report):

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P6-TA-2005-0208+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

Amnesty International press release, January 2005

<http://www.amnesty-eu.org/static/html/pressrelease.asp?cfid=7&id=216&cat=51&l=1>

Amnesty International contribution to the Commission Consultation on the Establishment of an EU Fundamental Rights Agency, December 2004

http://www.amnesty-eu.org/static/documents/AI_Contribution_Consultation_EU_Fundamental_Rights_Agency_Nov2004.pdf

Statewatch, ‘Does the EU need a fundamental rights agency?’, March 2005

<http://www.statewatch.org/news/2005/mar/13eu-rights-agency.htm>

Frontex border agency becomes operational

On 30 June, Justice, Freedom and Security Commissioner Franco Frattini inaugurated the new European Border Agency Frontex in Warsaw along with Luc Frieden, Luxembourg Justice Minister. The Frontex agency, together with the SIS (Schengen Information System) and the VIS (Visa Information System) means the EU now has in place three effective instruments to manage immigration, Frattini said. “The spectre of international terrorism, the human tragedies of victims of trafficking and the equally sad and grave consequences of illegal immigration into the EU, are constant reminders that we need to do even more to combat the many and diverse threats facing this area”, he continued. On 25 May, the director of international affairs of Finland’s border police, Colonel Ilkka Laitinen, was appointed chief of the Frontex agency. From the agency’s location in Warsaw it will coordinate and enhance cooperation over external borders and between national border guards although Member States will remain responsible for their own boundaries. According to Agence Europe, Franco Frattini supports the development of a common European border guard and has expressed hope that the Frontex agency will be a first step towards this.

Access the press release

<http://www.aedh.net/eng/index.php?cat=com&lang=2>

Franco Frattini inauguration speech:

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=SPEECH/05/401&format=HTML&aged=0&language=EN&guiLanguage=en>

European Parliament

LIBE Committee adopts critical report on Procedures Directive

On 21 June the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament



(EP) adopted Wolfgang Kreissl-Dörfler's (PES) report on the asylum procedures directive by 27 votes to 20. The rapporteur had suggested 111 amendments to the text of the directive, stating that "it cannot continue in its present form because it conflicts with the Refugee Convention and UN convention on rights of the child". The rapporteur not only criticized the content of the draft directive, but also took an institutional approach, stating that "the Council failed to respect the principle of loyal cooperation between the institutions", as the Council did not ask for the EP's opinion of the Directive before reaching a political agreement on 19 November 2004.

The amendments to the Directive proposed in Kreissl-Dörfler's highly critical report were for the most part kept intact during the vote, including a proposal to delete article 35a of the Directive, the so-called 'super safe country' principle. The possibility of creating national lists of 'safe countries of origin' (Article 30a) was also rejected by the LIBE Committee. The Committee further agreed that, contrary to the current text of the directive, asylum seekers should have the right to an effective remedy with suspensive effect and that detention of asylum seekers should not exceed a time limit of 6 months. The Committee put safeguards in place limiting, but not rejecting the use of accelerated procedures.

The EP is expected to vote on the report at its plenary session of 5-8 September. As the Parliament is only being re-consulted, and the directive is not subject to co-decision, it is questionable whether the Council will act on Parliament's opinion. In fact, the procedures directive is already likely to become an A-point at the JHA Council of 12-13 October, according to the provisional agenda of the Council meetings during the UK Presidency. After this directive is adopted the co-decision procedure will be used for EU legislation dealing with refugees and asylum seekers.

The report and proposed amendments are available at

http://www.europarl.eu.int/meetdocs/2004_2009/organes/libe/LIBE_20050620_1500.htm

Parliament agrees on border controls code

The EP reached agreement on 23 June on the text of a regulation establishing a Community Code on the rules governing the movement of persons across borders. The regulation is the first legal instrument in the field of asylum and migration to be adopted using the co-decision procedure and is mainly focused on the stricter control of external borders with the aim of eliminating internal border checks. The regulation applies to all persons crossing borders, "without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement" (Article 3). According to a Parliament press release, MEPs have pushed successfully in negotiations with the Council for a better balance between stricter controls and the rights of individuals, for instance the introduction of an article on the "conduct of checks" recalls the obligation to respect human dignity and not to discriminate (Article 5a). This should alter the current tendency to control "foreign-looking persons" much more than others, according to Michael Cashman (PSE, UK), the Parliament's rapporteur on the regulation. Moreover, Member States will now have to give precise and justified reasons for refusing entry to a third country national and all persons refused entry will have a right to appeal. Each country will have to collect statistics on the number of persons refused entry and the grounds for refusal and will be obligated to transmit this information to the Commission once a year. It is now up to the Council to agree the regulation, after which it will become law.

Access the regulation as agreed by the EP (Cashman's report):

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//NONSGML+REPORT+A6-2005-0188+0+DOC+WORD+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y>

The links between illegal and legal immigration and integration

On 9 June 2005, the European Parliament adopted a Resolution at its plenary session in Strasbourg based on a report by MEP Patrick Gaubert on the links between illegal and legal migration and integration. The

EP “regrets that action taken thus far by the Council and the Member States to control migration flows has taken the form of repressive measures, rather than positive, proactive measures” and calls on the EU to launch public information and awareness campaigns to make clear the benefits of immigration to both host country and country of origin. The resolution favours a coherent EU policy that includes opening channels for legal immigration as well as cooperation with countries of origin and transit in managing migration and fostering development, through for example securing remittances and tackling brain drain.

The EP stresses, however that, “development cooperation, while an essential instrument for tackling the root causes of migratory movements, must continue to complement, and not substitute, the EU’s integration and legal-immigration policies” and that “any measures to combat illegal immigration and step up external border controls, even where in cooperation with third countries, must be compatible with fundamental rights (..), notably the right to asylum and the right of non-refoulement.” The EP also firmly rejects the idea of setting up reception centres outside the EU and calls for a European integration policy, pointing out that to simply coordinate the national policies would not be enough. Additionally, the resolution calls for the Commission and the Member States to maintain a dialogue with NGOs and to request their opinion on immigration related matters.

In a speech on 20 June on economic migration, Justice, Freedom and Security Commissioner Franco Frattini said that without integration measures for third-country nationals it would not be possible to discuss legal migration. “Legal migration and integration are inseparable and should mutually reinforce each other”, he said pointing to the forthcoming Commission Communication on establishing a framework for integration that is expected by the end of July. The Communication will propose concrete measures to “put the Common Basic Principles on Integration (adopted by the Council in November 2004) into practice through clear actions at national and EU level (e.g. national contact points, creation of a website etc)”,

Frattini said. Admitting migrants for work reasons will be left to the Member States but Frattini pointed out that “before the end of the year, the Commission will present a policy plan on legal migration, including admission procedures”. In an interview with Eupolitix on 31 May, Frattini said that this would be the first time Europe has a proposal addressing legal immigration and a proposal addressing illegal immigration (common return procedures) on the table at the same time.

Resolution on the links between legal and illegal migration and integration of migrants (Gaubert report) <http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P6-TA-2005-0235+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

Access Franco Frattini speech:

<http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=SPEECH/05/364&format=HTML&aged=0&language=EN&guiLanguage=en>

Also read:

http://www.europa.eu.int/comm/commission_barroso/frattini/doc/ap_17_06_05_en.pdf

Parliament recommendations on the progress in the area of freedom security and justice

In a resolution, adopted 8 June, on “The progress made in 2004 in creating an area of freedom, security and justice”, the EP voices a number of concerns it believes affects the political credibility and legitimacy of the Union. The resolution states that the EP is “extremely concerned by the European Union’s return policy, in particular joint flights for the removal of immigrants”. It reminds the Commission “in the light of recent cases of collective expulsions from certain Member States” of its duty to ensure that the right to asylum is respected within the EU. As in the Gaubert resolution (see above), the EP “rejects the outsourcing of asylum and immigration policies and the establishment of immigration camps or portals outside the European Union”. Furthermore, the EP stresses the need to open legal immigration channels, and urges the Commission to “ensure that those in need of protection may gain safe access to the Union and have their claims properly processed”. The EP also reiterates

its view that all legislative proposals should be accompanied by an assessment regarding their impact on fundamental rights, a procedure they note would be of particular importance to proposals in the JHA area.

Resolution on progress made in 2004 in creating an area of freedom, security and justice:

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P6-TA-2005-0227+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

Minority issues should be given higher priority according to parliament

The European Parliament (EP) has urged for more protection for national minorities and special protection for the Roma community in a Resolution adopted on 8 June, based on a report by MEP Claude Moraes (PES). Other vulnerable groups mentioned are migrants, homosexuals, disabled people, linguistic minorities or women, but the EP underlines that a clear distinction should be drawn between (national) minorities, immigrants and asylum seekers.

The EP suggests “some common and minimum objectives for public authorities in the EU to be put in place” in order to improve the situation of national minorities. According to the EP, “minority issues in the Union have not been high enough on the agenda of the Union and now need to be given greater attention, in order to strengthen the effectiveness of the measures taken by the public authorities in this domain.” Specifically referring to refugees and asylum seekers, the EP urges Member States “to do their utmost to ensure the effective integration into education systems of the children of refugees, asylum-seekers and immigrants.”

The report was adopted in response to a Commission Green Paper on equality and non-discrimination in an enlarged EU, published in 2004. When the European Constitution enters into force, the term “minorities” and the obligation to fight discrimination of such groups will for the first time appear in the EU primary law.



However, as the Constitution is currently on hold, the EP has made suggestions on further legislative measures based on the current legal framework.

Resolution on Protection of minorities and anti-discrimination policies in an enlarged Europe (Moraes report):

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P6-TA-2005-0228+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

Parliaments press release:

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+PRESS+DN-20050608-1+0+DOC+XML+V0//EN&LEVEL=2&NAV=S#SECTION5>

Commission’s Green Paper on equality and non-discrimination in an enlarged EU:

http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2004/com2004_0379en01.pdf

EP recommends no return to Zimbabwe

In a resolution adopted on 7 July, the EP recommends that no Zimbabwean asylum seekers be returned under the present circumstances to the country. The EP “calls for the appointment of an EU Special Envoy for Zimbabwe to galvanise action among African states (in cooperation with the United States and Commonwealth countries) and for the suspension of the return of Zimbabwean asylum-seekers from Member States until the situation in Zimbabwe improves”. The resolution also urges Robert Mugabe to stand down and for the establishment of a transitional government in Zimbabwe in order to restore acceptable standards of governance and remedy the broken economy and the human rights situation.

Access the resolution:

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P6-TA-2005-0303+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

Hearing on expulsion of ethnic minorities to Kosovo

Green group MEPs Els de Groen and Gisela Kallenbach held a hearing on 27 June on the expulsion of ethnic minorities to Kosovo. The meeting was

prompted by an agreement between the German government and the United Nations Mission to Kosovo (UNMIK) at the end of April on the return of Egyptians and Ashkali. This agreement has been opposed by several NGOs as the human rights situation in Kosovo for minorities is not secure enough to ensure safe and sustainable returns. The representative of the European Roma Rights Centre (ERRC), Ms. Danova stated that the social and economic situation of the Roma in Kosovo was inhumane and discrimination pervasive. UNMIK Repatriation officer Mr. Lüthke stated that his organisation's participation in the agreement was based on UNHCR's position paper on Kosovo (see May DS, Policy Developments section). UNMIK's general policy was not to return Roma, but it had agreed to the return of Ashkali and Egyptians on a case-by-case basis, as well as 20 Roma who had committed serious crimes. According to a press release of the German NGO Pro-Asyl, UNMIK had been pressurized to cooperate and financial inducements offered. According to Lüthke, press coverage on the issue had been inaccurate and tended to overstate the numbers involved. He was unaware of other countries seeking a similar agreement to Germany's. However, he believed that when UNMIK left Kosovo, Western governments would start to return large numbers to Kosovo. Throughout the hearing, Roma representatives present emphasized the need to include Roma in discussions about returns.

In the Aftermath of Ethnic Cleansing: Continued Persecution of Roma, Ashkalis, Egyptians and Others Perceived as "Gypsies" in Kosovo- Memorandum of the European Roma Rights Centre (June 2005):

<http://www.errc.org/db/01/5F/m0000015F.doc>

UNHCR Position on the Continued International Protection Needs of Individuals from Kosovo (March 2005)

<http://www.unhcr.ch/cgi-bin/tehis/vtx/news/pendoc.htm?tbl=NEWS&id=4256678023&page=news>

Press release of Union of Balkan Egyptians in West Europe:

http://www.balkanaegypter.de/dokuments/Aufruf_englisch.pdf

Press release of Pro Asyl:

<http://www.proasyl.de/presse05/mai03.htm>



Constitutional Treaty

Constitution ratification process paused

At the European Council 16-17 June, Heads of State and Government decided to put the Constitution in the 'freezer' and pause the ratification process. This decision followed the 'no' votes in France and the Netherlands. The Council will return to the matter again in the first half of 2006 "to make an overall assessment of the national debates and to agree on how to proceed". In the meantime, Member States can choose to continue the ratification process and are free to alter their timetables. Countries such as the UK, Ireland and Poland have postponed or suspended their referenda, while other countries have chosen to continue the ratification process. So far 11 countries have ratified the constitution.

Access overview of the ratification process:

<http://news.bbc.co.uk/1/hi/world/europe/3954327.stm>

Miscellaneous

Eurodac annual report: 13% double applications

The second annual report of Eurodac, the fingerprint database of the EU, published on 21 of June shows that 13% of the total number of asylum applications in the EU (except Denmark, but including Norway and Iceland) were 'double applications', i.e. the asylum seeker had already applied in another Member State. The proportion of Eurodac 'hits' almost doubled compared to 2003, when the number of double applications stood at 7%. According to Agence Europe, this may be partly due to 10 new member states joining the Union on 1 May 2004. The Commission says that another factor behind the rise is that the Eurodac database had no records at all when it became operational in January 2003, more 'hits' are to be expected as more fingerprints are entered into the database. In 2004, Eurodac processed 232,205 fingerprints of asylum seekers, 16,183 fingerprints of people crossing the borders irregularly and 39,550 fingerprints of people apprehended while illegally on the territory of a Member State. Figures show that in 2004, the number of asylum applications has gone down while the number of irregular entrants registered has increased.

Access the report plus annexes:

http://www.europa.eu.int/comm/justice_home/doc_centre/asylum/fingerprints/doc_asylum_fingerprints_en.htm#sec_2005_839

Access press release:

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/05/214&format=HTML&aged=0&language=EN&guiLanguage=en>

Deportations from Lampedusa under strong criticism by Court and NGOs

On 10 May, the European Court of Human Rights asked Italy to suspend the expulsion of 11 immigrants to Libya, none of whom were Libyan nationals. The move came during the course of a case brought by a team of Italian lawyers on behalf of 79 foreigners, which was intended to contest the legality of collective expulsions from the Italian island of Lampedusa to Libya. The International Federation of Human Rights (FIDH), “Unione forense per la tutela dei diritti dell’uomo” (UFTDU) and the European Association for Human rights (AEDH) called for a halt to deportations of any migrants to Libya as well as a halt in negotiations of the EU-Libya agreement, which was, however, subsequently agreed upon at the Council meeting of 3 June. On 15 June, FIDH published a report on the actions taken by the Italian government concluding that the initiatives on asylum and immigration control are not in line with human rights. The report is entitled “Right to asylum in Italy: access to procedures and treatment of asylum seekers” and is based on a field mission to the country at the end of 2004. The report urges the Italian government to substantially increase the budget for the reception of asylum seekers and improve access to asylum procedures.

On 28 June, Amnesty International urged the EU institutions in an open letter to take a stance against the continuing deportations from the island of Lampedusa. The letter expressed concern over the return of at least 45 people to Libya by the Italian authorities on 22 June, where they were thought to be at risk of serious human rights violations. Amnesty urged the Council to break its silence over Italy’s deportation practices and asked the Italian authorities to uphold their obligations under international human rights and refugee law. Amnesty also urged the Commission to distance itself from the deportations and the European Parliament to reiterate its criticism, which was expressed in a Resolution in April.

A delegation of MEPs from the Committee on civil liberties, justice and home affairs (LIBE) is expected to visit Lampedusa on 15-18 September, as one of a series of visits to immigration detention and reception centres across Europe. The Italian Minister of Interior, Giuseppe Pisanu said the MEP delegation would also visit Malta, Spain, Poland, Greece and the UK. These missions may result in a report, investigating existing solidarity measures, including recommendations and questions to the Council and Commission.

Access the joint press release of FIDH, UFTDU and AEDH at:

http://www.fidh.org/article.php3?id_article=2419

Access the FIDH report:

http://www.fidh.org/article.php3?id_article=2473

Amnesty International open letter:

http://www.amnesty-eu.org/static/documents/2005/b472_june2005_libya.pdf

More information on situation in Lampedusa:

<http://news.amnesty.org/index/ENGEUR300082005>

Counter terrorism measures at expense of human rights says Amnesty

The EU has failed so far to properly address the serious issue of protection of fundamental rights in its collective policies and legislation on counter-terrorism, Amnesty International concludes in a report released on 31 May. While claiming to defend human rights, “in practice, the EU and its Member States are too often prepared to remain silent on breaches of rights protection within or outside the EU”, the report states. The importance of the human rights perspective when developing anti terrorism policies was a main theme of the Amnesty Report 2005. In this report Amnesty argues that the protection of human rights continues to be a casualty in the “war on terror” resulting in entrenched racism, discrimination, intolerance and attacks on members of Arab, Jewish and Muslim communities. With regard to asylum and migration, the 2005 report singles out Greece and Italy for committing ‘flagrant abuses’ of international human rights standards when emphasising control and deterrence over protection. However, the report also points to the responsibilities of the EU in recent developments in Italy and Greece and states “such flagrant abuses were compounded by the failure of the EU to balance its overarching emphasis on curbing the influx of asylum-seekers and migrants with a clear refugee protection perspective”.

Access Amnesty International report “Human rights dissolving at the borders - Counter terrorism and criminal law in the EU:

<http://web.amnesty.org/library/Index/ENGIOR610132005>

Access summary of the report:



Publications, Websites & Events

Publications

Oxfam UK: Foreign Territory: The internationalisation of EU asylum Policy, May 2005.

Oxfam UK published this report based on an analysis of elements of EU policy that make up the internationalised asylum agenda and field research into refugee realities in three countries (Sri Lanka, Democratic Republic of Congo, and Tanzania). The report draws lessons from the conditions in which refugees live in these regions and brings in the voices of refugees, returnees, and internally displaced persons, who are so often excluded from the debate. Visit the Oxfam link below to download the entire report: www.oxfam.org

Refugee women – from volunteers to employees by Working Lives Research Institute.

The Working Lives Research Institute and the Refugee Assessment and Guidance Unit, London Metropolitan University jointly carried out a research project on paid and unpaid work in the voluntary sector and volunteering as a pathway into employment between July 2003 and December 2004. This report includes amongst others the project findings, some examples of good practise and recommendations for refugee women. For further details on this project go to: <http://www.workinglives.org/volunteers.html>

Guide for asylum seekers 2005, France 2005.

The UNHCR, The French Ministry of Interior and Forum réfugiés jointly produced this document, which gives all the necessary information for people who want to apply for asylum in France. It includes recent changes in French legislation and exists in French, English and Russian. Please find below the link to the English version of the guide. http://www.interieur.gouv.fr/rubriques/a/a2_zoomsur/2005_04_05_guide-asile/hcr_anglais.pdf



European Commission's report on the Technical Mission to Libya on Illegal Immigration, 27th Nov – 5th Dec 2004.

Statewatch has recently published a copy of the European Commission's report on the expert mission to Libya which took place late 2004 on its website. The mission was the first effort of the EU to engage with Libyan authorities on illegal immigration. The report outlines the issue of illegal immigration in this context and the plans to develop closer EU-Libya relations. To access the full report with details on the initial EU-Libyan cooperation, go to:

<http://www.statewatch.org/news/2005/may/eu-report-libya-ill-imm.pdf>

Civic Citizenship and immigrant inclusion. A guide for the implementation of civic citizenship policies, March 2005.

This manual aims to contribute to the ongoing debates on civic citizenship and immigrant inclusion. It is made up of three parts which cover a framework for civic citizenship standards, a comparison of the situation in 15 old EU member states and a presentation of the European Parliaments' voting records on six legislative proposals pertaining to civic citizenship. A copy of this manual can be downloaded from the Migration Policy Groups' website under:

<http://www.migpolgroup.com/uploadstore/Ci%20Cit%20p%20m%20mgar%20isr%20ad%2005.pdf>

You need two hands to clap – Good Practices in Integration from the Network of the Dutch Council for Refugees, May 2005.

A collection and description of good practices of integration by the Dutch Council for Refugees based on various projects carried out in this field in cooperation with its Flemish and Danish sister organizations. This book is the fruit of effective cooperation at local, regional, national and European level. For more information on this inspirational volume for workers in the field of integration in the Netherlands and other European countries please email The Dutch Refugee Council at info@vluchtelingenwerk.nl

Learning to live together: developing communities with dispersed refugee people seeking asylum by Bogusia Temple and Rhetta Moran, 2005.

Based on a research by Bogusia Temple and Rhetta Moran at the University of Salford and colleagues from a range of communities carried out from July 2003 – June 2004, this report is a study of the nature of community cohesion in areas where refugee people seeking asylum are based, and whether communal activities can help support it. This research explores the issues involved and reviews the success of some practical attempts to improve cohesion. The full text of the report is available online at: <http://www.jrf.org.uk/bookshop/details.asp?pubID=665>.

Trapped In Displacement: Internally Displaced People In The OSCE Area. OSCE Supplementary Human Dimension Meeting On “Internally Displaced Persons” Vienna, 4-5 November 2004

This report presented by the Norwegian Refugee Council on internal displacement in the OSCE area clearly shows that little progress has been made over the past year in providing durable solutions to the region’s internally displaced people. It contains a brief country-by-country overview of current protection problems affecting IDP’s. For more in-depth information, please visit the reports’ online database at: http://www.idpproject.org/publications/osce_report.pdf

Whose Responsibility? Protection of Chechen internally displaced persons, asylum seekers and refugees, May 2005.

This report by the Norwegian Refugee Council which is divided in two parts aims to identify and analyse the obstacles to the protection of ethnic Chechen internally displaced persons (IDPs), refugees and asylum seekers. The first part addresses the situation of IDPs and the second part addresses concerns for asylum seekers and refugees in the EU and in countries neighbouring Russia. To

order a copy of this report please contact the Norwegian Refugee Council at: nrc@nrc.no

Shaping our Future: A Practical Guide to the Selection, Reception and Integration of Resettled Refugees. The MORE Project

The guide is based on the MORE project, a Finnish-Irish development project on resettled refugees. The main objective of the guide is to provide practical information about the resettlement of refugees and the establishment of resettlement programmes. It is aimed at officials running resettlement programmes, and at international organizations, NGOs, service providers, training providers and local community groups.

The RAM Report. Campaigning for Fair and Accurate Coverage of Refugees and Asylum Seekers

The report on the MediaWise Refugees, Asylum seekers and the Media project 1999 to 2005 is an account of work in progress and a guide to action for people who believe that a particular social group is receiving unfair or inaccurate media coverage. The report explains how the project began; it describes the specific elements of the project, its aims, cost, achievements and lessons learned; and it ends with keynote speeches and articles and a selection of useful websites.

Gregor Noll: “Evidentiary Assessment and the EU Qualification Directive”

Evidentiary assessment in asylum procedures is an area largely unregulated by international law. While the EU Qualification Directive does not purport to fill this lacuna, its Article 4 offers a norm touching on a number of central aspects of evidentiary assessment. This article provides a detailed analysis of this complex provision and its practical implications

UNHCR New Issues in Refugee Research Working Paper Nr. 117, June 2005, available at:

<http://www.unhcr.ch/cgi-bin/texis/vtx/research/opedoc.pdf?tbl=RESEARCH&id=42bbcb092>



GCIM (Global Commission on International Migration) Research Papers:

The research paper series 'Global Migration Perspectives' is published by the GCIM Secretariat, and is intended to contribute to the current discourse on issues related to international migration. The opinions expressed in these papers are strictly those of the authors and do not represent the views of the Commission or its Secretariat. Below are downloadable versions of the most recent research papers:

No. 26. The concept of 'effective protection' in the context of irregular secondary movements and protection in regions of origin by Catherine Phuong, April 2005.

Download Paper [pdf] [Global Migration Perspectives No. 26](#)

No. 28. Morocco's migration transition: trends, determinants and future scenarios, by Hein de Haas, April 2005. Download paper [pdf] [Global Migration Perspectives No. 28](#)

No. 31. The costs of human smuggling and trafficking, by Melanie Petros, April 2005. Download paper [pdf] [Global Migration Perspectives No. 31](#)

'The Rights of refugees under International Law' James C Hathaway, Cambridge University Press

See flyer

<http://www.cambridge.org/law>

Interviews

Eurasylum's Monthly Policy Interviews, May 2005

Each month Eurasylum conducts a short interview with a leading player in international migration and asylum affairs, within relevant policy, academic or practitioners' areas of expertise. The May 2005 interview was carried out with Trygve G. Nordby, Director-General of the Norwegian Directorate of



Immigration on Norway's contribution to EU cooperation systems and common policies on immigration and asylum. The full interview can be viewed at: <http://www.eurasylum.org/Portal/DesktopDefault.aspx?tabindex=2&tabid=19>

Newsletters

Afghanistan Research Newsletter, No. 5, April 2005 by The Afghanistan Research and Evaluation Unit (AREU)

The purpose of this newsletter is to alert readers to new research being undertaken on Afghanistan and to help disseminate the results of the research. It is AREU's goal to produce this newsletter regularly. Copies of most recently published research is available on the Internet; in other instances copies are available by contacting newsletter@areu.org.af. <http://www.areu.org.af/newsletter/Research%20Newsletter%20April%202005%20English.pdf>

Events

ELENA International Introductory Course on Refugee and Asylum Law, 9 to 12 September

There are still places left on this course, presented by Professor James Hathaway on 9-12 September 2005 at Hotel Olympia, Valencia, Spain. For further details or a registration form, please contact Julie Churchill

Tel: 0044 (0)20 7377 7556 or email:

JChurchill@ecre.org.

Please register as soon as possible.

Refugee Council, Refugee Children: Safeguarding the future of those hardest to protect

London - Thursday, 20 October 2005

York - Wednesday, 9 November 2005

The issues concerning refugee children and those that work with them are diverse and challenging. For all agencies working in this field it is a priority to ensure the safety of refugee children and to maximise their opportunities. Towards this end, these

conferences aim at highlighting a range of issues particular to refugee children, providing delegates

with knowledge on which to build practical skills, to apply in day-to-day work.

www.refugeecouncil.org.uk/conferences

Refugee Council training course: An introduction to working with unaccompanied children, 6 September

London: The aim of the course is to give participants an overview of the relevant issues involved in working with unaccompanied children and will relate these to the participants' day-to-day experiences.

www.refugeecouncil.org.uk/training

The Rights of Refugees Under International Law
This weekend seminar focuses on the specific human rights to which all refugees are entitled under the 1951 Refugee Convention and its 1967 Protocol. It also examines three contemporary issues: the right of refugees to enjoy freedom of internal movement, to work and to receive public assistance.

Instructor: James C Hathaway

Venue: Queen Elizabeth House, 21 St Giles, Oxford

<http://www.rsc.ox.ac.uk>

Websites

The Austrian “Asylum Lawyers Network”

This is a joint project between the UNHCR, Caritas Austria, Red Cross and other

Austrian NGOs for legal representation of refugees by specialised lawyers. The new website provides interesting information about Austrian jurisprudence, legislation and literature regarding asylum topics. For more information on these and recent developments visit: <http://www.asylanwalt.at>

Thanks to the following people for contributing to this month's documentation service.

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Verena Zoeller (Legal)

Prudence Banseka & Stephen Habberley (Publications, Websites & Events)

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