

WRITTEN QUESTION E-3303/09
by Vittorio Agnoletto (GUE/NGL)
to the Commission

Subject: Repeated violation of the rights of political refugees and failure of the Italian authorities to comply with the provisions of Council Directive 2004/83/EC

On Tuesday, 21 April 2009 a group of around 350 immigrants, most of whom were political refugees, including women and children, were subject to yet another instance of abusive behaviour by the Bruzzano police when their freedom of movement was denied on the pretext of carrying out a 'technical inspection'.

The police charged and violently attacked the protesters, who were clutching their residence permits and documents attesting their refugee status. These documents are supposed to ensure that their holders are provided with minimum standards of protection which, as specified in Council Directive 2004/83/EC¹, guarantee a minimum level of benefits including the right of residence, access to employment, social welfare, health care and access to accommodation. The directive is also designed to ensure the approximation of the relevant rules as a means of harmonising the rights and benefits accorded to third country nationals and stateless persons who have been granted international protection (refugee status or subsidiary protection) in all the Member States of the European Union.

Recitals 3, 10 and 13 of the directive make it clear that, in line with the principles recognised in particular by the Charter of Fundamental Rights of the European Union, the directive aims to establish minimum standards for the definition and content of refugee status in order to guide the competent national bodies in the application of the Geneva Convention as amended by the New York Protocol. Recitals 6 and 7 indicate that the directive is also designed to help to limit the secondary movements of applicants for asylum between Member States where such movement is purely caused by differences in national legal frameworks. Any failure by Member States to implement the directive properly would, therefore, be inconsistent with its declared objectives.

The incidents described above demonstrate yet again that the behaviour of the Italian authorities is completely at odds with the provisions of Directive 2004/83/EC.

Does the Commission agree that it should use its best endeavours to ensure that Italy also upholds the recognised rights of political refugees?

What action does the Commission intend to take to deal with a Member State which repeatedly fails to comply with Community legislation?

The author of this question is still waiting for information further to the Commission's reply of 15 December 2008 (P-6134/08) in relation to a similar case (the plight of refugees at the former Borgo San Paolo clinic), which stated that the Commission would 'ask the Italian authorities for clarifications and [would] subsequently inform the honourable Member of the steps that it might eventually decide to take'.

¹ OJ L 304, 30.9.2004, p. 12.