

**FEEDBACK TO THE 2012 ANNUAL ACTIVITY
REPORT OF THE EUROPEAN ASYLUM SUPPORT
OFFICE (EASO)**

JULY, 2013

1. Introduction

aditus foundation underlines the crucial importance of the work developed by the European Asylum Support Office (EASO). **aditus** notes that, being the European Union's asylum agency, EASO has been faced with high expectations on the development of its activities by *inter alia* the Member States (MS), civil society, asylum-seekers and international protection beneficiaries.

In this regard, **aditus** would like to take this opportunity to congratulate EASO for its achievements in 2012. These achievements are especially relevant in consideration of the Agency's initial efforts to fully establish itself in Malta, including the change of premises and recruitment of staff.

Following the invitation by EASO to submit feedback to the **Annual Activity Report (Report)** and in pursuance of Article 51(4)(b) of the EASO Regulation, we would like to hereby present our feedback and suggestions to EASO in the hope that these are found to be useful and constructive.

Most of our comments relate to consultation and cooperation with civil society, be it directly or indirectly (**section 2**), with a preliminary comment on a material detail (**section 1**)

2. Language availability of the Annual Activity Report

In the first lines of the Report, in page 3, it is mentioned that the document is available in all the **official languages of the institutions of the EU**, in compliance with Article 41(2) of EASO Regulation.

However, we have only received the English version and EASO's website also seems to only offer the English version. We query whether the other language versions are available elsewhere. If so, we suggest that these **should be easily available on the website**, under 'EASO Publications', following the example of other publications already available there (such as the 'EASO Work Programme 2013' or the 'COI Report Methodology').

3. Consultation with civil society: direct cooperation, training and relocation

We would like to focus our feedback and opinions on the consultation and cooperation processes of EASO with civil society, be it directly concerning EASO's established or planned systems of consultation or indirectly such as the participation and accessibility of civil society to EASO's training sessions and access to documentation.

3.1. Direct Cooperation

We were happy to read that "*EASO has continued strengthening its relationship with civil society*" and we certainly welcome the activities organised throughout the year, such as the elaboration of the Operational Plan (pp. 24 and 25 of the Report).

Nevertheless, we believe that other measures should be adopted to strengthen this cooperation and in this regard we would underline the last paragraph of the Report (section 2.1.4, p. 25), hoping that cooperation is strengthened throughout 2013.

"Civil society organizations expressed [during the Consultative Forum] their willingness to engage more closely with EASO and to provide relevant expertise. EASO welcomed suggestions and proposals made by civil society both on content and process and vouched to take them into consideration to the extent possible in its work during 2013".

As a civil society organization advocating for the protection of the rights of international protection seekers and beneficiaries, we feel we are in a position to provide more regular and extended input in many of EASO's activities. This, of course, with due consideration to our severe resource limitations organisations requiring that such input be provided with an understanding that it could translate into concrete action or, at least, into on-going dialogue with a view to effective results.

Furthermore, we feel that EASO's relations with civil society could be designed within a clear and accessible protocol or terms of reference outlining not only the possibilities of civil society input but also, and importantly, the possible/actual follow-up measures envisaged or committed by EASO in response to such input.

We feel that such clarity would enhance the possibility for us to answer two commonly asked questions by civil society organisations: "*What is expected of us?*" and "*What can/will happen to our feedback?*". Taking the example of the Report presently being commented upon, we have been asked to "*suggest measures as follow up*", but this is in fact a rather unclear and non-committal request providing little information on the nature, quantity, quality of information being requested and, importantly, on the possible outcomes of such an exercise.

Does it mean suggestions for follow up of the report? Does it mean suggestions for follow up on the activities started by EASO in 2012? Does it mean suggestions for follow up in 2013, considering EASO's completed activities in 2012? Does it mean all of this?

We are very aware that the EASO Regulation itself uses this same vague terminology, which further stresses the need for EASO to start defining the goals it wants to achieve with through civil society cooperation. Linguistic vagueness offers the opportunity to EASO, together with civil society, to determine the terms of reference in a manner that best suits its requirements and those of participating organisations.

We appreciate that the EASO Regulation only refers to the obligation of "*call[ing] upon the Consultative Forum*" after the publication of the Report, but we would very much appreciate if **civil society could have a word** on EASO's activities **during the Report's preparation period**, thereby enriching the Report by enabling it to be truly inclusive and evaluative of the Agency's activities.

Finally, although we welcome the elaboration of the '**EASO Consultative Forum Operational Plan**', we are of the opinion that this does not quite satisfy desired transparency levels in communication with civil society, especially with regard to the criteria for the selection of organisations for the various consultation processes. Furthermore, we regret that this Operational Plan was presented to the 2012 Consultative Forum meeting as a final document, with no opportunity for civil society to truly take ownership of the document and, as a consequence, of the consultation process itself.

While we understand that there are potentially several organisations wishing or able to provide EASO with technical input, and that EASO would like to ensure a "*more effective communication*" (Report, p. 25), we think it would be crucial for EASO to **readily clarify the adopted selection criteria for each specific consultation process**: which organisations had been chosen and why, as well as which organisations had not been chosen and why. Again, any outcomes of such consultations should be duly shared primarily with the consulted organisations but, ideally, with the broader civil society community. Such outcomes could easily be developed as a non-committal annex to the '**Annual Calendar for Consultations**' in order to make this a more comprehensive document.

3.2. Training

The EAC training framework established by EASO seems to be diversified, in terms of modules and attendance formats, and clearly programmed, and we understand that the number of training beneficiaries from national asylum authorities is on the increase. This is excellent news, since we acutely appreciate the value of ensuring high-quality decision-making in refugee status determination procedures that is in conformity not only with the EU asylum acquis but primarily with pre-existing international standards as contained in the 1951 Refugee Convention.

Yet we remain concerned that such training activities remain exclusive to MS representatives. Given the severe limitations faced by civil society organisations to also ensure high-level quality in their own operations, also in view of the increasingly technical nature of relevant EU and international legislation, opening such training courses to a broader spectrum of participants would certainly work towards a more effective and comprehensive fulfilment of the aims of CEAS. Together with the immediate benefits for the training beneficiaries, we strongly believe in the long-term value such activities could have by way of networking opportunities, sustainability and overall monitoring of the quality of decision-making by the very EU MS.

We therefore very much **encourage EASO to accept and invite civil society participants**, as this could provide for a very fruitful exchange of ideas and experiences among the several participants.

3.3. Relocation

As a Malta-based organisation, we are very actively concerned with this aspect of EASO's activities, since it seeks to promote effective solidarity among Member States but also solidarity with international protection seekers and beneficiaries.

In-keeping with the spirit of the 1951 Refugee Convention and the EU treaties, we fully support any measure that aims at increasing solidarity for the ultimate benefit of persons seeking and in need of international protection. In this regard, we welcome EASO's report on the EUREMA project.

However, we must express our regret that all Malta-based civil society organisations have been positively excluded from this reporting exercise, thereby losing an invaluable opportunity at concrete consultation and discussion.

Together with a number of other Malta-based NGOs, aditus foundation had formally requested EASO and the European Commission to be invited to present contributions to the EUREMA evaluation, since we had and continue to have very hands-on experiences in the way EUREMA was implemented. Regrettably, even after having been formally accepted to give contributions, we were never contacted and consultation never materialised, neither to present written submissions, nor to express our views in any other way.

We would, therefore **encourage EASO not only to allow civil society to have a more active role in the preparation of reports, but also to actually invite civil society to cooperate in the preparation of such reports.**

3.4. Access to documentation

We remain concerned at the lack of transparency and openness with regard to particular documents. In particular, we fail to agree with the impossibility of EASO to share Operating Plans concluded with specific EU MS in the context of assistance provided by the Agency.

Whilst the formal reasons have been duly disclosed, we disagree with an assessment that unreasonably attaches national security considerations to activities intended to bolster the asylum capacity of individual MS. Given the immense importance of such activities to EASO's overall analysis of its impact and success, and given the impact of such activities on persons directly affected by the manner in which the EU MS fulfil or fail to fulfil their EU asylum obligations, we feel that limiting civil society access to such plans is a serious denial of the opportunity for civil society to effectively monitor, evaluate, assess and contribute to such efforts.

Having repeatedly requested to be granted access to the Greece Operating Plan, we now understand that denial of access will in fact be standard practice for such Plans. This is highly regrettable, not merely in terms of the principles of transparency and accountability, but primarily in relation to the underlying message that civil society seems not to be considered an active and useful stakeholder in national asylum systems.

4. Conclusion

Summarily, the spirit of our feedback may be summarised in the need to ensure **clear and continuous dialogue**.

Even though, as underlined above, cooperation and consultation seems to be slowly materialising, we consider these efforts are insufficient and largely ineffective. At times timing of consultation requests is far from ideal, as civil society organisations could have more input to present during the stages of preparation of EASO's activities, reports, etc. – prior to the finalisation of such efforts when feedback would be largely useless and, therefore, a waste of precious human and time resources.

31 July 2013
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