

Franco Frattini
Vice-President of the European Commission

Brussels, 20 NOV. 2007

0018074

Dear Mrs Lucas,

Thank you for letter of 8th March 2007 addressed to my fellow Commissioner, Mme Benita FERRERO WALDNER, in which you suggest that the European Commission should be more active in monitoring the situation of rejected asylum seekers following their expulsion from the EU.

Permit me to respond, also on behalf of Commissioner FERRERO WALDNER, as this falls within my responsibilities as Commissioner for Justice, Freedom and Security. Please also accept my apologies for the long delay in providing this response.

I agree with many of the points you raise. Monitoring of the human rights situation in third countries – including the way in which third countries treat returned persons - is an important issue. Administrative and judicial authorities in Member States need to be fully informed about the human rights situation in third countries before taking decisions on asylum claims or expulsions. Such information is particularly important for making sure that the principle of "non-refoulement" is respected in each individual case.

Following a feasibility study, the Commission is currently about to launch – initially as a pilot project – an "EU Country of Origin Information Portal". Its main objective is to establish an easily accessible common entry point to existing information on the countries of origin of asylum seekers in the EU. Information from all available sources (e.g. Member States, Commission delegations, International organisations, NGOs), including reported breaches of human rights with regard to returned asylum seekers in third countries, will be available via this portal.

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Your suggestion for a systematic monitoring of return for each individual case is, however, not considered feasible for practical reasons. Systematic monitoring would consume a disproportionate amount of resources. Available monitoring and reporting tools (such as reporting by embassies, delegations and Immigration Liaison Officers, as well as information made available by international organisations such as UNHCR, IOM, the Red Cross and local or regional human rights groups as suggested in your letter) provide, in our view, sufficient means for obtaining the necessary information.

As far as your suggestion for upgrading the role of the European Commission's delegations in third countries in human rights monitoring is concerned, I would refer you to the "EU Guidelines on Human Rights Defenders", which were adopted by the Council in 2004. These Guidelines mandate EU Heads of Mission (embassies of EU Member States and European Commission Delegations) to report regularly on the local human rights situation and to provide periodic reports on the human rights situation in their countries of accreditation.

With regard to your proposal that funds should be made available to local or regional human rights groups which carry out human rights monitoring activities in third countries, this is already possible under Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006, establishing a financial instrument for the promotion of democracy and human rights worldwide.

I hope this information is of use to you.

*Best regards
Annette*