

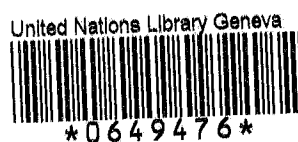
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Seminar on the Functioning of Asylum Procedures
arranged in the context of the
Inter-Governmental Consultations on Asylum-Seekers
in Europe and North America
in co-operation with the French Government
Evian 13 - 15 June 1990

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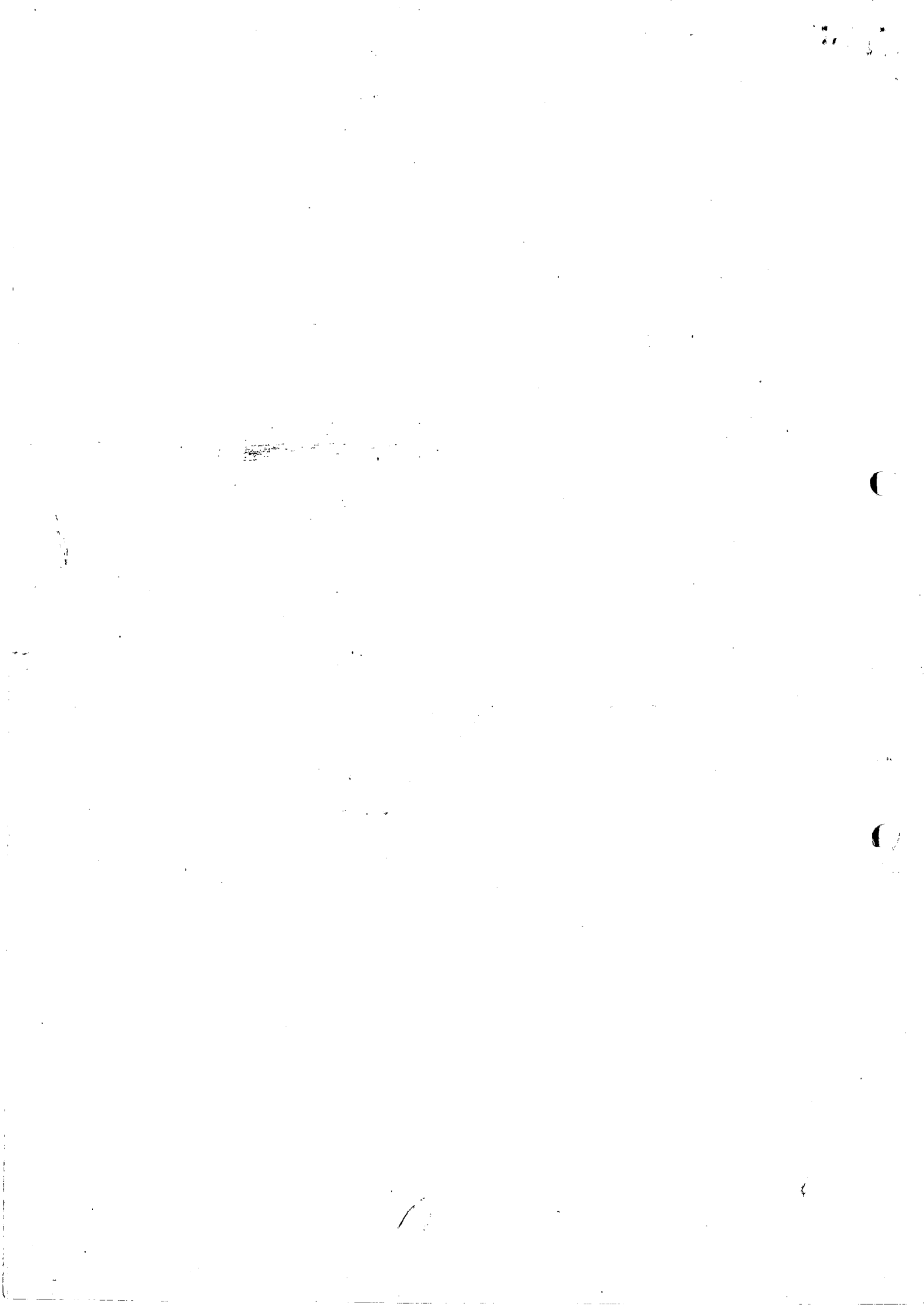
Study on country of origin information,
prepared for the secretariat of the
informal consultations by Mr. H. Thoolen.

(This document does not commit UNHCR
or any participating State)



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FINAL REPORT

CONSULTANCY ON
COUNTRY OF ORIGIN INFORMATION

prepared by

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for

the Coordinating Group of the Task Force on
Information and Documentation

note: established by the Dardagny Workshop
held in January 1989

Geneva, March 1990

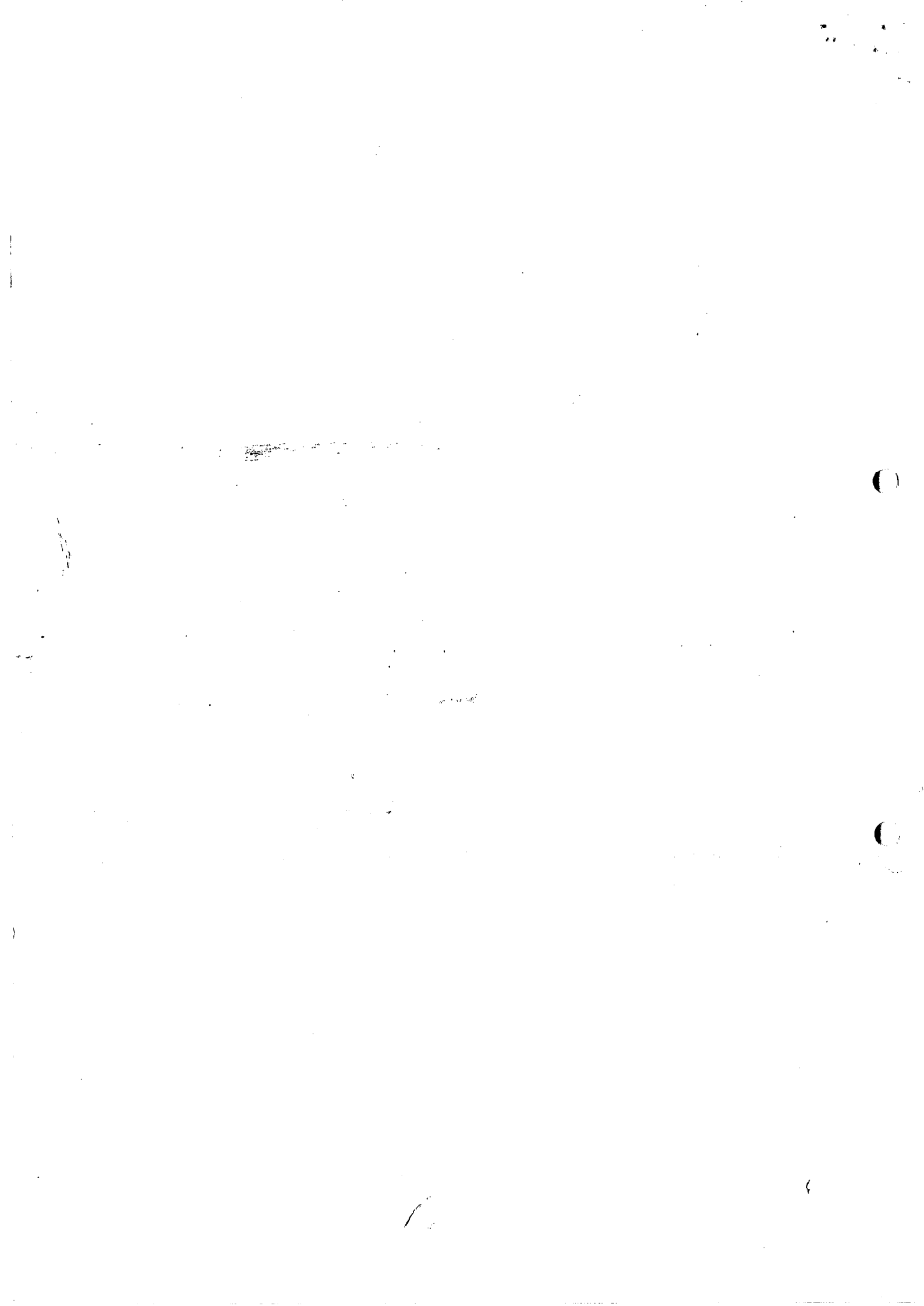


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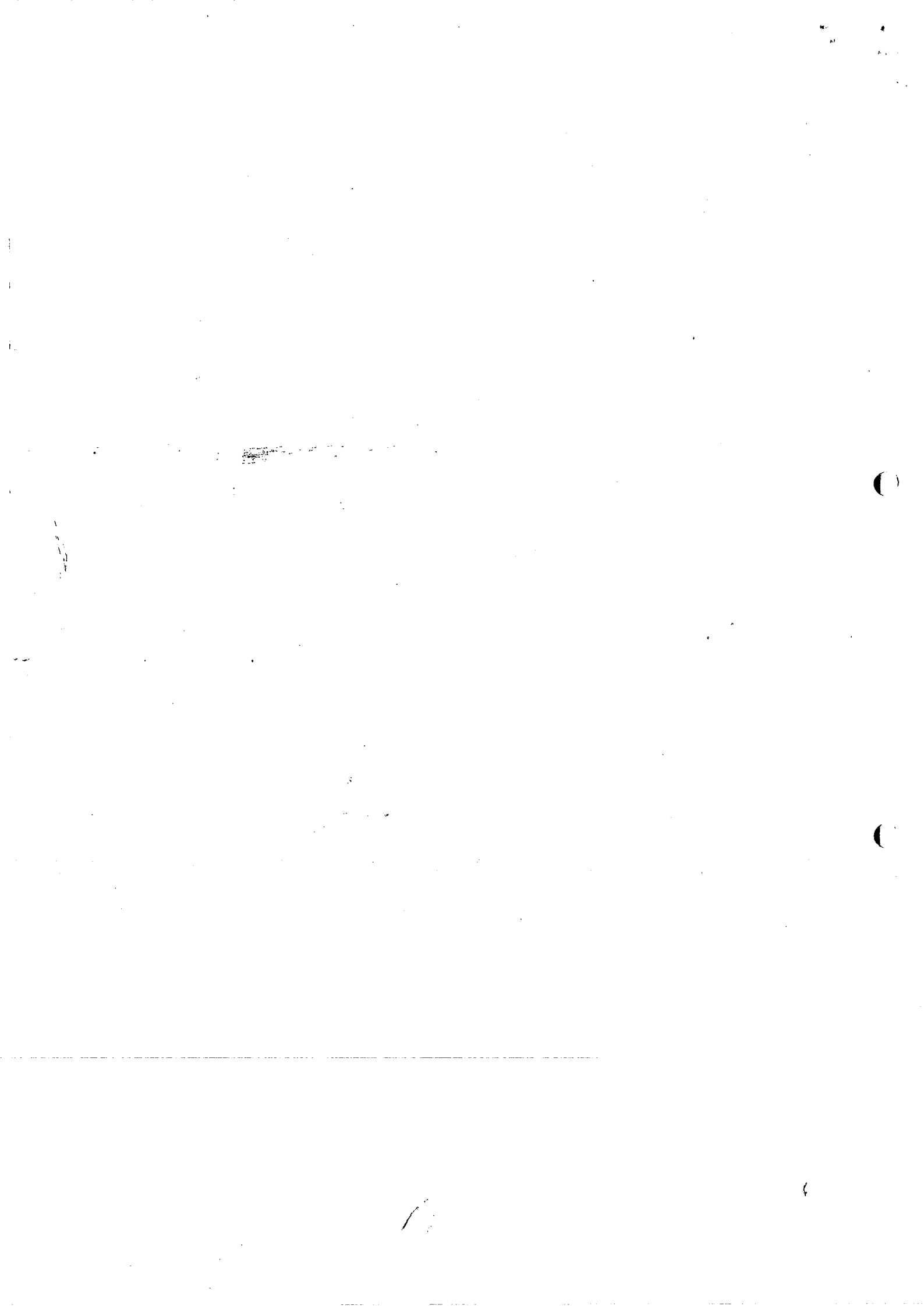
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CHAPTER 1. INTRODUCTION

- 1.1 Background to the study
- 1.2 Country visits
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- 1.4 Introduction to the Conclusions and Recommendations

1.1 Background to the study

The study on country of origin information has to be seen in the context of the rapidly changing refugee situation in Western Europe and North America, as it has developed in the 1980s. It is sufficient here to list some of the well-known characteristics without further details:

- substantial increase in the number of asylum-seekers;
- different groups of asylum-seekers (more from outside Europe);
- consequent strain on status determination procedures, reception facilities and financial resources;
- more controversial if not negative public opinion.

Moreover, the political scene in the North has also considerably changed, with in particular fundamental changes in Eastern Europe and the movement of many European States towards regional integration (especially the removal of internal borders and strengthening of external ones with regard to movement of persons within the EC).

In addition to a number of inter-governmental fora established by the States concerned (Council of Europe, at various levels in the European Community, Nordic States, Schengen-agreement), UNHCR developed informal consultation mechanisms with refugee-receiving States in Western Europe, North America and Australia, first encompassing the States of the Northern part of Europe and gradually including States from the Southern part. These consultations deal with many topics from general policy (procedures, public opinion, root causes) to specific arrivals (e.g. Tamils, Iranians). A few Special Workshops were held within the the framework of these inter-governmental consultations. One of them (1988) was on the subject of "The Development of Fair and Efficient Procedures for the Determination of Refugee Status", at which several proposals were made, inter alia, to deal with the backlog of cases. Here, the need for better access to country of origin information was brought up.

In the same framework a Workshop was then organized by UNHCR on "How to assess the situation in countries of origin of asylum-seekers" (26-27 January 1989, in Dardagny, Geneva). This Workshop showed that in particular the area of information and documentation on countries of origin has promising potential for progress and cooperation between various governmental, inter-governmental and non-governmental actors.

The Workshop reached, inter alia, the following conclusions, as formulated by the two chairpersons of the meeting, Mr. G. Howell, Director of the Documentation Centre at the Immigration and Refugee Board of Canada, and Mrs. H. Munkebye of the Norwegian Directorate of Immigration:

1. that ways be examined to strengthen public (i.e. published) information gathering on relevant conditions in countries of origin;
2. that further efforts be made, at both international and national level, to develop assessments of situations in countries of origin that are related to coerced migratory movements;
3. that steps be taken to develop a network of exchange of country of origin information.

In order to implement these conclusions the following arrangements were established, at the proposal of the two chairpersons:

1. A Task Force on Information and Documentation was set up comprising the States who were represented at the Dardagny meeting;
2. A Coordinating Group within this Task Force was established to pursue the objectives, liaise with UNHCR and report back to the Task Force. This Coordinating Group consists of representatives of Canada (Mr. Graham Howell), the Netherlands (Mr. Wil van Koppen) and Norway (Mrs. Henriette Munkebye).
3. UNHCR put at the disposal of the Coordinating Group and the Task Force a consultant, part-time for a period of four months. After consultation between UNHCR and the Coordinating Group, the Chief of UNHCR's Centre for Documentation on Refugees (CDR), Mr. Hans Thoolen, was given this assignment, to start preparations in June and conduct visits and discussions from July through September 1989.

The job description of the consultant was as follows:

1. to make an 'inventory', as comprehensively as possible, of all systematic and/or computerized information systems and collections containing country of origin material, considered in the broadest sense relevant to refugee and coerced migratory movements;
2. the study should focus on governmental and non-governmental efforts in the the refugee-receiving countries in the "North" and should take account also of projects in advanced stages of planning;
3. the report should be a narrative account of systems and projected systems, describing their origin, scope, actual content and future directions, particular strengths (e.g. specific country holdings), actual and intended users, linguistic coverage, access, information handling standards and integration into the refugee and asylum process;

4. the consultant should also evaluate the prospects and possibilities for international cooperation through sharing and exchange of data, taking into account the difference between public (published) material and other types of material;
5. the consultant should examine the options for different types of access to information sources, including on-line;
6. the consultant should try to visit all countries involved in the informal inter-governmental consultation, and report through the Coordinating Group to the Task Force before the end of 1989.

In order to prepare the visits by the consultant and systematize the descriptive part of the study a questionnaire was drawn up (copy attached as Annex 1) to be filled out by the appropriate instances or persons.

1.2. The visits

Visits by the consultant were grouped together as economically as possible, taking into account also his need to be regularly present in Geneva, where he remained responsible for the overall management of the Centre for Documentation on Refugees, although many of the day-to-day activities were taken over by the staff of CDR. Visits were conducted between July 1989 and January 1990. Due to financial and time constraints Austria, Australia and the United Kingdom could not be visited, while the visit to France had to take place after the main body of the report had been finalized.

Visits included typically contact with the person(s) who attended the Dardagny Workshop of January 1989, decision makers in individual cases, those responsible for information support to decision makers and UNHCR's field office. In many cases also documentation centres and libraries of other governmental departments and selected NGOs were visited. The average visit was less than two days which did not permit in-depth discussions. The variety of information infrastructures in the different countries - it should be noted that in some agencies there is not a single organizational unit responsible for information and documentation - constituted an additional obstacle to achieve quickly insight into the state of affairs.

The reception given to the consultant in all countries was invariably warm, and throughout a spirit of cooperation and even enthusiasm was experienced, in particular at the level of documentation and information personnel, who often felt that they were too much excluded from international contacts.

1.3 Meetings of the Coordinating Group

Two meetings of the Coordinating Committee were held:

- The first in Canada, on 3 August 1989, at which were present -in addition to the consultant - Mr. Graham Howell and Ms. Sharon Rusu, of the Documentation Centre of the IRB in Canada, and Mr. Wil van Koppen, of the Dutch Ministry of Justice;
- The second was held on 28 and 29 November 1989 in Strasbourg in the building of the Council of Europe, at which were present in addition to the persons mentioned above: Mr. Hans Arne Kjelsaas adviser in the Legal Department of the Directorate of Immigration of Norway, Ms. Nicole van Rooij of the Documentation Unit of the Asylum Department of the Netherlands' Ministry of Justice, and Ms. Anne-Gret Nielsen of UNHCR.

1.4 Introduction to the Conclusions and Recommendations

The Conclusions and Recommendations in Chapter 4 are those which the Coordinating Group and the consultant believe to be the most appropriate taking into account the rather heterogeneous setting of the informal, inter-governmental consultations, from where the Task Force derives its mandate. In other words, recommendations for a single country were not the purpose of this study and would certainly have been very different.

The scope of the study was obviously limited to the refugee-receiving countries in the North. In the South, refugee determination procedures tend to be more often of a summary nature as group determination rather than individual assessment seems to impose itself in the case of large-scale influxes. However, recent developments in South-East Asia point in the direction of "screening" on an individual basis. If this trend is confirmed, the recommendations concerning country of origin information may become of greater relevance for countries outside the Western world.

The Conclusions and Recommendations were subject to much more intensive consideration by the Coordinating Committee than the main body of the report. In view of the length and detail of the total report, it was decided that the Conclusions and Recommendations should be able to stand on their own and be disseminated as such. Therefore, Chapter 4 contains a brief summary of the findings.

Finally, it should be noted that the Coordinating Committee and consultant are fully aware of the fast-changing institutional environment in which country of origin information is being discussed. The proposals in the recommendations are, therefore, to be seen as steps in a much longer-term process.

CHAPTER 2 SURVEY OF NATIONAL PROCEDURES AND SYSTEMATIC COLLECTIONS

Introduction

The purpose of this survey of national procedures and brief notes on information/documentation efforts in the 14 countries participating in the inter-governmental consultation, is to provide a background to the main part of the study. A description of the information and documentation efforts in each country, in the refugee determination agency as well as in a few non-governmental organizations, is preceded by a short summary of the national procedure.

The information concerning the national procedures (the competent authority, and the appeal situation) has been taken from UNHCR's latest submission to Excom; the description of the information and documentation situation in the refugee determination agencies and NGOs is based on visits and/or replies to questionnaires. On a few occasions, brief reference has been made to centres not contacted.

In Annex 2, the indicative numbers of spontaneous arrivals of asylum-seekers in Europe and North America are provided (in 1987 - 1989). In Annex 3 the indicative numbers by regions of origin of spontaneous arrivals of asylum-seekers in Europe are provided (1981/1989). These figures may assist in putting the need for country of origin information into a quantitative perspective, although one should add that the initial effort of collecting country of origin information for a few cases is about the same as for a large number.

AUSTRALIA (not visited)

1. The competent authority for the determination of refugee status is the Minister for Immigration and Ethnic Affairs. The applicant for refugee status addresses himself in the first instance to the immigration authorities in his State of residence; he is interviewed under oath by a senior officer of the Department of Immigration and Ethnic Affairs. Copies of the transcript of the interview are made available to the Minister, to the applicant, and to the UNHCR Representative in Australia. The transcript of the interview, together with any additional relevant information, is transmitted for consideration to the Determination of Refugee Status Committee, composed of a representative each of the Department of Immigration and Ethnic Affairs (Chairman), the Prime Minister and Cabinet Department, the Department of Foreign Affairs, and the Attorney General's department. After considering the case, the Committee makes a recommendation to the Minister for Immigration and Ethnic Affairs, who takes the final decision.

2. The above-mentioned rules of procedure do not expressly give a formal right of appeal, but provide that the Minister may refer any case back to the Determination of Refugee Status Committee for reconsideration in the light of additional information.

3. NGOs: Although several NGOs are active with regard to human rights in countries of origin, in particular in the South-East region and the Pacific, the only organization known to the consultant which collects and disseminates systematically information concerning refugees is CHOMI, Clearing House on Migration Issues in Richmond, Victoria. The emphasis of the collection is on refugees who have already arrived, and their problems in Australia.

AUSTRIA (not visited)

1. The competent authority for determining refugee status is the Head of the Government of the "Land" ("Landeshauptmann") in which the application for refugee status is made. This competence of the "Landeshauptmann" is by law delegated to the Director of Security ("Sicherheitsdirektor") of the respective "Land", who is a federal official responsible to the Ministry of the Interior. Applications for refugee status are filed with the security authorities of the different "Laender".
2. In May 1988 an accelerated procedure was introduced in order to decide upon the applications of certain East European nationals within the time-frame of their legal presence as tourists in Austria. UNHCR is consulted on the basis of the initial interview. The asylum-seeker can be transferred from the accelerated procedure to the regular procedure by the competent authorities dealing with the application or at the request of UNHCR.
3. Appeals against negative decisions under the regular as well as the accelerated procedure are made in the first instance to the Ministry of the Interior. The Ministry's decisions are subject to review by the Administrative Court ("Verwaltungsgerichtshof").
4. NGOs: No major human rights information centres could be identified, although a few initiatives have been announced.

BELGIUM (visited 13/14 July 1989)

1. The competent authority for determining refugee status is the Commissioner-General for Refugees and Stateless Persons. The Office of the Commissioner-General is an autonomous body attached to the Ministry of Justice.
2. The Minister of Justice decides on the admissibility of claims, with mandatory advice from the Commissioner-General.
3. The decision of the Commissioner-General for Refugees on refugee status can be appealed to the Permanent Commission of Appeals for Refugees, which is an independent administrative court.
4. The newly-created Commissioner-General's office does not (yet) have a clearly identified 'information/documentation unit' nor posts for specialized staff, but it was, from the very start, equipped with personal computers, linked through a LAN, with access to a larger system in the Ministry of Justice. From this Ministry it also gets most computer advice and support. The system is used in the first place for word processing, mailing, registration of applications and decisions, and the production of statistics. On-line access to external databases should not be problematic, but has not yet been implemented. For country of origin information the Commissioner-General's office has only just started to build up a manual collection and major acquisition decisions are still pending.
5. NGOs: IPIS (the International Peace Information Service, a documentation centre related to the Pax Christi movement, based in Antwerp) has a relatively large document base: 6,000 monographs, 10,000 documents and over 1,000 serials. IPIS is using the manual (but easy to computerize) OASIS system, for which it developed and uses its own thesaurus with more than 1,000 concepts; the focus of the collection is on peace and social justice, not only human rights, but major political developments in countries of origin are covered. IPIS has six staff members, the majority of which is volunteers.

CANADA (visited 31 July - 2 August 1989)

1. The competent authority for determining refugee status is the Convention Refugee Determination Division (CRDD) of the Immigration and Refugee Board (IRB). An access tribunal (comprised of one CRDD member and one Immigration adjudicator) at the port of entry determines, inter alia, whether an asylum-seeker has a "credible basis" for a well-founded fear of persecution. If there is such "credible basis", the asylum-seeker is referred to a hearing by a panel of two members of the CRDD which will determine whether the asylum-seeker is a refugee. In the case of a split decision by either the access tribunal or the CRDD panel, the case is ruled in favour of the asylum-seeker.
2. Unanimous negative decisions by either the access tribunal or the CRDD panel can be appealed to the Federal Court of Appeal, by leave and on matters of law only. Negative decisions of the Federal Court of Appeal can be appealed to the Supreme Court. The leave to appeal application does not suspend removal from Canada after a negative decision of the access tribunal. The leave to appeal application does suspend removal from Canada after a negative decision of the CRDD panel. The Minister of Employment and Immigration can allow asylum-seekers rejected by either the access tribunal or the CRDD panel to remain in Canada on humanitarian or compassionate grounds.
3. In 1988 the IRB set up a Documentation Centre (IRBDC) to be the basic information resource on refugees, human rights and migration matters; a special feature is that it is open to the public, and to all parties in the refugee process. The IRBDC provides relevant historic material, particularly through its country profiles (16 were published this far); chronologies of significant events; and current information on political, ethnic and religious groups, and on law and practice. Only identified publicly available and verifiable sources are used, such as traditional human rights monitors, including media, government and non-governmental sources. The IRBDC has established standards for evaluation and use of information. It uses a computerized system and international standards on terminology, formatting, indexing and cataloging; it is involved in international networking on information. The literature database is being put together with a combination of 'downloading' from existing databases and new entries by its own staff (current size: 2,000 non-serial titles and 182 serials; annual growth rate of 10% is expected). The legal database will cover Canadian law, comparative law and international instruments. (This database, called REFDEC, will contain approximately 1,500 entries by the end of 1990, with 25% growth rate.) The IRBDC uses external databases, in particular wire and news services. The IRBDC has a staff of over 20 in Headquarters in Ottawa (researchers and documentalists) and small regional documentation centres in each of the five regional offices.
4. NGOs: The Human Rights Centre of the University of Ottawa has built up a computer database of bibliographic references to documents on human rights in Canada as well as abroad, with emphasis on those produced in Canada or by Canadians. The Canadian Charter of Rights and Freedoms is a major focal point, and legal material relating to refugees is covered from this angle. All documents are indexed using controlled indexing terms. The HURICAN (Human Rights Canada) database contains 10,000 references. In November 1989, it became on-line accessible through QUICKLAW, under the database name HRB.

The Research Resource Division of Refugees (RRDR) of Carleton University has also developed a computer-based system, with 5,000 records and annual update of approximately 1,500. Its main emphasis is on cultural background and resettlement issues, but covers also social and economic country of origin material.

The Centre for Refugee Studies (CRS) in York University has a database of over 8,000 items and a separate database on UNWRA is in preparation. The main focus of the Resource Centre is on refugee-specific material.

DENMARK (visited 28-29 August 1989)

1. The competent authority for making a determination of refugee status in the first instance is the Directorate for Aliens, an agency established under the Minister of Justice with a director appointed by the Minister. A request for refugee status is normally made to the border or local police authority which must submit the matter without delay to the Directorate for Aliens for consideration. The provisions of the amended Aliens Act of 17 October 1986 regulate the situation of arrivals at the border, introducing passport and visa obligations and enabling Danish authorities to deny entry on the basis that asylum could have been claimed elsewhere. No refugee can, however, be returned to a country where he does not enjoy protection in the sense of the 1951 Convention. Appeals against denial of entry are possible, but do not have a suspensive effect.

2. There exists an accelerated procedure for applications considered to be manifestly unfounded. If the Directorate for Aliens, after having carried out an interview, finds that the case can be considered manifestly unfounded according to previous jurisprudence, the case is presented to the Danish Refugee Council (DRC) which interviews the applicant and makes an independent decision. If the Danish Refugee Council agrees with the Directorate for Aliens, the rejection is final, but if the DRC does not agree, the case is sent back to the Directorate and the normal procedure takes place.

3. Appeals against negative decisions of the Directorate for Aliens may be made to a Refugee Board composed of seven members and alternates. The chairman and his alternate are judges appointed by the Minister of Justice. Other members and alternates are appointed by the Minister of Justice including one member and alternate recommended by the Minister for Social Welfare, the Minister for Foreign Affairs and the Bar Council, respectively, and two members and alternates recommended by the Danish Refugee Council. The Board decides appeals by simple majority, with a tie vote being resolved in favour of the applicant. Cases which are not considered to involve matters of principle may be decided by the chairman together with one of the board members nominated by the Danish Refugee Council, and one of the members nominated by the ministries. An appeal to the Refugee Board suspends the effect of the decision of the Directorate for Aliens, but the Board may reject an appeal which is "obviously groundless". A negative decision by the Refugee Board may be reversed by the Minister of Justice on humanitarian grounds.

4. The Directorate for Aliens (Refugee Section) keeps most country of origin material in the individual case files (manual) and receives (confidential) country situation reports from the Human Rights Department in Foreign Affairs. The Directorate has a one-person "Dokumentationscentralen", who maintains a manual collection of 250 monographs, 25 serial titles and over 1,000 embassy reports, with a focus on law, human rights, dissident groups and minorities.

5. NGOs: The Danish Refugee Council (DRC) has a collection of over 2,000 books and documents and 150 serial titles, in addition to a large press clippings collection covering refugee-specific as well as human rights material. Documents are described in Danish, with English indexing terms. Since 1987, it has a free-text database (running on a mainframe) with 1,400 entries and annual growth of 500.

The Danish Centre for Human Rights is also developing a computer-based system now covering 2,300 items on human rights world-wide. (In addition, there is a special 1,400-item database on medical aspects of human rights.) The Centre has registered 240 serial titles.

The International Working Group for Indigenous Affairs (IWGIA) has a very large collection of specialized material on and by indigenous populations, including human rights. The size is unknown but runs into tens of thousands. Plans to register all references in a computer-based system are in a very early stage.

FINLAND (visited 30 August 1989)

1. The competent authority for determining refugee status is the Ministry of the Interior, which makes its decision after consulting the Ministry of Foreign Affairs.

2. There is no provision for a judicial or administrative appeal from a negative decision on refugee status but a case may be reviewed by the Ministry if new information is provided. An alien subject to an order of expulsion can appeal to the Supreme Administrative Court. Furthermore, the authorities must inform the Counsellor for Aliens of all decisions concerning asylum, expulsion, denial of entry and decisions on detention, according to Article 38 of the Aliens Act.

3. Finland received in 1988 approximately 50 applications

4. There is no specialized information unit for refugee determination; information on countries of origin comes mostly from or through the Ministry of Foreign Affairs.

5. NGOs: there is no specific information oriented NGO yet, but the Finnish Red Cross and the newly formed Finnish Refugee Council have shown an interest in this area.

FRANCE (visited 25-26 January 1990)

1. The competent authority for determining refugee status is the Director of the Office for the Protection of Refugees and Stateless Persons (OFPRA), an autonomous body attached to the Ministry of External Relations. The Director of OFPRA is assisted by a Board ("Conseil de l'Office"), which advises him on matters of general policy concerning the determination of refugee status. The Board is composed of a representative of the Ministry of External Relations, (Chairman), representatives of the Ministries of Justice, Interior, Finance, Labour, Social Affairs and National Solidarity, and a duly appointed representative of officially recognized non-governmental organizations concerned with refugees.

2. Appeals against decisions refusing or withdrawing refugee status may be made to a Refugee Appeals Commission ("Commission des Recours des Réfugiés") composed of a member of the Conseil d'Etat (Chairman), a representative of the Board of OFPRA, and a UNHCR representative. Decisions of the Appeals Commission may be appealed on questions of law to the Conseil d'Etat.

3. OFPRA has recently made the legal affairs section responsible for documentation in general, but it does not have a separate country of origin information unit. OFPRA obtains its country of origin information through two main "external" channels: 1) the Ministry of Foreign Affairs, which uses its embassies for both general human rights situation reports and queries concerning individual cases, and 2) Documentation Réfugiés, a non-governmental documentation centre in Paris, from which it receives on a bi-weekly basis the publications (see below). In addition, OFPRA has concluded a "service contract" for a minimum of 500 hours research with Documentation Réfugiés, which delivers - mostly by fax - background information at the request of the regional desks. OFPRA itself has recently introduced computer-based systems, with priority for administrative applications (file control, registration of decisions etc.).

4. NGOs: 'Documentation Réfugiés' (DR) is a documentation centre set up by five different NGOs. It has a staff of nine (including three volunteers). In addition to a small collection of books (500) and serials (90), it has a very large collection of press clippings and non-conventional material, mostly on human rights. Its regular publication covers references to countries of origin (human rights) material and press cuttings, as well as information on refugee determination in France, Switzerland, Canada and Belgium. From time to time there is a special issue devoted to a particular country of origin. Documentation Réfugiés is building up a computerized database with references to the material published. A special feature is DR's operational "resource service", providing information upon request (by fax or by mail) to paying subscribers, including OFPRA with which it has an annual service contract.

5. Although not a French organization mention should be made here of the Council of Europe in Strasbourg, because it has a Human Rights Documentation Centre, which runs several databases covering: the case law of the Strasbourg human rights bodies (Court, Commission), selected national case law, legislative developments and bibliographic material related to the European Convention of Human Rights. The 'Strasbourg' case law database is in full text, the others contain references, keywords and abstracts. For the collection of material on national case law, legislative developments and bibliographic material, the Council of Europe is using since many years a network of national correspondents - mostly NGOs - which are requested to submit their documentation on the basis of HURIDOCS standard formats. In February 1990 the databases will become on line available to selected national research institutes and correspondents.

FEDERAL REPUBLIC OF GERMANY (visited Bonn and Zirndorf 11-12 July 1989)

1. Refugee status is determined in the first instance by an adjudicating official of the Federal Agency for the Recognition of Foreign Refugees in Zirndorf, Bavaria. Case files are prepared and submitted by the Aliens Authority (Ausländerbehörde). Asylum-seekers requesting asylum at the border have to be referred to the Aliens Authority. The amendment to the Law on the Asylum Procedure (1987) referred to above provides for exceptions from the exclusive competence of the Federal Agency. The asylum request made at the

border may be rejected by the border authorities if they consider that the applicant has obviously obtained "security from persecution" in another country. The aliens authorities may reject an application as irrelevant ("unbeachtlich") when security elsewhere is evident or when a second asylum request has been submitted without claiming new grounds. A rejection by the aliens authorities may be appealed within one week in a summary procedure before the local Administrative Court. A negative decision by the local Administrative Court may be appealed (Beschwerde) to the Higher Administrative Court of the region.

2. A decision of the Federal Agency may be appealed either by a rejected applicant or by the Federal Commissioner for Asylum Matters to the Administrative Court competent for the district where the applicant resides. However, when the Federal Agency rejects an asylum application as "obviously unfounded", the notification of the rejection is served together with a deportation order. This decision may also be appealed, but the appeal has no suspensive effect. A decision of the Administrative Court on an appeal from the rejection of an asylum application may be further appealed, with leave, to the Higher Administrative Court competent for a particular Land, except where an application has been rejected by the Administrative Court as "obviously unfounded." In cases involving a question of law, a further appeal may be brought to the Federal Administrative Court in Berlin.

3. The Federal Agency in Zirndorf has a special department on information and documentation with 16 staff members in total (in addition the Federal Agency has since 1986 a separate unit dealing with information technology, including office automation). The documentation centre maintains a manual collection of over 7,000 monographs, 15.500 other documents including 10,000 embassy reports, 125,000 press clippings and 8.500 legal decisions.

The computerized system ASYLIS groups several databases, including 4,733 case law records and 4,690 'gutachten' ('opinions' containing statements from either the Ministry of Foreign Affairs, so-called 'amtsberichten', or NGOs). In addition the systems contains a large number of other reference and factual databases such as organizational directories, legislation and a thesaurus of 3,500 descriptors and approximately 2000 synonyms.

It should be noted that 90% of the documents and all of the computerized data are in German, including the thesaurus.

The documentation centre receives from the decision-makers 100 to 150 bibliographic requests per month, of which about one-third is relatively 'open', requiring database or manual searches, while others are more straightforward requests for specific documents or pieces of information. The latter is made possible by acquisition lists and circulars regularly sent out by the documentation centre to the staff of over 700, including decentralized offices in other parts of Germany.

4. NGOs: Already in 1980 the non-governmental community set up a Refugee Documentation Centre (Zentrale Dokumentationsstelle der Freien Wohlfahrtspflege für Flüchtlinge e.V.), better known under its acronym ZDWF, in Bonn. With a staff of 5, it covers mostly German and, to a much lesser extent, English literature and case law on refugees. The emphasis in literature is on country of origin conditions. Its database - Asyldoc - is split into two parts: one on literature (Asyldoc-Reflit) and one on case law (Asyldoc-Refcase). It contains 25,000 records; the annual growth rate is approximately 3,000. The database is on-line accessible through the host DIMDI, using GRIPS software. A special feature of ZDWF is the production of A-6 library cards, in different colours, for the distribution of updates to manual systems.

NETHERLANDS (visited 7 and 10 July 1989)

1. The competent authority for determining refugee status is the Ministry of Justice, which takes a decision in agreement with the Ministry of Foreign Affairs.
2. If a claim for refugee status is rejected, the applicant can request a review of the negative decision by the Ministry of Justice, which is required to seek the opinion of the Advisory Committee for Aliens Affairs if the applicant has made a credible claim. An applicant whose request for refugee status has been rejected in the review procedure can submit a final appeal to the Judicial Division of the Council of State. An applicant for review of a negative decision by the Ministry is permitted to remain in the country until a decision is reached unless the Ministry determines that there can be no reasonable doubt that the applicant is not a refugee or a person entitled to asylum. In such cases the rejected applicant may apply to a court in summary proceedings for authorization to remain in the country pending review or appeal.
3. There are currently over 50 decision makers in the Asylum department of the Ministry of Justice, divided over regional sections. All decision makers have access to the computerized 'country profiles' which the Asylum department has developed for use in the preceding interviewing stage carried out by a separate section of 40 mobile 'interviewers'. In addition, the regional sections hold their own regional collections of country of origin material. These collections typically consist of: - ambtsberichten; - press cuttings organized by country, mostly from Dutch newspapers (20,000); - published country of origin material such as the US State Department's Annual report, the AI Yearbook and ad hoc NGO reports (hundreds); - books, articles and reference works; - finally, there is a rather heterogeneous mixture of other material, including correspondence between ministries, and over 40,000 individual case files.

Most information gathering is done by the decision-makers themselves with support from a 2-persons information unit. A special treat is the Department's use of the 'commercial' information service SVP (Sijthof), which provides quick answers to factual queries of any nature, normally within 24 hours by fax. This service is resorted to about 100 times per year at a cost of approximately 140 HFL (100 SF) per request.

The country profiles database LANDOC is a PC-oriented factual description of over 20 refugee-producing countries, made and maintained for the purpose of assisting interviewers. It runs on Framework and is updated by diskette (see also Chapter 3.2.4.).

In addition, the Asylum department is in an advanced planning stage for a large full text system of country of origin information, which would be on-line available to all unit staff and selected others.

4. NGOs: The Netherlands Institute of Human Rights, abbreviated to SIM on the basis of its Dutch title (which stands for Study and Information Centre on Human Rights) is attached to the Law Faculty of the University of Utrecht. It has a staff of six and developed two databases: one on material written in Dutch (MERLIN) containing at present 2,200 records, and one on other language material - mostly English - of 8,000 records (due to technical problems split into two separate bases). The main focus is on country of origin material, with special attention for human rights fact-finding reports.

Other NGOs such as the Dutch section of Amnesty International and the Dutch Refugee Council (VVN) are developing computer-based systems but these are, in the first place, in-house databases, in particular a kind of "electronic card index" to Dutch refugee case law.

NORWAY (visited 29 August and 4 September 1989)

1. The competent authority for the determination of refugee status is the Directorate of Immigration under the Ministry of Justice. A preliminary examination exists for applicants who apply at the frontier. An asylum-seeker can be expelled seven days after arrival if it is obvious that he/she will not be granted refugee status. The decision is made by the police in cooperation with the Directorate of Immigration.
2. In the case of a negative decision on refugee status, the asylum-seeker may appeal the decision to the Ministry of Justice.
3. The Directorate of Immigration (UDI) has a Department of Interpretation and Information which functions as documentation centre. It has a staff of eight persons and a manual collection 3000 independent units and 150 serials, with main focus on country of origin material. It has just started work on a computerized bibliographic system. In the legal department of the same UDI a start has been made with free text database on country of origin information, aiming to comprise 20 country profiles by the end of 1989. The latter database will not be open to the public

The Ministry of Foreign Affairs has a large collection of public material (120,000 monographs and 450 serials), while also NORAD has a public library (20,000 and 350 respectively).

4. NGOs: Several institutes have specialized collections relevant to country of origin material (e.g. Nobel Institute, Chr. Michelsen Institute and PRIO). The Norwegian Refugee Council has just started a computerized database at present containing 700 entries, while the Psycho-social Team for Refugees has similar plans.

The Norwegian Institute of Human Rights, whose collection now contains (4000 independent units and 60 serials plus a special UN collection) runs three computerized databases:

- HURDOC (general human rights material) 3200 records and annual growth of 600-800 records;
- EURDOC (on human rights in Eastern Europe) 600 records;
- UNDOC (containing references to UN human rights material) 1600 records with annual update of 200-300.

5. Although neither a documentation centre nor a Norwegian organization, mention should be made of the HURIDOCs network (Human Rights Information and Documentation System), which has its international secretariat in Oslo. HURIDOCs is more a cooperative of human rights organizations (including some inter-governmental organizations) who are willing to pool resources and experience in the area of information handling. Its main task is to develop and maintain compatible information-handling tools (such as standard formats for recording and exchange of bibliographic information or information on specific human rights violations) and to train information workers in these tools. Many human rights and refugee organizations (including the Council of Europe, UNHCR and IOM), specialized in information and documentation, have now adopted these, or very similar, standard formats.

SWEDEN (visited 30 August 1989)

1. The competent authority for determining refugee status at the first instance is the National Swedish Immigration Board. Applications for refugee status are referred to one of the four reception centres to which employees of the Swedish Immigration Board are assigned. After the first interview at the centre, the asylum cases are divided into credible claims and more doubtful claims.

2. An appeal against a negative decision of the Board can be lodged with the Ministry of Labour.

3. The Statens Invandrarverk (Immigration Board) has no particular information and documentation section on country of origin material, but the general literature is systematically collected by the library (2,000 monographs and 250 serial titles and a staff of four/five), while other information (e.g. embassy reports) is kept in the sections' files of the determination units. The library started in 1980 with MISIV, a bibliographic database of public material of now 11,000 entries (1,000 added annually).

4. NGOs: No specific information/documentation effort in the area of human rights or refugees could be identified, although both the legal community and the research community are active with regard to refugee and human rights issues. In particular the Scandinavian Institute of African Studies and the R. Wallenberg Institute for Humanitarian Law have shown interest in becoming more active with regard to systematic information handling on countries of origin.

SWITZERLAND (visited 8 August 1989)

1. The competent authority for determining refugee status in the first instance is the Délégué aux Réfugiés (DAR) which is a division of the Federal Department of Justice and Police in Berne. Asylum-seekers who already legally reside in Switzerland make their asylum request with the Cantonal Aliens Authority in the place of residence.

2. Asylum-seekers who are in Switzerland without authorization have to submit their asylum request at one of the four registration centres of the DAR. If they first approach other Cantonal or Federal authorities they and their request are referred to one of the registration centres. Asylum-seekers who wish to enter Switzerland in order to apply for asylum are required to make their asylum request at one of the designated border posts to which they are also referred in case they approach a non-designated border post. In instances where entry is authorized at the border either by the border authorities or the DAR, the applicant is requested to immediately report to one of the registration centres.

3. Asylum-seekers are interviewed with regard to their claim of "well-founded fear of persecution" by the Cantonal authorities. On the basis of this interview the DAR takes a decision. The DAR may carry out a second interview if it is considered necessary, which frequently is the case. In November 1988 an accelerated procedure was introduced for asylum-seekers who had entered illegally and whose claims seem to be manifestly unfounded. In principle the normal procedure is followed. Priority treatment is given to these cases. At any stage cases can be transferred back into the "normal" procedure if so warranted by the complexity of the case.

4. In the event of the Délégué aux Réfugiés (DAR) taking a negative decision, the applicant may appeal to the Service des recours of Federal Department of Justice and Police.

5. The DAR (DFW in German abbreviation) has just decided to reorganize its information and documentation structure by creating a special 'country of origin documentation unit (four posts envisaged) within the decision making section, leaving to the existing specialized library of the DAR technical services (e.g. acquisitions of literature and publication of information bulletins) and the legal material including case law. The library's current manual collection is 2,000 monographs and appr 200,000 'documents' (including individual cases and correspondence).

There is to be a close link between the country of origin documentalists and the decision makers, the latter having to spend 10% of their time on documentation, often in a geographical specialization. Not yet decided is what kind of computer-based system will be used, but the coverage would probably follow closely the existing country dossiers consisting of: 1) press cuttings 2) grey literature (NGO reports, short articles), and 3) 'amtsberichten' (general situation reports from Foreign Affairs, embassies and selected inter-governmental organizations).

The DAR has also an 'information technology'-unit, which focuses on general office automation and the establishment of a registration database of asylum applications, permitting to check double applications and produce statistical information.

6. NGOs: OSAR (Zurich) maintains since 1980 a manual collection, covering mostly material on countries of origin. The majority of the material is in German, which is also the main working language. OSAR produces regularly country profiles, with emphasis on the human rights situation.

In addition there is, in particular in Geneva, a large number of international NGOs and IGOs, which produce human rights information in the form of publications; well known examples are the ICJ, WCC and SOS Torture among the NGOs and the Centre for Human Rights and the ILO among the IGOs. They usually are more producers than "systematizers" of documentation, focusing on their own subjects in their own mandate. A relatively new and small agency - the International Human Rights Service - is trying to bridge the gap between 'producers' and 'consumers' of human rights information, in particular with regard to making available UN-human rights documentation to small NGOs in the South. However, they have not yet implemented plans to establish a computerized database.

7. Mention should be made here of UNHCR, which has established an operational database on refugee literature, called REFLIT, presently containing almost 7,000 records, many of them with comprehensive abstracts. The database runs on the ICC, using INQUIRE. The main focus of the database is on UNHCR publications and other refugee-specific material (international law and action, flight, reception, integration, resettlement) and not on country of origin situations, unless the latter is fully described from the refugee angle. In addition, UNHCR is at an early stage of setting up legal databases (see also Chapter 3.2.4), and an externally-funded project of UNHCR's Centre for Documentation on Refugees is preparing the ground for the establishment of an international refugee documentation network, the participants of which include a great many of the centres specializing in country of origin material.

UNITED KINGDOM (not visited)

1. The competent authority for the determination of refugee status is the Home Secretary. The applicant for refugee status addresses himself either upon arrival at a port of entry to an immigration officer, or, after entry, to the Home Office or a local police station, either in person or in writing, and either directly or through an intermediary. Applications are processed in the first instance by the Refugee Section within the Immigration and Nationality Department of the Home Office.

2. Appeals against a refusal of asylum can be exercised by the following categories of asylum-seekers whilst still in the United Kingdom:

(a) those with a valid entry clearance or visa when they applied for asylum at a United Kingdom port; or

(b) those who had leave to remain in the United Kingdom when they made their asylum application.

3. Under a new "referral procedure", which started to operate on 1 September 1988, asylum-seekers whom the Home Office considers do not qualify for asylum, will normally be referred to a voluntary agency (UKIAS) for an advisory opinion, if they are not otherwise represented

4. Appeals are heard by adjudicator, from whose findings an appeal may lie, with leave, to the Immigration Appeal Tribunal. In addition, the Home Office, and in some cases a Minister of State, may review a negative decision upon representations made by or on behalf of a rejected applicant. Decisions made by immigration officers, the Home Secretary, an adjudicator or the Immigration Appeals Tribunal are subject to judicial review by the High Court, with appeals lying, with leave, to the Court of Appeal and the House of Lords.

5. NGOs: There is a large and varied human rights and refugees community in the UK, producing a considerable flow of human rights information, in particular in the form of published material. Many of the best-known and best-equipped are of an international character, such as Amnesty International, Minority Rights Group, Anti-Slavery Society, International Alert, Interights, Article 19 and Survival International. At the national level NGOs are also active, e.g. the National Council for Civil Liberties and Justice.

The British Refugee Council (BRC) has a large but still mainly manual collection covering to a large extent human rights information on countries of origin. Its Resource and Documentation Centre is cataloguing new acquisitions on computer and it produces regularly its accessions list.

Research institutes, such as the Refugee Studies Programme (RSP) in Oxford, sometimes engage also in the systematic collection of country of origin material. The RSP has engaged in the publication of a refugee resource guide.

UNITED STATES OF AMERICA (visited 27 - 28 July 1989)

1. The competent authority for determining the refugee status of persons seeking asylum in the United States is - unless exclusion or deportation proceedings have been initiated - the District Director of the Immigration and Naturalization Service (INS). Applications are addressed to the District Director competent for the area where the applicant is present. In all cases submitted to the District Director, the latter requests an advisory opinion from the Bureau of Human Rights and Humanitarian Affairs (BHRHA) of the Department of State.

2. If exclusion or deportation proceedings have been initiated, applications for asylum are to be submitted to the Immigration Judge, who is also required to seek an advisory opinion from BHRHA unless such an opinion has already been provided to the District Director in earlier asylum proceedings. He may, however, at his discretion, request such an opinion if he finds that circumstances have changed so substantially since the first opinion was provided that a second referral would materially aid in adjudication of the asylum request.

3. There is no appeal against a negative decision of the District Director. Where, however, an application for asylum is denied by the District Director, the applicant may renew his request for asylum before an Immigration Judge in exclusion or deportation proceedings. Negative decisions by the Immigration Judge may be appealed to the Board of Immigration Appeals, and thereafter may be reviewed by the United States Courts of Appeals and, in appropriate cases, by the Supreme Court.

4. There is a strong attachment by both governmental and non-governmental actors to the notion that the facts have to be put forward by one of the parties in the adversarial process before an Immigration Judge. In 1989, the idea has been launched in the "Administrative Conference" to establish a new asylum adjudication process, by creating a new Asylum Board consisting of an adjudication division, an appellate division and documentation centre on country of origin material open to all parties in the procedure. However, these recommendations are of a purely advisory nature and seem not to be close to realization.

5. In the meantime, the INS has stepped up its efforts to receive more regular and more refugee-specific information from the State Department, which is the usual source of information for the decision-makers. The INS has requested specially country conditions reports (CCRs) and groups profiles (GPs) of seriously-affected nationalities or minority groups within those countries, as well as copies of cables updating such information. The State Department - which due to work load already had to resort to so-called 'sticker' decisions saying there was no other information than what is contained in the annual Country Reports on Human Rights Practices - has indicated that in the future it would try to cover the (refugee) persecution aspect more fully in its annual human rights report.

6. The importance attached by the refugee determination agency to country of origin information is manifested by the priority given to it in the training of adjudicators and illustrated by the following quote from an internal memo by the INS:

"INS refugee and asylum adjudicators need current information on objective conditions in refugee-producing countries of origin. Such information represents one the four main components of a proper adjudication according to uniform worldwide standards; the other three components concern knowledge of current policies, US international refugee responsibilities, and national legal and statutory requirements. These are then all combined in a in-depth face-to-face non-adversarial interview with an INS adjudicating officer."

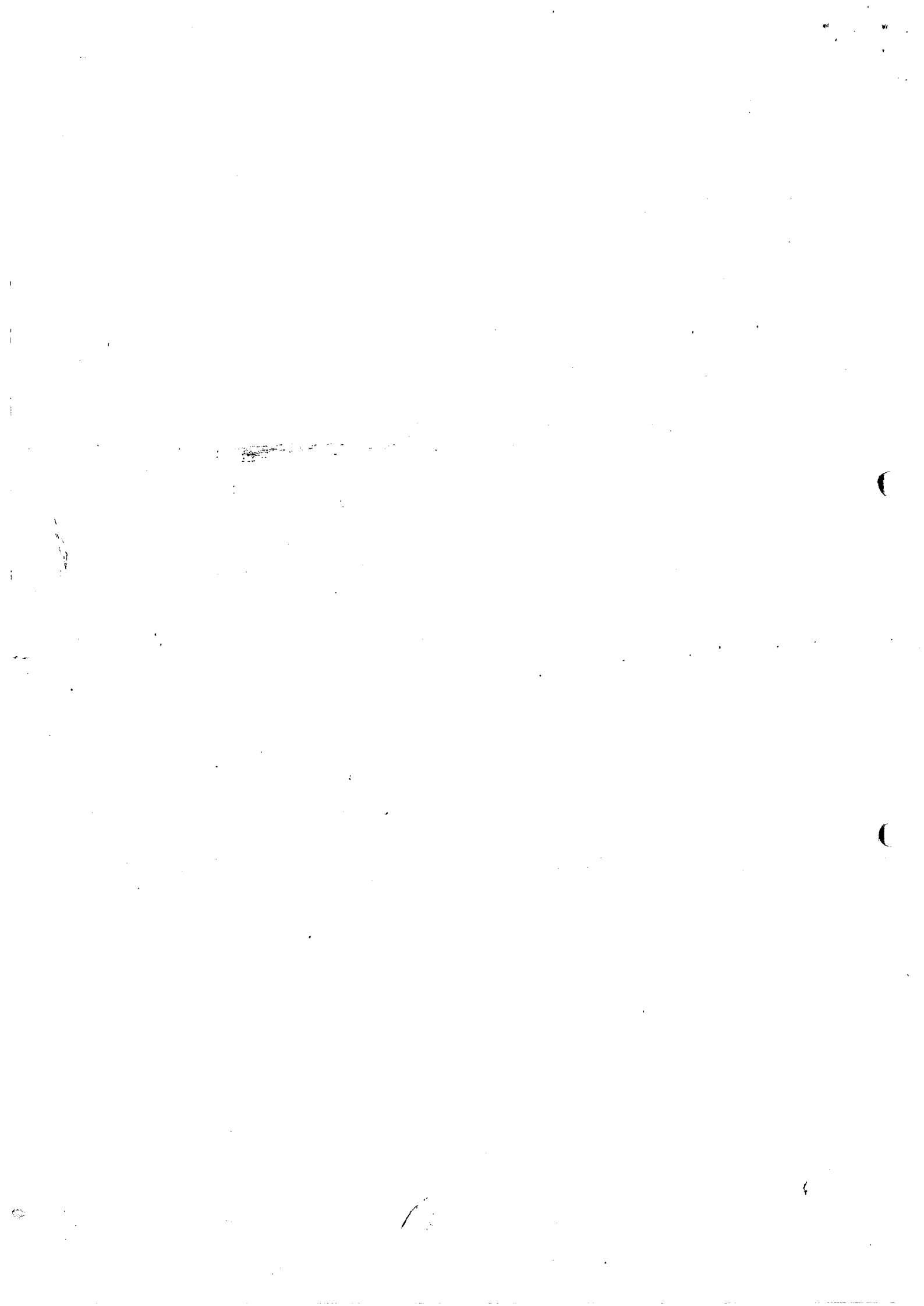
7. NGOs: A lively community of NGOs and 'pro bono' legal workers support individual claims of asylum-seekers, but the approach towards information and documentation work is usually individualistic. Human Rights Internet (a computerized documentation centre based at Harvard University) provides a general reference service to human rights material, but its response capacity to individual requests seems relatively unknown among refugee lawyers. HRI's publications, the quarterly Human Rights Reporter and ad hoc Directories, are used widely by NGOs and others. A computer-based system contains thousands of references to material held in the library and mentioned in previous issues of the Reporter. A similar centre is Third World Resources, Oakland, California, which has a computer-based system with over 6,000 entries, externally accessible through Peacenet. Third World Resources is an affiliate of Data Center, a non-profit library and resource centre offering documentation retrieval for immigration law cases.

8. The Central American Resource Centre (CAR in Austin, Texas) is more specialized in providing information on asylum cases and has started an experimental on-line information service for a number of other NGOs (in addition to responding to several hundreds of requests from individual lawyers). As the name indicates there is a strict geographical focus. In Chicago is based the Database Project on Palestinian Human Rights, which prints out regularly the updates of systematically-stored data concerning human rights events in the occupied Territories and lists of individual victims.

9. Manual or PC-based documentation collections for in-house research purposes or visitors also exist in other refugee-oriented NGOs including the Refugee Policy Group, the US Committee on Refugees, the Center for Migration Studies, Central American Refugee Center, Coalition for Immigrant and Refugee Rights and Services, El Rescate (publishing irregularly its Chronology of Human Rights Violations), Immigrant Legal Resource Center, Indo-Chinese Resource Action Center, Refugees International. A special publication "Refugee and Immigrant Resource Directory" testifies to the number and variety of refugee NGOs in the United States of America.

Nordic 'networking' on documentation on refugees

Although there are several other efforts to cooperate at subregional level, reference is made here in particular to the emerging cooperation in the Nordic region, where Nordic libraries and documentation centres that deal with refugee and immigrant issues have recently tried (again) to 'formalize' their contact and cooperation. On 9/10 May 1989 the UDI in Oslo organized a seminar which was attended by nine persons representing seven different agencies in Denmark, Finland, Norway and Sweden. The meeting was a mixture of NGOs and governmental agencies and aimed to strengthen both documentary exchange and tools for long term compatibility (HURIDOCs standard formats) in an Nordic Refugee Documentation Network. It was stated that one role for such a Nordic network could be to act as a kind of gateway to international networks. The next meeting is planned for 1990 in Copenhagen. The Danish Refugee Council is coordinating the follow-up.



CHAPTER 3 PRINCIPAL FINDINGS AND ANALYSIS

- 3.1 Diversity of practices
- 3.2 Common information needs
 - 3.2.1 breakdown of information stages
 - 3.2.2 who is dealing with each stage?
 - 3.2.3 types of information needed
 - 3.2.4 tools in the other information stages
- 3.3 The relevance of country of origin information
- 3.4 Availability of data in other centres
- 3.5 Towards a common database of country of origin material
- 3.6 Key elements in a common database
- 3.7 Organizational aspects of a common database
- 3.8 Cooperation with regard to other material on countries of origin
- 3.9 Public and confidential information ('amtsberichte')
- 3.10 The role of UNHCR

3.1 Diversity of practices

It should be stressed that the purpose of the study was to find common elements rather than describe the differences between the national systems. Still, it should be noted that the diversity of determination systems, on paper as well as in practice, in the different countries is astonishing. This is the more so if one considers that the refugee-receiving countries in the North basically adhere to the same human rights standards (for most even laid down in international or regional instruments of a binding character).

Whatever one's appreciation may of the relative differences between the results (and they could be called significant from the domestic point of view and certainly are for the individual applicant), it would be hard to contend that they are such that they require the diversity of institutional arrangements and procedures as currently found in the countries surveyed. Why in one country are asylum-seekers the main responsibility of the ministry of justice, in the other of the ministry of the interior? Why have some an independent agency and others a combination of any of the above? Why are there countries with a full judicial appeal procedure and others with an extremely limited type of 'legal review'?

All these differences are not without impact on the information and documentation structures. In 'diffuse' systems, where responsibility for decisions with regard to asylum requests is spread over a number of different agencies, there is a natural tendency to fragmentize information and documentation structures in the same manner, each instance defining its own needs and building its own response mechanisms. Where there is a more "centralized" system (i.e. where several stages of the determination process are carried out within the same authority) information and documentation

structures are likely to be also more centralized and recognizable. In countries where there is a serious possibility to appeal a decision in court, decisions tend to be more motivated; where there is hardly a public appeal procedure, motivation tends to be less elaborate.

Another link between determination procedures and information structures is of a more general nature, but requires bearing in mind because of the rapid changes in information technology. Traditionally information and documentation systems were seen as part and parcel of the general 'administrative' support structure, whose development "followed" in a natural way the development of the more operational elements in a government organization. It can be said that nowadays information systems are given a more specialized and professional definition. They are more 'planned' and their integration into or link with other information and documentation systems, nationally as well as internationally, is often a considered option. Consequently, 'older' refugee determination procedures tend to rely on what government systems provide, usually a manual, library-oriented documentation service; more recently established or re-organized procedures put the emphasis on information support from computer-based and network-oriented documentation centres. The difference between the two approaches is not of an all-determining nature as gradually the use of modern information technology is being introduced in the more traditional documentation centres.

As national systems for the determination of refugee status are rather different, it is not obvious that information needs in these processes are similar. This is to say that at first sight there are considerable differences in the amount, type and quality of information needed in the refugee determination process of the the 14 countries involved in the study. As neither the substantive criteria for recognition as a refugee (based on the 1951 Convention), nor the basic concepts of due process in these societies are different, the variety in information needs is not of an essential character. It is crucial to recognize this, because if one would rather believe that differences in information needs and practices are based on notions of constitutional or otherwise important legal principles, the prospects for establishing new methods of work, exchange and cooperation would be greatly reduced.

In fulfilling their responsibilities under the 1951 Convention/1967 Protocol, States must determine whether claims to refugee status are well-founded, that is, are they sufficiently established on the facts, or supported by the available evidence concerning conditions in the country of origin? Those who take decisions (including those on admissibility issues, such as first country of asylum or protection elsewhere), must not only assess the applicant's personal credibility; they must also be able to place his or her narrative in its appropriate factual context. The definition itself supposes the availability of country of origin information; decision-makers need that information; and the international dimensions of the refugee problem indicate the potential usefulness of information-sharing.

Decision-making levels may dictate the amount or the form of addressable information, but the differences in national procedures in the end remain incidental to the central need, which is derived directly from article 1 of the 1951 Convention.

3.2 Common information needs

3.2.1 Breakdown of information stages

Whatever the differences may be between the different national procedures, it would seem, from the information point of view, that in each procedure there are at least the following stages to be distinguished:

stage 1.	establishing identify of the asylum seeker
stage 2.	hearing the asylum-seeker (the "story")
stage 3.	assessing the "story" and checking the veracity of the claim
stage 4.	making a determination and formulating the decision

Integral to this process is the assessment of the credibility of the applicant. This is not a matter governed solely by intuition or "inner conviction"; rather, it is information-related, in that credibility decisions require to be justified on the basis of the facts, or such inferences as can reasonably be drawn from the facts. And here the facts include (1) the applicant's story, considered together with (2) what is known about the applicant's country of origin. Accurate and up-to-date information regarding the latter is of crucial importance in assessing credibility, but is rarely determinative; for the assessment of credibility also requires a degree of knowledge of cultural difference.

It should be noted here that in all countries concerned there is a desire to do justice and to be seen doing justice. In other words, although there are eminently political considerations in refugee policy, each implementation procedure of refugee law principles has the stated goal to deliver, in the first place, 'good decisions' in individual cases and, secondly, treat similar cases in the same way. In the course of his visits to refugee determination agencies in 11 countries, this consultant became convinced that the large majority of the decision-makers in individual cases share the conviction, expressed by the Documentation Centre of the Canadian Immigration and Refugee Board, that "...comprehensive, objective, current and trustworthy documentation is the foundation upon which good decisions are based. Good decisions, in turn, are those which are capable of reasoned explanation; and which are coherent and internally consistent."

3.2.2 Who is dealing with each stage?

As described in the previous chapter 3.1, this is where the differences are too great to be caught in a single structure. At best, it could be said that almost invariably the border/aliens police is involved at the very beginning, while at the very end there is almost always a judicial, quasi-judicial, or semi-autonomous administrative unit which gives a decision. The stages in between, however, are covered quite differently in each country. Users of information are, therefore, difficult to identify and relate to a particular type of information.

3.2.3 Types of information needed

In each stage different types of information are required, typical examples are the following:

1. identity:	- basic biodata; identity papers; travel documents; photographs; fingerprints
2. the "story"	- interview; written submissions
3. assessing and checking	- reference works, e.g. maps; encyclopaedias, yearbooks - general country condition reports (governmental and non-governmental) - event- or group-specific reports (such as minority profiles and trial observer reports) - claimant-specific reports (including embassy checks) - newspaper clippings; media databases - "cross examination" claimant - legal materials (e.g. laws from country of origin or first asylum) - other refugee stories
4. the decision	- knowledge drawn from all of the above - legal norms in the refugee area (national and international) - previous decisions in similar cases (within same body) - case law from other jurisdictions

What is described here are types of information. Often, but not always, a type of information comes with a type of document; e.g., fingerprints, maps, case law, press cuttings. Other types of information do not have one specific documentary format, e.g. country of origin information.

3.2.4 Tools in the other information stages

This study focuses on country of origin information, and the following chapters will, therefore, deal more in detail with stage 3. As in the real world the information stages are overlapping, a few comments are made with regard to the tools and/or computer-based systems that are of special relevance for the other stages.

In stage 1 - establishing the identity - the main source is the asylum-seeker him- or herself. It is in the interest of the procedure to obtain as much relevant and reliable information as possible in this first stage. An information tool that is commonly used in this process is the questionnaire. At this stage a contradiction occurs inasmuch as the best moment to obtain "hot" information from the claimant would be as close as possible to the first contact (e.g. at the border), while for a range of reasons (time, lack of trained personnel), much detailed and reliable information cannot be obtained in these circumstances.

A further reason to limit the scope of questionnaires in this stage is that in many countries the information gathered at this stage is stored in an electronic manner. More often than not these data are merged with other data in a general 'aliens registration database'. These databases are usually confidential and only accessible to a limited group of government officials. There are several plans to share data among governments in Europe, in particular biodata for the purpose of quickly obtaining information about multiple applications. In many of these countries there is data protection legislation, which tends to focus on sensitive data. It is clear that information concerning the reasons for flight is likely to fall in this category. For transborder flow of computerized data similar restrictions are likely to apply.

As in reality the four information stages are blurred and often the same official or unit covers stages 1 and 2 and sometimes even 3, questionnaires tend to cover much more ground than would be needed for simple identification. An illustration could be found in the model questionnaire approved by the EC ministers. This questionnaire goes beyond what border officials could reliably obtain unless they are given the necessary training, time and resources, while much of the information would not be exchangeable under the data protection legislation of several countries.

Information gathered in stage 2 - the non-adversarial hearing - is of even greater importance in getting efficient, fair and speedy procedures later on. An information tool that was found to be of particular assistance in hearings is a kind of "country fact sheet", which helps the interviewing official to formulate country-specific questions, better understand the answers, and put adequate follow-up questions. The Asylum Department in the Dutch Ministry of Justice has probably gone furthest in the operationalization of such a tool, distinguishing strictly between stage 2 - the hearing - and stage 3 - the assessment and checking. The interviewers are equipped with personal computers on which they run the searchable country fact sheets while the interview is going on. The 'fact sheets' are 30 or 40 pages (or better, "screens") long. There is a standard table of contents for all countries. Several other countries (e.g. Switzerland, Norway) have started similar efforts.

The cost of making and updating these country fact sheets in different countries is considerable. Where staff and expertise are lacking the fact sheets tend to be incomplete or out of date. It is obvious that there is a scope for division of labour among the different countries, in particular as certain countries have specialized knowledge with regard to certain countries of origin.

It has to be admitted that the same country fact sheets or profiles could render services in the more adversarial third information stage of assessment and determination. Important contradictions between the refugees' story and information from other sources could be more easily spotted and then be addressed in the appropriate way, by further consultation of other sources, by re-examination of the claimant, etc. However, in the view of this consultant, these country fact sheets or profiles should be of a purely factual nature and contain rather precise details in order to maintain their function of an information-soliciting tool. This tool can never be an "automated decision-maker" and should always be accompanied by guidelines on its purpose and use.

Other tools that were found to be used in many determination systems (including in UNHCR) for the purpose of obtaining information in hearings, are the 'interview protocols' or 'guidelines for conducting interviews'. They usually instruct the interviewer on the kind of questions to put to the claimant, but also try to sensitize the interviewer to the cultural background of the claimant. The experience of different countries and UNHCR in formulating guidelines for interviewing could be of relevance to others and the circulation of such material among the relevant officials should be encouraged.

In stage 4 -the actual decision making - all agencies require access to at minimum the text of the international instruments and national legislation regarding refugees. This is usually not problematic as the basic texts are readily available, although in particular in countries where many new posts for decision makers have been created there seems to be a need for more knowledge with regard to international texts and their ancillary documents, such as the Conclusions of Excom, the UNHCR Handbook and Notes on Protection. In addition, it should be noted that in some countries the national legislation is fairly complex, spread out over different legal instruments and subject to many amendments; several newly-recruited decision-makers expressed the desire to have better access to their own legal system.

Equally important in this stage is efficient access to previous decisions in the same country (case law). In some countries this is not as unproblematic as one would expect. Most decisions in individual cases are not published, either because of their administrative status or because there are too many decisions and only a selection is published in the official journals and law reports. Legal databases are developing fast in most countries of the North but again contain only a very small part of the refugee cases. Of course, in most refugee determination agencies efforts are made to retrieve easily previous cases either through a kind of electronic "card index" (containing references to the hard copy collection) or through a database containing the full text of the decisions or of the most relevant paragraphs.

Access to case law from other countries is even more limited, as there is the additional problem of languages and the selection and understanding of constitute the 'leading cases'.

The only publicly accessible database containing a large number of legal decisions is Asyldoc, set up by the German NGO 'ZDWF' and on-line accessible through the host DIMDI. It contains a large selection of case law by the courts of the FRG (in German) and a much more modest selection of cases from a few other Western countries (in English). In Canada, the Refugee Documentation Centre of the IRB intends to make its case law database on-line available.

In addition, UNHCR has developed plans for a coherent set of legal databases concerning refugees, covering selected national case law (REFCAS), national legislation (REFLEG), and international instruments (REFINT). However, these plans are still in an early stage of realization and awaiting funding. If and when implemented they should ultimately become publicly accessible through on-line service. However, this is not expected before 1993 and then only if a start is made in 1990.

3.3 The relevance of country of origin information

Having dealt summarily with the other information stages, the remainder of this study focuses on the third stage - that of assessment and checking of the claim - as it is here that the total panoply of country of origin information comes into play.

As stated before, the very definition of the refugee in the 1951 Convention implies the need to know and understand the country of origin situation.

Although in many countries decision-makers insisted that the ultimate decision has to relate to the personal circumstances of the asylum-seeker, there was agreement that, in every procedure, there is a need to put these personal circumstances in the context of the country of origin. This is in particular so in the prima facie credibility phase, which in certain countries has been made into a separate stage of the procedure, but even in countries where there is no separate "credible claim" stage, decision-makers in fact practise a preselection of cases on which a more thorough research is to be done. Country of origin information and, more particularly, human rights violations information was most often cited as providing the basis for such preselection. It was, therefore, not surprising to find that in all decision-making bodies efforts are made to collect systematically country of origin material.

Traditionally, the majority of these bodies rely to some extent on their Ministry of Foreign Affairs to provide the bulk of such material, and, to complicate things, this information can be a mixture of general country of origin material and an assessment of the individual case at hand. It is therefore equally not surprising that the refugee determination agencies, with their increasing case load, have recognized the need for building up and maintaining - in their own agency - country of origin collections, often by extracting from the documentation received from Foreign Affairs the most general and factual material.

In countries where the decision making body has already established a specialized information/documentation unit it is not uncommon to find a physical separation within the collection of country of origin material between what was received from or via the Ministry of Foreign Affairs and what was collected from other sources. When, for example, a country report of Amnesty International is received through the Ministry of Foreign Affairs, it is transferred to the 'public material' collection. The problem remains that often the assessment of the situation in the country of origin by the Ministry of Foreign Affairs does not specify the public sources which were available to this Ministry. (On the question of confidential versus public information see also chapter 3.9.)

Another feature demonstrating the relevance of country of origin information is the increasing production of country profiles by refugee determination agencies and sometimes the Ministry of Foreign Affairs. These country profiles are sometimes published (Canada, USA) or shared liberally with the outside world (e.g. Switzerland). In one country at least (France), they are commissioned by the refugee determination agency from an outside research institute which independently publishes them. In other countries they remain in the confidential domain, but disclosure would not be considered to constitute a serious breach of state security. Although these country profiles serve different priorities and purposes (interviewing; prima facie assessment; background in decision making), their structure is remarkably similar, covering basic facts, geographical setting, historical introductions, chronology of significant events, current political and social situation, ethnic and religious groups, legal system and practice, and, often but not always a bibliography. The focus of all of them is on the human rights situation in the country of origin.

From the above it can be safely concluded that country of origin material is considered as relevant to the refugee determination process in all countries covered by the study, but that differences remain with regard to the question of who collects, analyzes and digests the material.

If there were in every country one single 'refugee information system' to serve decision makers in individual cases, it would be fair to assume that at the 'input' side the systems in the different countries would look rather alike. Selection criteria for taking in material would be in the first place the relevance of the subject matter (whether it concerns the country or subject on which information is being sought or likely to be sought in the future) and, secondly, the 'intake capacity' of the centre concerned (information, staff, resources, space). Considerations of what constitutes generally 'appropriate' sources would come at very end, at least until the user feedback over time has crystallized sufficiently to be able to make general rules with regard to substantive input selection.

At the 'output side' (towards the decision makers) the information systems would probably show more variety as information needs depend on such variables as case load, experience and language capacity. Although one can be certain that the information would be required to be comprehensive, objective, current and reliable, it is to be expected that the degree to which the information has to be tailored to the individual case at hand, and the need for 'quotable' information are the most important factors in shaping differences in need and expectation by the decision makers. However, these differences at the side of the end-user - although at first sight perhaps more obvious than the common elements - should not obscure the central role played by country of origin information in the total 'information process' surrounding refugee determination.

The visits, questionnaires and interviews make quite clear that in refugee determination agencies great importance is attached to having access to the the widest possible number of public sources on country of origin material, in particular the material that describes the human rights situation in the country concerned. Under pressure of work and with often extremely limited resources available for information work, there is an understandable preference to receive this information in a digested and 'evaluated' format from another governmental agency in the same country. However, where these 'delivery systems' do not work sufficiently smoothly or where the real 'price tag' of such information becomes an issue, most refugee determination agencies are prepared to make efforts to become more self-reliant in their access to country of origin information. The systematic collection of general human rights material concerning these countries and of 'group profiles' of ethnic, national and religious minorities then easily become the first area of activity for the information staff of the refugee determination agency. For specific research on individual cases the agency is more likely to continue to rely on others, who have a field presence in the country of origin, in particular the Ministry of Foreign Affairs.

In conclusion, where refugee determination agencies have already started building up manual or computerized collections, human rights material - from any sources but in particular NGOs and the press - is invariably a high priority. However, with a few exceptions, the collections are incomplete, quickly out of date, and more retrospective than forward-looking. In addition, access to them is often hampered by completely individualized system-building and the use of idiosyncratic terminology.

It is for these reasons that the consultant has focused on the availability of human rights data and possible cooperation among agencies for having better access to them.

3.4 Availability data in other centres

The visits paid to both governmental and non-governmental organizations have confirmed that the quantity and variety of published material on human rights in countries of origin is very large. The direct causes include the phenomenal growth of the number of human rights groups, both in the industrial and in the developing world, the increased technical possibilities to publish and disseminate and the continued interest of the media, the public and governments. In other words the number of 'primary sources' of human rights information has grown considerably.

The growth of this kind of information has already led to so-called 'secondary source centres', whose main objective is not to produce new human rights material in their own name, but to collect, store, retrieve and disseminate existing information on human rights, usually with help of computerized information systems. (It should be noted here that a few of the larger human rights organizations (primary sources) have developed their own information and documentation units so well that they are able to bring forward references to their own material as if they were specialized documentation centres.) These 'secondary source centres' often have a research component and, in the face of the overwhelming quantity of material, tend to specialize in certain languages, regions or subjects. Examples are provided in Chapter 2 of the report at the end of each country section. Together these centres hold a large part of the public data that the refugee determination agencies would need.

3.5 Towards a common database on country of origin material

On the one hand, country of origin (human rights) information is the core need that refugee determination agencies have in common and it is obvious that most countries would benefit from better and more efficient access to such information. On the other, much of this material is already available in a systematic manner from existing computerized documentation centres. Rather than each agency having to start or maintain for itself - at great expense - a database of the same or similar material, the consultant thought it worth investigating the possibility of a common database.

From the outset, it should be stated that this consultant has no illusion that with published human rights information alone all needs of the refugee determination agencies can be met. However, the scope for establishing a common database with regard to other information is much narrower. (Information needs outside the area of the common database of human rights material are addressed in Chapter 3.8.) Moreover, one has to start somewhere and more efficient access to an important part of the information needed will free time and energy to obtain what would otherwise be less easily available.

3.6 Key elements in a common database

If then it is accepted that access to a common database of public country of origin/human rights material would be a desirable thing, the next step is to agree on a number of key elements related to the content of and access to such a database. Only then a discussion on the "how, when and where" (the organizational aspects) can be usefully conducted (chapter 3.7).

The key elements would include answers to the following questions:

- (a) what would be the scope of the common database?
- (b) public versus confidential material?
- (c) reference versus full text?
- (d) what kind of body determines the content?
- (e) who has access?
- (f) languages?

Some of the answers will have to be the subject of further consultation, but the following short responses are provided as the basic direction:

- (a) the main scope of the database would be material describing the human rights situation in countries from where there are refugees coming or likely to come;
- (b) the database would contain only public material, including non-conventional and unpublished material provided it is from a named and traceable source;

(c) to start with the database would contain only bibliographic references , where possible, including keywords and abstracts (summaries), and always the address from where the complete text is available; a mandatory feature of the design should be the inclusion of a full text at a later stage;

(d) control over the content of the database should be left in the hands of a relatively independent centre with a professional information staff, responsive to the needs of the users; the governing structure could be a non-profit foundation, the board of which is composed of representatives from the main dataholders, the major networks and the donors;

(e) access to the database, containing only public material, could be open to everyone, although the prime users group of refugee determination agencies will be served on a priority basis (it is important that on-line modalities are studied immediately);

(f) the database will cover ultimately material in all languages, but start with material written in English, French, Spanish and German; its own records will be limited to a few languages, to start with only English (depending on resources).

3.7. Organizational aspects of a common database

The "how, when and where" questions can only be satisfactorily addressed after agreement in broad terms has been reached on the questions of the previous chapter. The possible next step would be to commission a feasibility study to see in what way an accumulated database of human rights information could be established and maintained in the future, serving with priority refugee determination agencies and providing on-line access as soon as possible. The consultant or agency conducting the feasibility study would have to be requested to come with a preliminary report within six to eight months and a final report within a year.

The data to be stored in such a system do not have to come only from non-governmental organizations or only relate to human rights violations, but there are good and practical reasons to start with them, without excluding (inter-)governmental systems which have chosen the same approach. An important consideration here is that many of the primary and secondary information sources on human rights (the "producers") have made efforts over the last years to harmonize their working methods, through the use of the HURIDOCS standard formats. The result is that at present a considerable number of organizations have the technical capacity to produce bibliographic records of enough similarity and quality to be brought together in an accumulated database at relatively low cost.

The total number of computerized records contained at present in the individual databases is difficult to assess but, based on the replies to the questionnaires, it can be estimated that there are between 60,000 and 80,000 records held by the NGOs surveyed; the vast majority using HURIDOCS type of formats.

Obstacles are likely to surface in efforts to create an accumulated database, and some are already mentioned below. Although it would be up to the feasibility study to investigate whether these are indeed the most important obstacles and to indicate how they could be overcome, provisional answers are also provided.

- * There is an unknown but certainly very big overlap in the material covered in the individual databases and there is probably too great a variety in the quality of records to do away with editing.

The only way to find out how much 'weeding out' of double entries and how much editing is needed, would be to conduct a test on a large enough sample from different databases. It is submitted that 200 records from five different databases covering the same subject could be compared and edited in order to provide reliable indications about the amount of overlap in the totality of existing collections, as well as the editing needed for constituting and (later) updating the database.

- * There is not much outside pressure on the 'dataholders' to join forces in the creation of an accumulated, publicly accessible (on-line) database

The absence of organized 'pressure' from users is probably one of the main explanations for the lack of progress in creating an accumulated database. No coalitions of 'information consumers' exist in the area of country of origin information. The current study shows that the refugee determination agencies in the countries of the North could constitute an important 'consumers' group, sharing information needs which, to some extent, could met by direct access to an accumulated database. If that fact is brought to the attention of the dataholders, it may well have a positive impact on the currently slow pace of progress in linking the databases.

- * There are still important policy differences among some of the dataholders with regard to their dissemination services.

These differences seem to be of two kinds in particular. One kind concerns the control that an information provider wants to have over the use that is going to be made of the information. Informal discussions with non-governmental dataholders, conducted in the margin of the country visits, have indicated that some of them (in particular primary sources) 'worry' that the information would be used to pursue 'restrictive' policies. In almost all cases it was sufficient to point out that the material concerned is already in the public domain and that it is often the same material that they themselves submit to the governments concerned.

The second kind of difference concerns more the conditions under which the data can be 'acquired' from the dataholders: e.g. free or against payment, with or without the right to download and re-use. The major secondary source centres have already stated their intention to harmonize their policy on these points, although not much progress was made. However, offering to pay a reasonable fee for the data, where necessary, would already go a long way in securing a critical mass of data.

- * There is a lack of resources among the potential users to realize the common database.

Again, the feasibility study and tests to be carried out on sample data sets will have to provide better insight into the financial requirements. In addition, much will depend on the degree of cooperation received from the main dataholders, both in setting up a system and maintaining it. Compiling of the first accumulated database should be able to be done in the form of a one-year project, to be attached to an existing centre. Including staff, computer support, acquisition of data and overheads, costs could be situated in the range of 150,000 US\$. Running costs and costs for updating the database are more difficult to estimate as it very much depends on the solution chosen for providing on-line use and other type of services required from the system.

- * What good are references if one cannot obtain the document itself?

The accumulated database will indeed not supply the document itself, but a typical feature of the HURIDOCs standard formats is that they always provide the name and address of the source - even for non-conventional material. In addition, the record could very well indicate the nearest centre where the document is available. It should be remembered that many of the documents are already present in the collection of the agencies concerned, but cannot be retrieved easily. It is making the documents accessible and storing them systematically that is the most expensive, not acquiring them. Moreover, the feasibility study could investigate whether, in addition to the accumulated database, there should be at a later stage also a central documentation centre, where hard copy is available.

In conclusion, it is submitted that refugee determination agencies, supported by their governments, constitute an influential enough users group, with a legitimate enough interest in access to country of origin information, to ensure that the existing dataholders cooperate with them in establishing an accumulated database. If that would turn out not to be possible, the refugee determination agencies could decide to build such a common database themselves, although it would have to be at greater expense. In both cases the savings made by each government in not having to build up, expand and maintain their own system in this area, will be enough to offset the cost of the common system.

3.8. Cooperation with regard to other material.

Realization of the common database as described above would constitute great progress but, admittedly, many refugee determination agencies have demonstrated a need for other material unlikely to be covered by this common database on human rights of a public nature. These needs would seem to be of two kinds: confidential (non-public) information on countries of origin and certain type of public material, such as press cuttings and legal information.

It will be clear that systems for exchange and cooperation will be much more difficult to establish for non-public information. 'Secret' information - as far as it should be the domain of refugee determination agencies at all - certainly is not very apt for systematic exchange on any large scale.

For other public material, not likely to be covered by the common human rights database, the scope for cooperation is not negligible. All kind of information is becoming available in publicly accessible (commercial) databases. This is particularly true for press information (press agencies reports as well as newsprint), encyclopaedia and general reference works (e.g. Keesings') and financial and economic data. What is missing is often the knowledge and experience needed to gain access and make efficient use of them. In at least one country visited the refugee determination agency is making regular use of a commercial information broker, while in another such a specialist is being employed as a regular staff member. There seem to be two immediate advantages in closer cooperation among refugee determination agencies: firstly, some of the non-copyright protected material obtained from such databases could be shared among those who need it, and secondly, the sharing of experience in accessing and exploiting these databases would be extremely useful among users with similar needs.

Obviously, consultation of the laws and legal decisions of a country of origin can be of great importance in assessing fear for persecution, by verifying repressive or discriminatory legislation or application. Therefore in most refugee determination agencies there is a considerable collection of legal materials from countries of origin, often translated at great cost but equally often incomplete and out of date. The (commercial) databases containing legislation and case law in the North do not cover adequately the legal situation (in particular criminal law) of countries of origin. The "legal databases" referred to in Chapter 3.2.4 are more important in formulating decisions than in gathering factual information on countries of origin, although sometimes previous decisions do provide substantial information or guidance with regard to interpretation and assessment of factual information.

Several refugee determination agencies pointed to the need for an exchange of specialist knowledge, which was not yet laid down in publications but could not be considered really confidential either. Examples given were:

- refugee populations' studies (describing their specific social and cultural characteristics);
- lists of experts on specific countries;
- surveys of political organizations of refugees;
- expertise regarding falsification of documents.

In all these areas, there would seem to be considerable scope for cooperation, in particular as there exists remarkable "specialization" in as much as certain countries are more familiar with a particular region or country of origin for historical, linguistic or other reasons. Savings on research missions and translation are promising. The best way to establish a more efficient flow of such information would be to build regular contacts between the agencies concerned through information focal points within each agency. More use could be made in this regard of modern telecommunication, in particular electronic file transfers and telefax.

In short, the establishment of a permanent cooperation at working level between refugee determination agencies, in particular their information specialists, would be necessary not only to exercise influence on the dataholders to establish a common database, but also to have a platform for exchange of other material as well as sharing of experience and expertise in information handling. The modalities of such a cooperative structure, including UNHCR's role therein, should be further defined, but care should be taken not to block such a new channel too quickly by turning it into another circuit for circulating documents.

3.9 Public and confidential information ("amtsberichte")

The question of public (published or in the public domain) versus confidential (private, privileged, restricted) information has come up as one of the most controversial issues in the context of this study. It is probably also one of the most confusing issues, as the grey zone is broad and often it is the allocation of 'authorship' (i.e. the government), rather than the content which makes a document fall into the confidential category.

In most countries it turned out to be difficult to assess to what extent decision-makers rely on information of a public nature. This is particularly true for systems in which all or most country of origin information comes from another government agency, such as the Ministry of Foreign Affairs as part of the official correspondence between government officials. Such "officialization" of information contributes to a process in which the test of objective accuracy and credibility is replaced by the 'official seal' attitude, which makes information from official sources more acceptable, but also risks to diminish the value of information which for whatever reasons has not passed through this process. In more than half the countries regular use is made of so-called "amtsberichte" (official messages between offices), which can be of a general nature (describing the situation in a country of origin) or related to an individual asylum-seeker. These "amtsberichte" are almost always marked confidential, although they are sometimes liberally shared with the outside world, given to the lawyer of the refugee, made part of the public dossier in judicial appeals, quoted in parliamentary debates or simply 'leaked' to the press and NGOs.

As expected, the Ministry of Foreign Affairs will usually involve its embassy in the country of origin in the production of these "amtsberichte", but there are remarkable differences in practice among the countries visited. Some ministries hardly use their embassies and draw up most of the report in the capital. The reasons given vary considerably, ranging from the simple fact that there are no embassies in quite a number of countries, to disappointing experiences in quality and speed of response (the latter often acknowledged as due to sharp increase in workload). For "amtsberichte" concerning individuals, the use of embassy information was stated by some to be inadvisable due to the danger of disclosure, while others gave it a high priority. However, some embassies - due to the number of requests - have recently developed the practice to hire local independent lawyers as 'investigators'.

As described elsewhere in this report some countries put together 'country profiles', either specifically with regard to countries of origin of asylum-seekers or in the context of general human rights reporting. Some of these are published, e.g. Canada and the USA, with the important difference that the former uses only information from public sources (footnotes, citations, bibliographies), while the latter does not give source allocations and therefore could well have used a confidential source. In 'country profiles' produced in other countries - not officially published - source allocation is usually not done and it is very likely that the content is to a large extent based on the general "amtsberichte".

It should be noted that information collection and exchange within the governmental system is usually not given a price tag. Therefore, it is hard to make comparisons between the different practices or between the use of external and internal information systems. However, in the absence of serious cost-benefit analysis, there should be no facile assumptions about the low costs of 'internal systems' or the use of (confidential) "amtsberichte".

Although it may not always be easy to decide whether a document falls in one category or the other, there are good reasons for refugee determination agencies, and their documentation units in particular, to make a distinction between public and confidential material. The following reasons are advanced:

First, exchange of data and documents in the case of public material are less hampered by considerations of data protection and source allocation. (Source allocation both provides an indication of the bias that is likely to be found in the material and enhances reliability as the loss of credibility would be a potential punishment for a named source).

Secondly, the number of users with direct or indirect access to the collected material has to be very restricted when a collection contains also (some) confidential material; in the case of collections consisting solely of public material access could be much wider, including governmental agencies other than refugee determination officials, and - if so desired - refugee lawyers, inter-governmental and non-governmental organizations. Broader access would help to justify the considerable cost of developing and maintaining manual as well as computer-based systems.

Finally, much time is being spent by those responsible for refugee determination (or others on their behalf!) in searching for relevant public material; if access to public material would be made more efficient, more time and energy would be freed to deal with searches for other types of information.

For existing collections in refugee determination agencies where no such distinction was introduced or maintained, creating this distinction may cause some problems, but one could start by doing it only for future material. It should be stressed that making such a distinction by itself would not force agencies to share information with others, but it would make exchange and access possible (pre-condition).

3.10 Role of UNHCR.

UNHCR obviously has a role to play in ensuring that the object and purpose of the 1951 Convention and 1967 Protocol are reached, i.e. a common standard or definition of who is a refugee under these instruments, based upon the central criterium of a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". As shown above, States address the issue of determination of status within the context of their own administrative and judicial systems, have different information needs and employ for this purpose considerable numbers of decision-makers and support staff. For reasons of quantity alone, it would be inconceivable - if at all desirable - for UNHCR to provide tailor-made information on countries of origin to all these national systems.

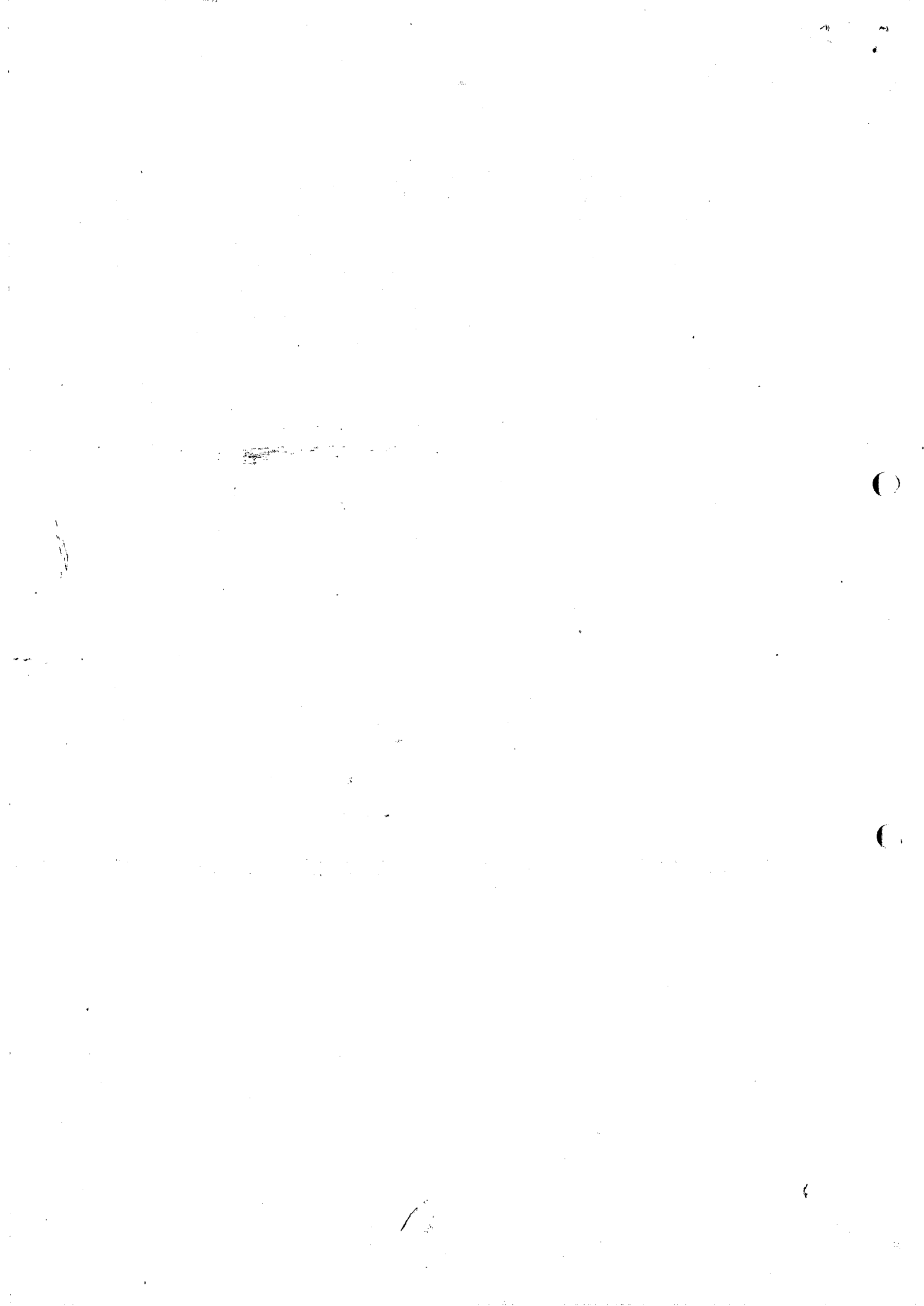
A second consideration which has a bearing on UNHCR's capacity to provide systematically country of origin information is the universal character of its organization and governing structure, which encompasses refugee-producing as well as refugee-receiving countries. However much the intrinsic value of an independent, objective information system is stressed in public discourse, there is a serious risk that political considerations will hamper effective and comprehensive data-gathering and dissemination by UNHCR. Obviously, the latter function (dissemination and servicing information needs) would be the most sensitive.

All this does not mean that UNHCR has nothing to contribute to the establishment of a comprehensive information system regarding refugees.

In the first place, it could continue to provide information with regard to other sectors than country of origin in the strict sense of the word. The refugee literature (REFLIT) database, set up and maintained by the Centre for Documentation on Refugees, should continue to cover the material specifically about refugees, and in that way free other centres to focus on country of origin (human rights) material. UNHCR's plans for legal databases should adequately cover refugee-related legislation and case law in all parts of the world, again allowing other systems to concentrate on other legal materials.

Secondly, UNHCR's staff, comprised of different nationalities and cultures, and with considerable field experience, are often knowledgeable about specific refugee situations and at an early stage aware of material in the public domain that otherwise would have remained unnoticed. It should be possible to devise cost-efficient ways to routinely tap their knowledge as input to or check on more formalized information systems.

Finally, UNHCR could provide an organizational platform as well as information management support to efforts by others to establish more efficient information systems on country of origin. It has, in fact, already done so by promoting the use of compatible standard formats in its own systems, as well as those of other organizations, by producing an international thesaurus of refugee terminology (the English version was published in October 1989, and the French and Spanish ones should follow this year), and by animating an international refugee documentation project. These measures do not build by themselves a common database as proposed above, but have prepared the ground for further steps. In further developments, UNHCR could continue to make a contribution, although - as in the case of the national refugee determination agencies - the resources available for information work will have to be put at an adequate level.



CHAPTER 4 CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS AND RECOMMENDATIONS

by the

COORDINATING COMMITTEE OF THE
TASK FORCE ON INFORMATION AND DOCUMENTATION
(established by the Workshop on 'How to
assess the situation in countries of
origin of asylum-seekers', held in
Dardagny, 26-27 January 1989)

Introduction

In response to rapid changes in the refugee situation in the last ten years, UNHCR has established informal consultation mechanisms with refugee-receiving countries including those in Europe, North America and Australia. From these consultations, the need for a more specialized focus on certain issues was acknowledged and, as a result, various meetings and workshops were convened.

In the this framework, a Workshop was organized by UNHCR on "How to Assess the Situation in Countries of Origin of Asylum- Seekers" (26-27 January, 1989 in Dardagny, Geneva). This Workshop showed that in particular the area of information and documentation on countries of origin has promising potential for progress and cooperation between various governmental, inter-governmental and non-governmental actors.

The Chairpersons elected by the Workshop, namely; Mr. G. Howell, Director of the Documentation Centre of the Immigration and Refugee Board of Canada and Mrs. H. Munkebye of the Norwegian Directorate of Immigration, formulated the following conclusions:

1. that ways be examined to strengthen public (i.e. published) information gathering on relevant conditions in countries of origin;
2. that further efforts be made, at both national and international levels, to develop assessments of situations in countries of origin that are related to coerced migratory movements;
3. that steps be taken to develop a network of exchange of country of origin information.

In the interest of implementing the conclusions, a number of arrangements were made including: a) setting up a Task Force on Information and Documentation comprised of the Governments who attended the Dardagny meeting; b) forming a Coordinating Group within the Task Force to consist of representatives from Canada, the Netherlands and Norway; c) requesting that UNHCR make available a consultant to the Task Force and the Coordinating Group for a period of four months. Mr. Hans Thoolen, Chief of the Centre for Documentation on Refugees, was named Consultant.

Following his job description, Mr. Thoolen visited most of the countries represented in the Task Force in order to investigate the potential for international cooperation through information exchange; taking into account different kinds of information used by States; various types of access to information systems and related issues. Interim reports were prepared by him and the final study was submitted to the Coordinating Committee on 1 February 1990.

The Coordinating Committee met twice, in Ottawa on 3 August and in Strasbourg from 28-29 November 1989. Based on the results of the study and its own deliberations, the Coordinating Committee:

1. acknowledged that increased flows of asylum-seekers have exposed the necessity for national refugee status procedures to provide a fair and expeditious process, which will include meeting the need for access to the broadest range of sources on conditions in countries of origin;
2. found that all States recognized the need for decision-makers to have rapid access to trustworthy information in a readily-useable form, but that operational information and documentation systems with the specific purpose of servicing the needs of refugee determination agencies are often lacking, or of a fragmented nature;
3. observed that, notwithstanding the diversity of the procedures and systems in the various countries examined, those directly involved in the determination process share a common need to access country of origin information, and that this interest reflects the nature of the 1951 Convention/1967 Protocol refugee definition;
4. found that in almost all countries modern information technology, including computer-based data systems and electronic telecommunication, was being considered as part of tomorrow's solutions;

and submits the following Conclusions and Recommendations:

A. CONCLUSIONS

1. There is a need to create a mechanism for the exchange of information, documentation and data-handling experience between refugee-receiving countries with respect to country of origin conditions;
2. A common, bibliographic database of country of origin material in the public domain would be of the greatest use and should be developed so as to allow the widest possible access, subject only to limitations of a technical and financial nature;

3. A variety of other tools specific to the refugee determination process are being developed, such as questionnaires, guidelines and 'country fact sheets' and systematic media coverage; these should be developed, consolidated and coordinated at the international level, in order to enhance their usefulness at the national level and achieve a cost-efficient division of labour;
4. Urgent consideration should be given to the proposal to continue, expand and strengthen the Coordinating Committee in order that it might carry out the recommendations of the Task Force, and maintain the impetus of the process of harmonizing information-handling efforts currently being undertaken or planned by the countries in the inter-governmental consultation.

B. RECOMMENDATIONS

1. One or more feasibility studies should be undertaken to provide the Coordinating Committee with an assessment of the technical and financial aspects of the implementation of the common database on public country of origin material described above.
2. Based on the outcome of the studies recommended in 1., the Coordinating Committee should develop a final proposal and make concrete recommendations to the Governments concerned.
3. The Coordinating Committee should collect copies of all questionnaires, guidelines and 'country fact sheets', analyse them and evaluate the possibility of developing common tools for use in the refugee determination process.
4. The Coordinating Committee should develop a prototype 'country fact sheet' for use on a personal computer, and test whether the preparation and regular updating of such an interviewing tool could be the subject of an international division of labour.
5. The Coordinating Committee, now composed of representatives from Canada, the Netherlands and Norway, should be expanded to include up to three additional members.
6. The Coordinating Committee should establish the terms of reference for the feasibility studies, and direct the work of consultants and other developmental projects undertaken to improve cooperation and communication with respect to acquiring, treating and sharing country of origin information.

8. The mandate and continued existence of the Coordinating Committee should be reviewed not later than June 1992 and the Coordinating Committee should submit progress reports as necessary to Governments involved in the consultation.

 9. Governments should undertake to meet the expenses related to the participation of their respective representatives in the work of the Coordinating Committee, while the Coordinating Committee should, from time to time and as required, seek funding for any activities undertaken.
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