

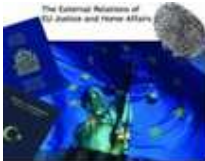


Malta-EU Steering & Action Committee

JUSTICE AND HOME AFFAIRS

Sectoral Committee
Weekly Update
17.09.10

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Granting & withdrawing refugee status: minimum standards

COM (2010) 465 – Report from the Commission to the European Parliament and the Council:

On the application of minimum standards on procedures in Member States for granting and withdrawing refugee status

The Asylum Procedures Directive (Directive 2005/85/EC) was designed to establish minimum standards for fair and efficient procedures for granting and withdrawing refugee status.

This report on the application of the Directive shows that procedural guarantees still vary considerably across the EU. Moreover, the vagueness of the standards set by the Directive and flaws in the implementation at national level may lead to administrative errors.

The report highlights that the objective of creating a level playing field with respect to asylum procedures has not been fully achieved. Some of the Directive's optional provisions and derogation clauses have contributed to the proliferation of divergent arrangements across the EU. Consequently, procedural guarantees vary considerably between Member States. This is notably the case with respect to the provisions on accelerated procedures, 'safe country of origin', 'safe third country', personal interviews, legal assistance, and access to an effective remedy.

A number of cases of incomplete and/or incorrect transposition and flaws in the implementation of the Directive have also been identified.

The Commission highlights the fact that procedural divergences caused by the often vague and ambiguous standards could only be addressed by legislative amendment. To this effect the Commission has already adopted a proposal to amend the Directive in order to remedy to the deficiencies, streamlining and consolidating procedures and improving both the quality of first instance decisions and the overall efficiency of the asylum process across the EU. This was adopted last year on 21 October 2009 – COM (2009) 554.

The aim of the proposal for the amendment of the Asylum Procedures Directive is to:

- provide for a single procedure by ensuring the simplification and rationalisation of asylum procedures, as well as a reduction of administrative burden for Member States;
- facilitate access to examination procedures by providing the relevant information and advice to persons who wish to lodge an application for international protection;
- enhance the efficiency of the examination process of applications;
- improve the quality of asylum decisions; and
- ensure access to an effective remedy for asylum applicants in line with EU and international obligations of Member States.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0465:FIN:EN:PDF>



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The Roma Situation: Latest developments - Statement by Commissioner Reding

At a press briefing in Brussels on the 14th September 2010, Viviane Reding, Commissioner for Justice, Fundamental Rights & Citizenship, said that the European Commission has been following very closely the developments in France regarding the Roma over the past weeks. She said that together with Commissioner Andor (Commissioner for Employment, Social Affairs & Inclusion) and Commissioner Malmström (Commissioner for Home Affairs), she submitted a preliminary legal analysis of the French measures on 1 September to President Barroso and the College of Commissioners. This preliminary analysis stressed, *inter alia*, that France would be in violation of EU law if the measures taken by the French authorities in applying the Free Movement Directive had targeted a certain group on the basis of nationality, race or ethnic origin.

Commissioner Reding informed the press that the College of Commissioners discussed the matter intensely last week in Strasbourg, following which she sent a further formal letter to French minister Besson to ask for additional details.

The Commissioner emphasized that discrimination on the basis of ethnic origin or race has no place in Europe as it is incompatible with the values on which the European Union is founded.

The Commission should issue a final legal analysis of the situation in the days to come.

The Commissioner said that she is personally convinced that the Commission will have no choice but to initiate infringement action against France - infringement proceedings against for a discriminatory application of the Free Movement Directive, and infringement proceedings for lack of transposition of the procedural and substantive guarantees under the Free Movement Directive.

Read More:

<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/428&format=HTML&aged=0&language=EN&guiLanguage=en>



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Protection of Children against Sexual Exploitation and Sexual Abuse: Malta signs the CoE Convention

On the 6th September Malta signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The Convention is the first international legal instrument to establish the various forms of sexual abuse of children as criminal offences. It outlines preventive measures and establishes programmes to support victims and encourage people to report suspected sexual exploitation and abuse.

Each party to the convention binds itself to “take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet help-lines, to provide advice to callers, even confidentially or with due regard for their anonymity.” With the aim of combating child sex tourism, the Convention provides that individuals can be prosecuted even for offences committed abroad.

Malta is the 8th member state to ratify the Convention which came into force on 1 July 2010.