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THE COUNCIL

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NOTE

from : the Presidency

to : K.4 Committee

Subject: Review of CIREA

Delegations will find herewith the draft of a report on the review of the work practices of CIREA, revised by the Presidency following the meeting of CIREA on 28 October 1996 and taking into account the suggestions made by the delegations.

Review of CIREA

1. Objectives

- 1.1 The purpose of this review is to increase the relevance of CIREA's work for national authorities, to enhance practical co-operation and to improve the effectiveness of CIREA's work procedures thereby making more efficient use of the resources both of national delegations and of the Council Secretariat.
- 1.2 At a meeting of CIREA held on 26 February, 1996 during the Italian Presidency and attended by the Heads of bodies responsible for the determination of refugee status, France proposed that a report be prepared on the work of CIREA and its objectives for the future. Steering Group I, at its meeting of 8 and 9 July, 1996, decided that a review should be carried out of CIREA's work methods and practices. Such a review should not include a review of CIREA's mandate, which is considered to be sufficient for its purposes, but rather should concentrate on how the present mandate can be better met. CIREA should report its findings to the K4 Committee before the end of the Irish Presidency.

2. History

- 2.1 In 1992 the Ministers responsible for Immigration agreed to the establishment of the Centre for Information, Discussion (Reflection) and Exchange on Asylum (CIREA).
- 2.2 The objectives set for the Centre were to gather, exchange and disseminate information and compile documentation on all matters relating to asylum. The purpose of the exchange of information was to be the development within CIREA of greater informal consultation, itself designed to facilitate co-ordination and harmonisation of asylum practice and policies. Furthermore, the Ministers, or national authorities operating through the Ministers, could request CIREA to conduct studies which could result in specific proposals.

3. Background to review

- 3.1 CIREA is not a working group like other working groups. Its remit is the exchange of information in the area of asylum and reflection on the information thus exchanged. It is not a policy-making body in the sense of preparing instruments such as conventions, joint actions or the like: this is specifically excluded by its mandate. Rather, its function is to inform the development of policy by other organs within the Third Pillar. As a centre for information exchange, CIREA can be viewed as having two constituent parts, each complementing the other. These parts are: the meetings of delegates, which oversee the gathering and dissemination of information and are the means for reflecting on and analysing the information; and the repository of information itself, together with the means of gathering and disseminating it.
- 3.2 There is general agreement among Member States that the potential of CIREA is not being achieved. Concerns centre on the structure and management of meetings; the lack of analysis of information supplied to CIREA; problems associated with the dissemination and use of information supplied to CIREA, e.g. confidentiality issues; and interaction with other working parties and international organisations.
- 3.3 The management of the information held centrally by CIREA is one of the two essential elements of CIREA as a servant of the Council of Ministers. There are as yet undecided issues concerning the nature of the data which could be held in a database, and there are also shortcomings in the way in which the data at present held centrally is maintained and shared. These inter-related questions involve matters of principle, but also depend to some extent on the technical solutions which can be offered by information technology. Accordingly, while the problems in this area are pointed to in this report, they are not dealt with exhaustively here; that matter is the subject of ongoing debate in CIREA and will be the subject of a separate report to K4 on completion of that work. The present report concentrates mainly on the ways in which the other important element of CIREA, the meeting, can be improved.

4. Examination of issues

- 4.1 Following on from the directions received from Steering Group I, CIREA carried out a review of its working practices and procedures.

4.2 Structure and management of meetings

Member States wish to re-emphasise the importance of achieving maximum benefit within the forum of CIREA, whilst enabling business to be conducted effectively. To this end, the following practices should be put in place :

Work programmes

- * a medium-term work programme should be agreed by CIREA and approved by the K4 Committee. While this work programme should be drawn up to cover a period of two years it would be by no means immutable. The very nature of CIREA requires that it be able to react to developing situations. Accordingly, the work programme should be reviewed on a periodic basis, at which stage it may be adjusted to take account of ongoing developments;
- * a six-month work programme, operating within the parameters of the CIREA mandate and medium-term programme, should be issued at the beginning of each term of presidency;

Preparatory documentation

- * questionnaires should be issued in good time to enable Member States to prepare comprehensive responses;
- * Member States should return their responses by the dates stipulated in the questionnaires in order that they may be translated and analysed, and distributed to delegates in good time for the meetings;
- * information documents should be available in the source language and also in at least the English and French languages. Where the approval of CIREA or of a higher level group is required before a document is finalised, it will, as is the norm, be made available in all working languages;

Management of meetings

- * The agenda for any meeting should not be over-full. No more than two major topics, including an examination of a country of origin of asylum seekers, should be considered at a one-day meeting. This will facilitate in-depth discussions and will ensure that appropriate national experts have an opportunity to participate;

- * to facilitate in-depth discussions, a full interpretation service should be provided at all CIREA meetings;
- * often, a given topic planned for discussion will be a subject where particular Member States have an expertise. In such a case, there will be benefit in having preparatory work done by those Member States on the subject, so that the discussions in plenary session of CIREA will be more focused on the salient points. In any such case, the presidency of the day should consider inviting the assistance of another delegation with particular expertise in the matter to act as rapporteur, or convening an informal sub-group of delegations with such expertise in order to carry out the preparatory work;
- * while meetings should generally be of one day's duration, past experience has indicated that a duration of 1½ days may often be required to facilitate in-depth discussions on important issues. A further ½ day may be set aside for meetings of any sub-groups established, as the occasion demands;
- * ad-hoc items can continue to be dealt with at meetings, but the time set aside for such items should be limited. Where possible, ad-hoc questions should be submitted in written form, and only items of general interest should be discussed at meetings. Other items should be dealt with by way of written responses to the requesting Member State and by the tabling of a brief summary paper or copy of responses by that Member State.

4.3 Analysis of information

- 4.3.1 A particular problem identified by Member States is a lack of analysis of issues: information exchanged in CIREA has frequently been rather superficial in nature, with little or no analysis of the information supplied by the Member States. This is a serious shortcoming. This is because the written documentation available to delegates, on which discussion of a given subject at the meetings is based, has generally consisted simply of a compilation of the answers of Member States to a questionnaire previously circulated. In the absence of any form of preliminary analysis available to delegates in written form in advance of the meeting, discussion tends to be diffuse and lacking in focus. For example, at present, much of the time of

meetings can be taken up by delegations clarifying points made in their responses to questionnaires or even in presenting orally information already before the meeting in written form rather than on the main points of concern. As a result, a given issue may need to be discussed over several meetings instead of being finalised at one or at the most two meetings.

4.3.2 There is a generally recognised need to make better use of the time spent by delegates in meetings, and the considerable expense which that involves, by providing the focus for discussions which even a preliminary analysis of the responses to questionnaires can achieve. Such preparatory work could provide a good basis for in-depth discussions at meetings, enable delegates to identify key points or issues, and thus lead to the more effective drawing of conclusions. It would also facilitate the preparation of clear and comprehensive documents representing the outcome of discussions, and would assist in ensuring that available information is of practical use to delegations and, where appropriate, to individual case workers.

4.3.3 A number of approaches to this problem have been examined. Each of these is discussed in the following paragraphs.

4.3.3.1 The first possibility examined is that the Presidency of the day would take on responsibility for the preparatory analysis of gathered data in order to present discussion documents for consideration at meetings. While some Member States may have the necessary resources to take on this task in terms of personnel, expertise or finances, it is clear that others do not.

4.3.3.2 Another possibility considered is the use of a delegation with particular expertise in the subject under examination to act as rapporteur. The rapporteur could, in conjunction perhaps with either the presidency or the Council Secretariat or both, undertake the preparatory analysis work in advance of the plenary meeting at which the topic is to be discussed. This approach has certain attractions. Where the matter under discussion is of a technical nature or otherwise requires special knowledge, the use of an expert from within a delegation can be of particular benefit in preparing a preliminary document as a focus for discussion in the plenary group.

4.3.3.3 The third option considered is to develop within the Council Secretariat a capacity to undertake at least a preliminary analysis of issues for discussion

based on information supplied by Member States. It is clear that the resources available within the Council Secretariat in the area of asylum and immigration have not, as a rule, permitted the Secretariat to provide this service to date. CIREA is of opinion, however, that the expenditure required to employ such additional staff as may be required to carry out this additional work (likely to be no more than one person) would be a far more effective use of resources than the present expense in terms of the time of delegates and the travel and other costs of convening meetings of the working group in circumstances where, in the absence of preliminary analysis, an issue has to be tabled repeatedly for discussion at successive meetings.

4.3.4 Accordingly, it is recommended that the staff of the Council Secretariat be supplemented to allow it undertake at the very least a preliminary analysis of information supplied by Member States on particular issues or countries of origin. Where the Presidency of the day has sufficient resources of its own, or where the Presidency is in a position to benefit from the use of a delegation as rapporteur, either can, of course, work in tandem with the Secretariat in preparing the analysis.

4.3.5 In addition, informal sub-groups of the type mentioned at 4.2 above can also be used to assist presidencies and the Council Secretariat in carrying out more in-depth analysis of particular issues. Recent experience has shown that such informal sub-groups, working on the basis of the preliminary analysis of a particular issue, can help to focus the discussion in the plenary session on the important points of interest and thus make better use of the time of all delegations.

4.4 Dissemination of information

4.4.1 It is generally agreed that it is helpful to share information with other Member States and to be able to seek assistance on a bilateral basis once a common concern has been identified through the CIREA forum. However, the confidentiality and disclosability of particular information can be a hindrance in this regard. Discussions of issues at CIREA should be conducted in as full and open an atmosphere as possible. Reports of the discussions on countries of origin and other sensitive issues, prepared by the Council Secretariat in consultation with the Presidency should be drawn up in such a manner as to permit them to be usable by Member States in making decisions in individual cases. To enable reports on countries of origin and other issues to be usable,

they should preferably be written with the possibility that they may be disclosed in mind; thus, for example, specific comments would not necessarily be attributed to Individual Member States. Before such reports on specific issues are released for use in this way, they should be approved in their final form by CIREA. This, however, is only an interim recommendation. The question of the confidentiality of information and its dissemination is a matter which requires careful in-depth consideration. As such, this is a matter which might fruitfully be included as an item in the medium term work programme recommended at paragraph 4.2 above.

- 4.4.2 In addition to their participation at meetings where specific countries of origin are discussed, there should be some mechanism within CIREA for the coming together of specialist case workers from the Member States. One or two CIREA meetings per year should be set aside for specialist case workers to examine particular themes or aspects of countries of origin, or individual cases where they raise difficult issues of policy or interpretation of the 1951 United Nations Convention relating to the Status of Refugees and the 1967 New York Protocol thereto; any such cases examined would be of recent origin and would be made suitably anonymous. A report on the findings/conclusions of such meetings should be presented where appropriate to the full CIREA meeting by the Presidency.

If the Commission's pilot exchange project in the area of asylum is to be continued, provision should be included for exchanges/seminars involving specialist case workers.

- 4.4.3 To assist both CIREA delegates and specialist case workers, a contacts list should be maintained by the Secretariat and updated at least once each year. Such a list should include contact details of CIREA delegates and of specialist case workers in each Member State.
- 4.4.4 Missions to countries of origin of asylum seekers by specialists from bodies in charge of establishing the status of refugees should continue as they may yield useful information for the work of CIREA. Member States should give advance notice of missions they intend undertaking to enable other states to present questions for the participants or, indeed, to participate in the missions if possible. Where experts from other Member States can participate, such missions present considerable advantages in terms of costs, organisation and

impact of findings: they also facilitate contacts between specialists of different Member States. After each mission, the Member State which led the mission should draw up a full and frank report in conjunction with the other participants to allow for a free discussion at CIREA. The final report of the mission should be made available to delegations if necessary in two forms: one full form for the information of delegates and another that may be used in making decisions in individual cases. CIREA recognises that the ideal situation is one full report that may be used in determining individual cases, but that this ideal may not always be achievable.

CIREA recognises that in a situation where not all participants in a joint or co-ordinated mission can agree to the dissemination of a joint report on the mission, it is open to individual participating delegations to produce their own parallel reports, based on their own experiences on the mission.

- 4.4.5 CIREA's discussions have shown that Member States are progressively endeavouring to exchange information on specific matters relating to asylum applications. Such exchanges of information allow for greater informal co-operation between Member States. In addition, CIREA has gathered much information since its inception in 1992 particularly as regards legislative provisions and practices in Member States. Access to, exchange of, and the dissemination of information is being hampered by the absence of a suitable database which is readily accessible by competent authorities. In order to maximise CIREA's possibilities, consideration should be given to the feasibility of setting up a computerised database and a system for the electronic exchange of information.

4.5 Interaction with other working parties and international bodies

- 4.5.1 The work of CIREA should not be viewed in isolation of other groups in the Steering Group I area or, indeed, of other non-European Union bodies. In particular, it is considered that CIREA should have a closer relationship with K4 and with other working parties within the Pillar, particularly the Asylum Group. CIREA could be requested to conduct studies on certain issues and to make appropriate recommendations/proposals based on its studies. (For example, CIREA could have been requested to gather information on reception facilities in Member States, to collate and analyse the information received and to report to the K4 Committee or the Asylum Group on their

findings. Based on the findings of CIREA, K4 or the Asylum Group could decide if further action was desirable. It is of course possible that the findings of a CIREA study would warrant attention by another group, e.g. the Migration Group.) Indeed, there is a case to be made that much of the work of the Asylum Group should emanate from issues identified by CIREA as requiring a detailed examination from a policy point of view.

4.5.2 CIREA should continue to invite the UNHCR to participate at meetings where countries of origin of asylum seekers are being discussed. Such meetings should be structured to allow Member States discuss issues in advance of the UNHCR's participation and to allow for further discussion subsequent to their participation, if necessary.

4.5.3 Although a certain degree of harmonisation of statistical concepts and assessment methods has already taken place, there is a need for improvement in this area. Not only should the statistical office of the European Communities (EUROSTAT) be consulted on the means of implementing such improvements, but consideration should also be given to co-operating with other bodies involved with the preparation and processing of statistical information on asylum seekers.

4.5.4 CIREA should organise ad hoc meetings with other bodies/authorities on asylum issues within its area of competence, e.g. with countries of central and eastern Europe.

4.5.5 CIREA should, as needs require, continue the practice whereby the President of CIREA may request the President of the relevant 2nd Pillar working group to provide country reports by heads of mission in countries of origin of asylum seekers.

5 Conclusions

- * A medium-term work programme cycle should be put in place;
- * meetings should be better structured and managed (this has already commenced);

- * informal ad-hoc sub-groups should meet to consider certain issues (this has already commenced);
- * the use of individual delegations as rapporteurs on particular issues should be developed;
- * information documents should be available in the source language and also in English and French, whereas documents requiring approval should be in all working languages. Full interpretation facilities should be available for all CIREA meetings;
- * there should be developed a capacity to analyse information provided by Member States within the Council Secretariat, and sufficient resources should be made available for this purpose;
- * the issue of the confidentiality and disclosability of information exchanged should be settled in order to facilitate the best possible use of information gathered and exchanged by Member States. Where necessary abridged reports should be produced which would be usable by all Member States;
- * one or two meetings per year of CIREA should be set aside for specialist case workers to examine particular issues related to the processing of asylum applications;
- * missions to third countries should continue. The final reports of such missions should be made available to delegations in as full a manner as possible;
- * the practice whereby the President of CIREA may request the President of the relevant 2nd Pillar working group to provide country reports by heads of mission in countries of origin of asylum seekers should continue;
- * the feasibility of establishing a computerised database and a system for the electronic exchange of information should be examined (such an examination has already commenced);

- * at the initiative of the K4 Committee (or other Asylum and Immigration Groups operating via K4), CIREA should conduct studies on asylum-related issues and where appropriate make recommendations or proposals;
 - * CIREA should seek to co-ordinate its activities with other bodies, e.g. EUROSTAT and should invite certain third parties to attend ad hoc meetings on asylum related issues;
 - * the UNHCR should continue to participate in discussions on countries of origin of asylum seekers and other relevant discussions as considered appropriate by CIREA.
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