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36. Points out that anti-personnel mines are a persistent problem in Central America and a serious obstacle to development; for this reason it is important to allocate special funds to the mine-clearance programmes;

37. Welcomes the decision of the Commission to inform the European Parliament and the Member States once a year of the state of implementation of the programme, and will monitor closely any further developments in the region;

38. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the governments of Honduras, Nicaragua, Guatemala, El Salvador and Costa Rica.

12. Asylum procedures

A5-0123/2000

European Parliament resolution on the Commission working document: 'Towards common standards on asylum procedures' (SEC(1999) 271 – C5-0157/1999 – 1999/2148(COS))

The European Parliament,

- having regard to the Commission working document (SEC(1999) 271 – C5-0157/1999),
- having regard to the Treaty establishing the European Community and in particular Title IV, Article 61 *et seq.*,
- having regard to the Treaty on European Union and in particular Articles 2 and 6 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted on 4 November 1950,
- having regard to the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984,
- having regard to the Council resolution of 20 June 1995 on minimum guarantees for asylum procedures⁽¹⁾,
- having regard to the Dublin Convention of 15 June 1990 determining the state responsible for examining applications for asylum lodged in one of the Member States of the European Communities,
- having regard to the action plan on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice⁽²⁾, adopted by the Vienna European Council of 11/12 December 1998,
- having regard to the conclusions of the Tampere European Council of 15 and 16 October 1999, in particular points 2, 3, 4, 8, and 11 to 27 thereof,
- having regard to its earlier resolutions on immigration and asylum,
- having regard to the discussions now taking place with a view to drawing up a Union Charter of fundamental rights,
- having regard to Rule 47(1) of its Rules of Procedure,
- having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0123/2000),

⁽¹⁾ OJ C 274, 19.9.1996, p. 13.

⁽²⁾ OJ C 19, 23.1.1999, p. 1.

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- A. whereas the preparatory discussions on Community legislative measures in the field of asylum policy should be conducted on as factual a basis as possible and remain free of ideological considerations; whereas, in that process, the requirements of the national authorities responsible for practical implementation and the needs of those seeking recognition of their refugee status must be taken into account,
 - B. whereas, before considering future legislative instruments, the Community must first fully address the real situation as regards the right of asylum in EU Member States; whereas that situation can be described as one in which asylum-seekers are treated differently and unequally in a number of respects, especially where reception conditions and the criteria governing recognition of refugee status are concerned,
 - C. whereas it can be observed that a great many people are wrongfully attempting to lay claim to the right of asylum; whereas in such cases the aim is to secure entry to countries with a view to immigration,
 - D. whereas the legal right to minimum protection enshrined in the Geneva Convention relating to the Status of Refugees is also binding on the EU, in accordance with Article 63(1) of the EC Treaty,
 - E. whereas, when drawing up rules to govern the common European asylum system, reference should be made not only to the Geneva Convention, but also to other international agreements and to the EC Treaty as amended by the Treaty of Amsterdam,
 - F. whereas in addition, as far as external relations are concerned, a policy of peace-keeping, conflict prevention and elimination of human rights violations should be promoted; whereas the UNHCR and NGOs must be called upon to play a role in determining why people flee their country and in drawing up reports on the situation in countries of origin,
 - G. whereas it is essential to produce comparable, reliable statistics on asylum in the Member States and applicant countries in view of the valuable work carried out in this area by the UNHCR,
 - H. whereas the new harmonised asylum procedure should not be based solely on the premiss that administrative and judicial activities have to be expedited but should also be informed by a further key concern, namely the need to preserve the dignity of asylum-seekers,
 - I. whereas asylum applications are not spread evenly among EU Member States and whereas a handful of countries consequently have to bear most of the burden of accommodating refugees; whereas, therefore, in addition to harmonising Union asylum procedures, a policy of burden sharing should likewise be pursued,
1. Urges the Commission to rationalise the schedule of the legislative proposals to be submitted pursuant to Article 63(1) and (2) of the EC Treaty by means of
- (a) a directive to be adopted within two years on the standards for reception of asylum-seekers (especially as regards financial aid, accommodation and medical help), the conditions to satisfy in order to qualify for refugee status and the procedure for granting or withdrawing that status;
 - (b) a regulation to be adopted within two years to apply the Dublin system across the whole Community, aimed at seeking more effective ways to determine the responsibility of Member States and meeting any wish that a refugee might have, for family reasons, for the recognition procedure to take place in a Member State of his choice; this regulation should also include provisions to enable burdens to be shared fairly among the Member States; the provisions of the Eurodac Regulation, to be adapted as and where appropriate, should also be incorporated in the longer term;
 - (c) a directive to grant temporary protection to displaced persons, civil war refugees, *de facto* refugees and other persons in need of international protection, to whom longer-term protection and a right of abode must be accorded where necessary; this instrument could be submitted within three years and should also lay down the principle of fair and appropriate burden sharing;
 - (d) the rules on equal and appropriate sharing of efforts for displaced persons and *de facto* refugees which could either be included in the directive referred to in point (c) or be the subject of a specific Regulation;

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2. Takes the view that entry of asylum-seekers within the meaning of the Geneva Convention relating to the Status of Refugees, migration for economic or other reasons, and temporary admittance of refugees from crisis areas must be treated as entirely separate matters;
3. Calls for the inclusion of the following basic procedural rights and requirements in any future common asylum procedure:
 - the right of access to the asylum procedure,
 - the right to a personal interview in order to assess the full circumstances of the application,
 - the right to remain on the territory of the asylum country until a final decision has been taken,
 - the right to an appeal to a court or a review body, with suspensory effect, in case of a negative decision;
4. Calls for the inclusion of the following obligations on the part of the authorities in any future common asylum procedure:
 - to undertake an impartial and objective examination of the application by a fully qualified authority,
 - to communicate decisions to the applicant in writing and in a language he or she understands,
 - to provide the applicant at all stages of the procedure with access to legal counsel and, where necessary, interpreters, as well as an opportunity to contact the UNHCR and NGOs,
 - to make provision for special arrangements within the procedure for groups with particular needs such as unaccompanied women asylum-seekers, victims of torture or sexual violence, unaccompanied minors, the handicapped and elderly;
5. Believes that access to territory and to the asylum procedure are of critical importance to the future common asylum system, in order to guarantee protection to those seeking asylum on the territory of Member States;
6. Calls on the Member States to compile a common list, binding on all Member States, of countries subject to the visa requirement and to update that list at regular intervals; believes that a similar procedure should be followed as regards 'safe third countries and countries of origin', and past frictions among the Member States dispelled where these countries are concerned; considers that it would be desirable, moreover, for the EU and third countries to conclude agreements whereby the latter would promise to readmit rejected asylum-seekers;
7. Calls on the Member States to give further thought to the concepts of 'safe third country' and 'safe country of origin';
8. Urges the Member States to provide sufficient numbers of suitably qualified personnel and ensure that all necessary up-to-date information required in order to process asylum applications is made accessible; believes that, to ensure that applications are processed in a consistent fashion, standard criteria must be laid down to provide a basis on which to assess the situation in asylum-seekers' countries of origin; considers in addition that further training of staff should be encouraged (exchange of officials and experiences in the various authorities, comparison of working methods and practices);
9. Notes that the conditions for entry to the Member States and reception arrangements, especially as regards financial support, accommodation, and medical care, need to be harmonised, having due regard to the dignity of asylum-seekers;
10. Supports the Commission proposal to harmonise the right of asylum in two stages but points out that, even at the first stage, procedural rights and steps in the EU should all be regulated in the same way and with binding force; considers that the scope for discretion left to Member States should be confined to matters that cannot undermine the goal of a harmonised right of asylum;
11. Takes the view that the Community-wide right of asylum which the Union is endeavouring to establish should be laid down in a clear, freely accessible, and readily comprehensible system of law;

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12. Calls for qualification procedures in general to be shortened and simplified, without neglecting the need for careful examination; takes the view that expedited or accelerated procedures should only be applied to those cases that are manifestly unfounded;
 13. Believes that the concept of a 'manifestly unfounded application' should be clearly defined so as to ensure that it is not interpreted in such a way as to give rise to abuses and to prevent Member States from using this legal construct to rid themselves of their asylum-seekers without properly considering their cases;
 14. Notes that the legislative proposal should contain rules on the presentation of evidence that take the special circumstances of an asylum procedure sufficiently into account; considers that the asylum-seeker has an obligation to present and provide proof of the facts on which his application is based;
 15. Takes the view that in principle, unless there has been a real change in the circumstances or new evidence has come to light, asylum-seekers should be permitted to apply for asylum once only on EU territory; believes, furthermore, that permission to open an admissibility procedure should be refused if, within the meaning of the Geneva Convention, the asylum-seeker already enjoys sufficient protection in another country;
 16. Takes the view that, when an asylum application has been turned down, the rejected asylum-seeker should not be deported if his life would be in danger in his country of origin; believes that special procedural safeguards should, in addition, be laid down for especially vulnerable groups such as torture victims, persons who have been sexually assaulted, unaccompanied children, pregnant women, people who are ill and people with disabilities; considers that special measures should also be taken for those who have been persecuted by parties other than the State and, in addition, that the instrument of detention prior to deportation should be rethought;
 17. Points out that the necessary steps should be taken to help recognised refugees to integrate and to combat discrimination against them and to guarantee rejected asylum-seekers basic social security and health care for as long as they remain on Union territory.
 18. Instructs its President to forward this resolution to the Council and Commission.
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13. Crime victims in the EU

A5-0126/2000

European Parliament resolution on the Commission communication to the Council, the European Parliament and the Economic and Social Committee on crime victims in the European Union: Reflexions on standards and action (COM(1999) 349 – C5-0119/1999 – 1999/2122(COS))

The European Parliament,

- having regard to the Commission communication (COM(1999) 349 – C5-0119/1999),
- having regard to the United Nations Declaration of Basic Principles on Justice for Victims of Crime and Abuse of Power (United Nations General Assembly Resolution 40/34 1985),
- having regard to the European Convention on the Compensation of Victims of Violent Crimes by the Council of Europe of 24 November 1983,
- having regard to the recommendation on assistance to victims and the prevention of victimisation by the Council of Europe of 17 September 1987,
- having regard to the conclusions of the European Council of Tampere of October 1999 and in particular paragraphs 5, 10, 31 and 38 thereof,