



EUROPEAN UNION AND ASYLUM POLICY

CONFERENCE STATEMENT OF THE EUROPEAN COUNCIL ON REFUGEES AND EXILES APPEALLING TO THE HEADS OF STATE AND GOVERNMENTS WITH A VIEW TO THE EU TAMPERE SUMMIT ON THE ESTABLISHMENT OF AN AREA OF FREEDOM, SECURITY AND JUSTICE.

ECRE biannual General Meeting Helsinki 14- 17 October 1999

The European Council on Refugees and Exiles, representing 66 refugee-assisting Non Governmental Organisation working for the protection of refugees in 24 countries across Europe, is convinced that a European policy on asylum and refugees must be developed. The envisaged enlargement of the EU has to be taken into account when governments agree in Tampere on the way the Treaty of Amsterdam will be put into practice. Such European policy should be based on established international principles, especially the 1951 Refugee Convention, and on the best examples of existing national practice. However, ECRE fears that the European Council may seek the lowest common denominator and transpose existing common positions developed over the last decade into EU instruments. Freedom, justice and security must be ensured not only to citizens and residents of the Union but also to those seeking asylum in our countries.

While we recognise the need to address the root causes of forced migration the EU must keep a distinct focus on protection and ensure that the institution of asylum is not subordinated to control measures. In particular, the EU should ensure that those fleeing their home countries have physical access to protection in its territory. Therefore, ECRE is worried by the Action Plans proposed by the High Level Working Group on Asylum and Migration with regard to the almost exclusive emphasis on « regionalisation » of refugee protection and assistance and refusal of access to EU territory. There is an apparent contradiction between the description of the most severe human rights violations in almost all of the countries examined and the measures which are proposed. ECRE calls upon the EU to ensure that the comprehensive approach towards asylum of the High Level Working Group is protection-oriented.

ECRE has observed that the definition in the 1951 Refugee Convention has been restricted in practice in many EU countries, even in the protection of Kosovo refugees. We call upon the EU to re-affirm its commitment to the application of the Refugee Convention. In drafting an instrument on the interpretation of the Convention, ECRE urges the EU to adopt the guidance of the UNHCR.

ECRE is convinced of the need to formulate an EU policy on complementary protection for those who are clearly not covered by a correct and inclusive interpretation of the Refugee convention but who, nevertheless, cannot be returned to their home countries.

ECRE believes that the Dublin Convention must be reviewed, especially from the perspective of the right to family unity of asylum-seekers and refugees.

Mass arrival of refugees from a crisis area which, for a limited period of time, overwhelms an individual determination procedure may be addressed by temporary protection arrangements. Such measures must include a level of rights similar to those of Convention refugees on the basis of an EU agreement and must, anyhow, not prevent access to determination procedures prior to return.

ECRE calls upon the Heads of States and Governments to use the Tampere meeting as a unique opportunity to change fundamentally the restrictive and security-oriented approach of EU harmonisation efforts to date and to demonstrate the added value of the EU by transforming the commitment to human rights into concrete measures.