

European Communities

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S E C O N D

Report

drawn up on behalf of the Legal Affairs Committee

on the application of the Geneva Convention relating to the
status of refugees

Rapporteur: Mr R. CHAMBEIRON

PE 89.941/fin.
Or. Fr.

On 15 November 1982 the motion for a resolution (Doc. 1-545/82) tabled by Mrs Lizin on the revision of the Geneva Convention relating to the status of refugees was referred to the Legal Affairs Committee as the committee responsible.

On 24 November 1982 Mr Chambeiron was appointed rapporteur.

The Legal Affairs Committee considered the draft report at its meetings of 3/4 November 1983 and 25/26 January 1984 and at the latter meeting adopted it unanimously.

Present: Mrs Veil, chairman; Mr Chambeiron, vice-chairman and rapporteur; Mr d'Angelosante, Mr Del Duca, Mr Geurtsen, Mr Megahy, Mr Peters, Mr Prout, Mr Sieglerschmidt and Mr Vié.

The first report (Doc. 1-1359/83) was referred back to the Legal Affairs Committee on 12 March 1984 pursuant to Rule 34 of the Rules of Procedure.

The Legal Affairs Committee considered a new draft report at its meeting of 21 and 22 March 1984 and adopted it unanimously at that meeting.

Present: Mrs Veil, chairman; Mr Luster, vice-chairman; Mr Chambeiron, vice-chairman and rapporteur, Mrs Cinciari Rodano, Mr Dalziel, Mr d'Angelosante, Mr Fischbach, Mr Geurtsen, Mr Gontikas, Mr Goppel, Mr Janssen van Raay, Mr Prout and Mr Tyrrell.

The report was tabled on 28 March 1984.

The deadline for the tabling of amendments to this report appears in the draft agenda for the part-session at which it will be debated.

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ANNEX: Motion for a resolution (Doc. 1-545/82) tabled by Mrs Lizin on the revision of the Geneva Convention relating to the status of refugees.

The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the application of the Geneva Convention relating to the status of refugees

The European Parliament,

- having regard to the motion for a resolution on the revision of the Geneva Convention relating to the status of refugees (Doc. 1-545/82),
 - having regard to the preamble and Articles 1 and 3 of the Convention relating to the status of refugees,
 - having regard to the second report of the Legal Affairs Committee (Doc. 1-112/84),
1. Notes with concern the situation of women in certain countries who face harsh or inhuman treatment because they are considered to have transgressed the social mores of the society in which they live;
 2. Considers that women in this situation can be considered as belonging to a 'particular social group' within the meaning of the definition of refugee figuring in Article I of the 1951 United Nations Convention relating to the status of refugees;
 3. Calls upon States to apply the 1951 United Nations Refugee Convention and the 1967 Protocol relating to the status of refugees in this sense;
 4. Instructs its President to forward this resolution to the Member States, the Commission and the Council and the United Nations High Commissioner for Refugees.

EXPLANATORY STATEMENT

1. Drawn up in 1951, the Geneva Convention originally applied only to persons who had become refugees as a result of events that had occurred before 1951. In 1967, a protocol extended the scope of the Convention to include persons who had become refugees since 1951. 96 countries have acceded to the Convention and protocol thereto.

2. The reasons justifying the attached motion for a resolution are sufficiently clear. The Convention relating to the status of refugees requires that the Contracting States should apply its provisions to refugees without discrimination on grounds of race, religion or country of origin.

In its preamble, the Convention indicates that the United Nations organization has sought to secure the widest possible scope for the exercise by refugees of fundamental rights and liberties.

The Convention, in accordance with the United Nations Charter and the Universal Declaration of Human Rights, upholds the principle whereby human beings, without discrimination, should enjoy human rights and fundamental liberties.

In Article 1 on the definition of the term 'refugee', the Convention states that this term shall apply to any person who is in fear 'of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion'.

For its part, Article 3 of the Convention provides that 'the Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin'. However, the Convention makes no provision for refugees who are persecuted on grounds of sex.

It is a fact that in some countries women are persecuted or subjected to attacks on their person for reasons which are not regarded as infringements of the law as it is generally interpreted.

It is therefore desirable that refugees who fall within this category should be included for the purposes of the application of the Convention.

3. This protection can and must be provided by taking the view that women who suffer such persecution are members of a particular social group within the meaning of Article 1 of the 1951 United Nations Convention.

This would be in keeping with the fundamental aim of the Convention, which is to provide refugees with the maximum protection.

MOTION FOR A RESOLUTION (Document 1-545/82)

tabled by Mrs LIZIN

pursuant to Rule 47 of the Rules of Procedure

on the revision of the Geneva Convention relating to the status of refugees

The European Parliament,

- A having regard to the fact that in certain countries women are the victims of extortion or inhuman treatment for infringing the moral or ethical code imposed on the social group to which they belong on the basis of cultural or religious traditions,
 - B having regard to the fact that the actions of which they are accused do not constitute offences or crimes under provisions of international criminal law or United Nations agreements,
 - C having regard to the fact that those who subject them to extortion or inhuman treatment have, because they belong to that social group, immunity from criminal proceedings or an excuse which grants them absolution,
 - D having regard to the fact that the Geneva Convention relating to the status of refugees covers all persons who have a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular political group or political opinion' and disregards persecution on grounds of sex,
1. Requests that the International Secretariat bring the matter to the attention of the States which are signatories of that Convention for the purpose of including the word 'sex' therein on the same basis as the words 'race, religion,';
 2. Requests its President to forward this resolution to the proper authorities.