

Safe country of origin

According to the Finnish Aliens Act (Section 100), a State where an applicant for international protection is not at risk of persecution or serious violations of human rights may be considered a safe country of origin for the applicant.

When assessing a safe country of origin, particular account is taken of

- 1) whether the State has a stable and democratic political system,
- 2) whether the State has an independent and impartial judicial system, and whether the administration of justice meets the requirements for a fair trial and
- 3) whether the State has signed and adheres to the main international conventions on human rights, and whether serious violations of human rights have taken place in the State.

According to the explanatory note relating to Section 100, the above list is the basis on which the situation of the country is assessed in its entirety. The conventions referred to include at least the Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In the European context the European Human Rights Convention is central.

As examples of possible safe countries of origin the explanatory note lists EU Member States, EEA States, Switzerland, USA, Australia, Canada, Japan and New Zealand. The note also stresses that if there is any doubt of the safety of the country to an individual applicant, the safe country of origin procedure must not be used.

No pre-approved list of safe countries of origin exists. Finland has opposed establishing any lists of safe countries for fear of possible automatic refusals of asylum applications on the basis of such lists. All applications must be examined individually: the grounds presented by the applicant and all factors implying that the country concerned might not be safe for the applicant must be taken into consideration before the decision is taken.

In 2012 the safe country of origin procedure was applied in 18 cases relating to Australia, Bulgaria, Germany, Greece, Norway and Sweden.