



## A World Refugee Day...

**...for refugees the European Union still does not want to accept**

Brussels, 20 June 2013

**One year ago, 20 June 2012:** *“Our thoughts are, more than ever, with the millions of women, children and men around the world who are forced to flee their home countries because of war, conflict, or persecution. This is still a reality in today’s world,”* said High Representative Catherine Ashton and EU Commissioner for Home Affairs Cecilia Malmström in a joint statement. How many of these people have managed to find refuge in one of the EU Member States, the top global commercial power? Just over 1.5 million or barely 3.5% of the 42.5 million people who must flee their countries. For over ten years, three-quarters of those seeking asylum in the European Union have seen their requests denied. Year after year, only a few tens of thousands are able to obtain protective status. And some Member States feel that this is already too many.

**This year, on 20 June 2013,** as a counterpoint to the official calls for humanity, solidarity and compassion from the European Union, the AEDH and its member associations would like it to be known that the EU has refused to pass meaningful asylum legislation as hoped. After four years, the European Parliament has only recently validated a disappointing minimum reform to the Common European Asylum System (CEAS).

The international context certainly justified a greater gesture from our countries. But representatives have held fast to their indifferent view and obsessive fear of invasion which surfaced during the events of the Arab Spring in 2011. Despite calls from the UNHCR, our countries have instead chosen to create obstacles for many refugees - especially those from Syria - and turn their backs on them, leaving them to the mercy of the dictatorships they are fleeing.

### **Inadequate reform**

Our associations find the inadequate reform completely unacceptable.

It is true that some improvements were made to directives within the “asylum package” (reception, procedures, qualification). They will limit (slightly) inequalities between refugee status and subsidiary protection, require greater attention for “vulnerable” individuals, include sexual orientation and gender identity as reasons for persecution, and require administrations and asylum authorities to process requests within six months. However, these are only marginal adjustments, which can be adapted by the individual countries. Their

implementation will do nothing to prevent the continued exclusion of the hundreds of thousands of exiles from the protection they seek from our countries.

Furthermore, other measures, which tend towards rejection, were maintained or even extended. This is because Member States seem to follow a logic of simplistic budget calculations and because asylum seekers are constantly suspected of committing fraud and lying.

This explains why, for example, countries are permitted to maintain the following: national lists of “safe countries of origin”, internal asylum, and accelerated border procedures. They can also flag requests as “manifestly unfounded”, which can lead to detention of seekers (including vulnerable individuals and children, who may also be placed in prison) and facilitate their deportation.

The Dublin II Regulation was proof of the unfairness of the measures, to the point where the European Court of Human Rights opposed the transfer of asylum seekers to certain EU countries. The unfairness will only continue so long as discrepancies in the national systems, reception conditions and procedures remain too wide. What is more, a majority of Member States wanted to keep the regulation as it is, and not even include the temporary suspension measures that could have lightened the responsibility of countries along the EU’s outside borders, as the Parliament suggested.

With regards to the EURODAC Regulation, under pretext of technical updates, its final purpose has been corrupted. Law enforcement authorities in Member States and Europol will be able to access fingerprint files despite rules of confidentiality that should be guaranteed to asylum seekers, justified for reasons of fighting terrorism and criminal acts.

The failure of this reform lies essentially with the Council. The Member States continued to play the policy of lowest common denominator, hoping to shift responsibility to their neighbours. It is regrettable that the European Parliament did not use its new power as co-legislator to impose an ambitious vision of asylum rights that better complies with the commitments undertaken when the Geneva Convention was ratified.

### **The stakes of transposition**

This “new” CEAS must now be transposed into national legislation.

Each of the AEDH’s member associations in its respective country will defend progressive asylum rights, in line with standards that fully respect the fundamental rights and dignity of asylum seekers and refugees. They will also monitor the means established to allow these individuals to fully benefit from these rights, receive legal assistance, and if necessary, gain access to effective remedy.

Our desire is to help implement the right to asylum for those women, men and children who request protection from our countries. We refuse to criminalise them. We demand that fair procedures and high legal standards that respect the Geneva Convention be put into place. We want the *“open and secure European Union, fully*

*committed to the obligations of the Geneva Refugee Convention (...) [which is] able to respond to humanitarian needs on the basis of solidarity” - the EU we have been waiting for since the Tampere European Council fourteen years ago - to become a reality.*

We want the citizens of the EU to be able to be proud, every day, of their European institutions because they show solidarity and offer a dignified reception to the refugees who ask for our help.

We want everyone in the European Union to feel, every day, solidarity with the refugees - like on 20 June!



Ligue des Droits de l'Homme  
Action Luxembourg Ouvert et Solidaire



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