

Conclusions on Countries in Which There is Generally no Serious Risk of Persecution

(London, 30 November and 1 December 1992)

1. The Resolution on manifestly unfounded applications for asylum (WGI 1282) includes at paragraph 1 (a) a reference to the concept of countries in which there is in general terms **no serious risk of persecution**.

This concept means that it is a country which can be clearly shown, in an objective and verifiable way, normally not to generate refugees or where it can be clearly shown, in an objective and verifiable way, that circumstances which might in the past have justified recourse to the 1951 Geneva Convention have ceased to exist.¹

Purpose

2. The aim of developing this concept is to assist in establishing a harmonized approach to applications from countries which give rise to a high proportion of clearly unfounded applications and to reduce pressure on asylum determination systems that are at present excessively burdened with such applications. This will help to ensure that refugees in genuine need of protection are not kept waiting unnecessarily long for their status to be recognized and to discourage misuse of asylum procedures. Member States have the goal of reaching common assessment of certain countries that are of particular interest in this context. To this end, Member States will exchange information within an appropriate framework on any national decisions to consider particular countries as ones in which there is generally no serious risk of persecution. In making such assessments, they will use, as a minimum, the elements of assessment laid down in this document.

3. An assessment by an individual Member State of a country as one in which there is generally no serious risk of persecution should not automatically result in the refusal of all asylum applications from its nationals or their exclusion from individualized determination procedures. A Member State may choose to use such an assessment in channeling cases into accelerated procedures as described in paragraph 2 of the Resolution on manifestly unfounded applications, agreed by" Immigration Ministers at their meeting on 30 November and 1 December 1992. The Member State will nevertheless consider the individual claims of all applicants from such countries and

¹ Report from Immigration Ministers to the European Council meeting in Maastricht (WGI 930)

any specific indications presented by the applicant which might outweigh a general presumption,

Elements in the assessment

4. The following elements should be taken into consideration in any assessment of the general risk of persecution in a particular country:

(a) **Previous numbers of refugees and recognition rates.** It is necessary to look at the recognition rates for asylum applicants from the country in question who have come to Member States in recent years. Obviously, a situation may change and historically low recognition rates need not continue following (for example) a violent coup. But in the absence of any significant change in the country it is reasonable to assume that low recognition rates will continue and that the country tends not to produce refugees.

(b) **Observance of human rights.** It is necessary to consider the **formal** obligations undertaken by a country in adhering to international human rights instruments and in its domestic law and how **in practice** it meets those obligations. The latter aspect is clearly more important: adherence or non-adherence to a particular instrument cannot in itself result in a country being considered as one in which there is generally no serious risk of persecution. It should be recognized that a pattern of breaches of human rights may be exclusively linked to a particular group within a country's population or to a particular area of the country. The readiness of the country concerned to allow monitoring by NGOs of their human rights observance is also relevant in judging how seriously a country takes its human rights obligations.

(c) **Democratic institutions.** The existence of one or more specific institutions cannot be a *sine qua non* but consideration should be given to democratic processes, elections, political pluralism and freedom of expression and thought. Particular attention should be paid to the availability and effectiveness of legal avenues of protection and redress.

(d) **Stability.** Taking into account the above-mentioned elements, an assessment must be made of the prospect for dramatic change in the immediate future. Any view formed must be reviewed over time in the light of events.

5. Assessments of the risk of persecution in individual countries should be based upon as wide a range of sources of information as possible, including advice and reports from diplomatic missions, international and non-governmental organizations and press reports.

Information from UNHCR has a specific place in this framework. UNHCR forms views of the relative safety of countries of origin both for their own operational

purposes and in responding to requests for advice. They have access to sources of information within the UN system and non-governmental organizations.

6. Member States, may take into consideration other elements of assessment than those previously mentioned, which will be reviewed from time to time.