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ON REFUGEES AND EXILES

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**REFUGEE-NGOs IN MORE THAN 30 EUROPEAN COUNTRIES
REJECT DRAFT DIRECTIVE ON ASYLUM PROCEDURES**

The European Council on Refugees and Exiles (ECRE) is calling on EU Ministers of Justice and Home Affairs (JHA) urgently to address the very serious flaws in the current draft of the Directive on Asylum Procedures presented to them for negotiations this week. ECRE (representing 78 refugee-assisting organisations in more than 30 European countries) calls on the JHA Council to make appropriate changes to ensure that this proposal fully complies with international law and UN standards on refugee protection. Should its concerns be ignored, ECRE will have to call on the Commission to withdraw its proposal.

ECRE has so far been supportive of European attempts to harmonise their national legislations, leading to the establishment of a Common European Asylum System consistent with international law and best national practice. However, we reject the current proposal on asylum procedures as a legal basis for minimum standards in Europe, as it conflicts with key principles of international refugee and human rights law and it does not take into account the recommendations made by the European Parliament in its report of August of 2001.

EU Member States have an international obligation to protect individuals who flee persecution and grave harm. The purpose of asylum procedures is to identify who is in need of such protection. Based on the current proposal, however, asylum seekers may be denied an adequate opportunity to present their claim for protection as they may be

- denied entry to the territory;
- denied access to the asylum procedure; and
- denied the possibility for a personal interview with the competent authority.

These concerns are all the more alarming since asylum applicants will not always have the right to remain in the territory of Member States until a final decision on their case has been taken. There is therefore a great risk that Member States return asylum applicants to countries where their lives are at risk or where they may suffer serious human rights violations.

“In negotiating this Directive, European Union governments seem to find it acceptable to deny even the most minimum procedural guarantees and thereby risk sacrificing the lives of asylum seekers who will be sent back to imprisonment, torture or death in the countries from which they have fled”, said ECRE's General Secretary, Peer Baneke.

ECRE hopes that the JHA Council will listen to this urgent call from the NGO community across Europe and lead the negotiations process into a framework based on a principled approach and on Member States' obligations under international law.

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