

Open Letter

FAO: Mr. M. Schulz, President of the European Parliament
Mr. J. M. Barroso, President of the European Commission
Mr. A. Masip-Hidalgo, Member of the European Parliament
Ms. C. Wikström, Member of the European Parliament
Mr. M. Bodskov, Ministers of Justice, Danish Presidency
Ms. H. Thorning-Schmidt, Prime Minister, Danish Presidency
Ms. C. Malmström, Commissioner for Home Affairs
Ms. V. Reding, Vice-President, Commissioner for Justice, Fundamental Rights and Citizenship

APPEAL TO EU INSTITUTIONS: ENSURE RESPECT FOR ASYLUM-SEEKERS' RIGHT TO LIBERTY IN RECAST RECEPTION CONDITIONS DIRECTIVE AND DUBLIN REGULATION

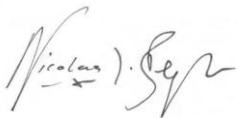
Dear Sir/Madam,

As representatives of the EU institutions, you will be involved in the forthcoming triologue negotiations which will ultimately decide on the review of EU legislation on the reception of asylum-seekers and responsibility for their claims under the Dublin regulation. On behalf of 166 organisations, the European Council on Refugees and Exiles (ECRE) and Amnesty International hereby submit an appeal to the negotiators for minimum detention safeguards in these acts to be upheld.

In focussing our appeal on administrative detention of asylum-seekers, the undersigning organisations stress the issue's extreme gravity. The detrimental effects of detention on the physical and psychological well-being of people fleeing persecution, regardless of their age, sex and physical and psychological health is widely documented. What is more, with asylum applications which result in a positive decision, detention can greatly hinder the successful integration of those who are ultimately allowed to stay. Current international refugee and human rights law presuppose that, as a general rule, asylum-seekers should not be detained and that detention should only occur in truly exceptional cases, and then only with full procedural safeguards in place. We therefore urge you to translate this presumption against detention into EU asylum legislation and uphold as a minimum the list of essential safeguards on the detention of asylum-seekers set out in the attached document, *Not crossing red lines – A negotiator's checklist on minimum detention safeguards*.

The supporting organisations are a comprehensive group of human rights, medical and judicial civil society actors. This further testifies to the crucial importance that these minimum safeguards on detention are upheld. Several supporting organisations deal with vulnerable groups such as women, children and survivors of torture, who are at acute risk when subjected to detention. Moreover, international and national organisations operating outside EU member states have teamed up with European and national organisations active in EU countries on this appeal. The fact that international and pan-European organisations have seen fit to add their voices to this call amplifies concerns that EU legislation in this field may have repercussions well beyond EU borders, and the paramount importance of the standards you are about to negotiate on behalf of your respective institutions. We urge you to ensure that the call by these organisations which have first-hand experience of the suffering detention can inflict is taken up by EU institutions.

Yours sincerely,



Nicolas Beger
Director
Amnesty International European Institutions Office



Allan Leas
Acting Secretary General
European Council on Refugees and Exiles