

Mr. Dragutin Mate  
Minister of the Interior  
EU Presidency

Brussels, 18 January 2008  
Our ref.: b\_734

Dear Mr. Mate,

**Subject: Practical cooperation in the field of asylum**

Amnesty International welcomes the initiative of the Slovenian Presidency to organise a discussion at the forthcoming informal meeting of Justice and Home Affairs Ministers on 24-26 January on the issue of practical cooperation in the field of asylum. Although practical cooperation has been identified as an important tool in the Hague Programme and the Commission adopted a Communication in which it indicated the potential areas for such cooperation between the Member States, progress in this field has been modest so far.

Practical cooperation is commonly understood as an instrument to enhance convergence in decision-making in the Member States and diminish differences in asylum practices. The necessity of harmonisation in practice is being demonstrated by the widely diverging approaches towards asylum claims of for instance Chechen or Iraqi asylum seekers in the different EU Member States.

In Amnesty International's view, any effort to address such differences should always remain focused on improving the quality of decision-making in asylum procedures so as to ensure that the Common European Asylum System (CEAS) is well equipped to grant protection to those in need. While it is acknowledged by all stakeholders that the current situation within the EU amounts to a protection lottery and is irreconcilable with the stated goal of creating a harmonised system, few concrete measures are being taken to effectively address the causes for the existing differences and work towards a common protection-oriented approach.

Therefore, it is crucial for the Ministers of the Interior to affirm at their informal meeting the objective of developing practical cooperation in a spirit of improving protection standards in the Member States. Practical cooperation should never be used as a backdoor to undermine core concepts of international protection through the sharing of bad practice between Member States. In this respect it is essential that any initiatives in this field are developed in full cooperation with UNHCR to ensure compliance with international refugee law.

Until now, discussions have concentrated mainly on collection of country of origin information and more specifically on the creation of a common portal at EU level. In Amnesty International's view the production and collection of reliable, independent and high quality country of origin information that is common to all Member States is a prerequisite for high quality decision-making in the CEAS. As progress in the creation of a common portal and in setting common standards with regard to the production of country of origin information as well as with regard to fact finding missions has not been sufficient so far, this should remain a priority. It is however crucial to develop a system that ensures transparent and equal access for all actors in the asylum process, including asylum seekers and their representatives.

Second, practical cooperation between the Member States requires a solid system of EU legislation that is in line with international human rights law and standards. In its contribution to the Green Paper on the future of the CEAS Amnesty International has stressed the need for amending and improving several aspects of the first phase instruments in order to ensure that the legislative framework of the CEAS is firmly rooted in international refugee and human rights law. This would *inter alia* require deleting a number of procedural devices that risk seriously undermining a fair assessment of the asylum claims or prevent access to protection and amending current restrictive interpretations of refugee and human rights law currently embodied in EU law. In order for practical cooperation to retain its protection focus, it is important to address the existing flaws in the EU asylum legislative instruments. Thorough and permanent evaluation of EU asylum legislation must be taken seriously as an important tool to identify necessary amendments to legislation as well as adjustments to policies in the field of asylum.

Finally, the creation of a European Asylum Support Office that offers guarantees with respect to transparency and democratic control could be useful to overcome current problems of coordination of the existing and highly nontransparent informal structures established between the Member States. Such an office could play a key role in monitoring the implementation of the EU asylum acquis. It could have added value also in coordinating resettlement activities of Member States as well as developing best practice in dealing with vulnerable groups in asylum procedures such as unaccompanied minors or victims of torture or traumatised asylum seekers and in shaping training programmes for decision-makers in the Member States.

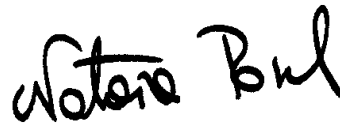
We hope that these concerns may be taken into account during your discussions in Ljubljana.

Yours sincerely,



Dick Oosting

*Director  
Amnesty International EU Office*



Nataša Posel

*Director  
Amnesty International Slovenia*