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Answer given by Mr Avramopoulos
on behalf of the European Commission
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Article 33.2 of the 1951 Geneva Convention allows for exceptions from the prohibition of *refoulement* for refugees convicted of a particularly serious crime. However, it needs to be interpreted in light of the later 1966 International Covenant on Civil Rights and Political Rights and 1987 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which are binding respectively on 173 and 167 States and prohibit in an absolute manner expulsion of any person to a State where there is a risk of torture or other inhumane or degrading treatment and punishment. The Refugee Convention also needs to be interpreted in light of norms of *jus cogens*, including the absolute and universal prohibition of torture.

Article 19(2) of the EU Charter provides for an absolute prohibition of removal where there is a serious risk that the person be subject to torture or to inhuman or degrading treatment or punishment or to the death penalty. This provision, which applies in respect of any person, not only refugees, incorporates the case law of the European Court of Human Rights on Article 3 of the European Convention on Human Rights (ECHR). Article 2 ECHR also guarantees the right to life. The ECHR applies to its 47 parties, including all the EU Member States.

Therefore, an absolute prohibition of expulsion where there is serious risk of torture/inhuman or degrading treatment or death penalty stems from the Charter and from universal international human rights obligations incumbent *inter alia* on the EU and all its Member States. It applies universally in respect of any person, not only refugees.

As confirmed by the judgment referred to by the Honourable Member, EU law allows revoking refugee status of persons convicted of a particularly serious crime. The fact that they cannot be expelled would not affect their obligation to serve their sentence.