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## **REPORT**

on asylum: practical cooperation, quality of decision-making in the common  
European asylum system  
(2006/2184(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Hubert Pirker

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## DRAFT EUROPEAN PARLIAMENT RESOLUTION

### **on asylum: practical cooperation, quality of decision-making in the common European asylum system (2006/2184(INI))**

*The European Parliament,*

- having regard to Article 63(1) and (2) of the Treaty establishing the European Community,
- having regard to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status<sup>1</sup>,
- having regard to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>2</sup>,
- having regard to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national<sup>3</sup>,
- having regard to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers<sup>4</sup>,
- having regard to the Hague Programme of 4 and 5 November 2004,
- having regard to its position on the amended proposal for a Council directive on minimum standards on procedures in Member States for granting and withdrawing refugee status of 27 September 2005<sup>5</sup>,
- having regard to the Commission Communication on strengthened practical cooperation: new structures, new approaches: improving the quality of decision-making in the common European asylum system (COM(2006)0067),
- having regard to the Commission Communication on adaptation of the provisions of Title IV of the Treaty establishing the European Community relating to the jurisdiction of the Court of Justice with a view to ensuring more effective judicial protection (COM(2006)0346),
- having regard to Rule 45 of its Rules of Procedure,

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<sup>1</sup> OJ L 326, 13.12.2005, p. 13.

<sup>2</sup> OJ L 304, 30.9.2004, p. 12.

<sup>3</sup> OJ L 50, 25.2.2003, p. 1.

<sup>4</sup> OJ L 31, 6.2.2003, p. 18.

<sup>5</sup> OJ C 227 E, 21.9.2006, p. 46.

- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A6-0182/2007),
- A. whereas the first phase of the introduction of the common asylum system was completed with the adoption of the four instruments provided for in Article 63(1) of the EC Treaty; whereas there are both political and technical difficulties which will have to be overcome before the second phase of the system can be launched, the aim of which is to introduce a common asylum procedure and a uniform status for persons entitled to asylum or subsidiary protection; and whereas it is to be hoped that the deadline for completing this phase, 2010, will be met,
- B. whereas it had already lent its backing to the definition of 'refugee', when it appeared in Council Directive 2004/83/EC and that definition is therefore also valid for this resolution,
- C. whereas, when it comes to implementing joint standards, the adoption of directives is only a first step, and whereas this phase must necessarily be followed by the proper implementation in all Member States of the provisions adopted at Community level; whereas scrutiny of that implementation process by the Commission constitutes a highly significant task for which appropriate resources must therefore be made available,
- D. whereas the instruments adopted thus far in the area of asylum policy have only set minimum standards, and bearing in mind that the tendency to agree on a lowest common denominator must be overcome in order to avoid a race to the bottom, lowering the protection and the quality of reception, of procedures, and of protection,
- E. whereas in the Hague Programme of 4 and 5 November 2004, the European Council called on the Council and the Commission to establish suitable structures involving the national asylum services of the Member States, with a view to facilitating practical cooperation, and whereas stepping up this practical cooperation and exchanges of information and details of proven procedures between the Member States represents an important means of achieving the goal of a common asylum procedure and a uniform status',
- F. whereas strengthening mutual trust is a cornerstone of the process of establishing a common asylum system, and whereas practical and regular cooperation between the various administrative levels in the Member States which have similar responsibilities, conducted in a transparent manner with the right reporting functions, including reporting to the European Parliament, is the best method of establishing such trust; whereas strengthening mutual trust is necessary to ensure quality and also to increase public confidence in the management of asylum, thereby facilitating a less adversarial and more efficient process,
- G. whereas the effective implementation of asylum policy is contingent on efforts to achieve a number of complementary objectives, such as improving the quality of decision-making, the prompt and secure processing of applications for protection and the organisation of information campaigns in countries of origin and transit which make clear

the scope for legal immigration, the arrangements for securing refugee status or humanitarian protection, the dangers involved in trafficking in human beings, in particular women and unaccompanied minors, and the consequences both of illegal immigration and of denial of refugee status,

- H. whereas, with a view to improving the processing of asylum applications, and thus reducing the number of court proceedings and procedural delays, it may make sense to draw on support from relevant organisations, for example UNHCR, which has developed a method intended to support authorities in their efforts to improve the quality of their decision-making (Quality Initiative),
- I. whereas, as the Justice and Home Affairs Council stated on 27 and 28 April 2006, efforts must be made to introduce a uniform procedure with a view to preventing delays and thus making a practical contribution to improving the effectiveness of the procedures,
- J. whereas, despite the existence of a common set of basic asylum-related measures adopted since the entry into force of the Treaty of Amsterdam, at national level the Member States continue to implement measures or take decisions which have implications for the other Member States, in particular as regards the granting of international protection,
- K. whereas Article 29 of Directive 2005/85/EC provides for the drawing-up of a minimum common list of third countries regarded as safe countries of origin, and whereas it is unfortunate on the one hand that this list has still not been drawn up and on the other hand that the Council did not take into account Parliament's opinion when adopting that Directive, for which reason an action for annulment of Directive 2005/85/CE is now pending before the Court of Justice of the European Communities (the Court of Justice); whereas such a list, which should be adopted under the codecision procedure, would clearly be a key factor in the introduction of a common asylum system and in prompt status decisions; whereas the inclusion of a country on that list does not mean automatically that asylum seekers from that country will be basically refused asylum, but rather that, according to the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), there is an individual assessment of every single application,
- L. whereas it is a matter for regret that the Council did not see fit to employ the codecision procedure in connection with the drawing-up of the list of safe countries of origin, and whereas the judgment which the Court of Justice will hand down on this issue is awaited with interest,
- M. whereas the Member States must have high-quality information about current dangers in countries of origin at their disposal if they are to guarantee reliable and fair procedures which ensure that asylum seekers' rights are respected,
- N. whereas violence and the threat of violence against women constitute a breach of the right to life, safety, freedom, dignity and physical and emotional integrity, as well as being a serious threat to the physical and mental health of the victims of such violence,
- O. whereas although there are technical and political problems which hamper the sharing of

sensitive information about countries of origin, a joint database on countries of origin must surely ultimately be set up, so that all persons, involved in the procedure can rely on the same information when dealing with an individual application,

- P. whereas if decision-making procedures are to be improved the level of training of the civil servants who take the decisions will have to be raised,
- Q. whereas the procedure best suited to enabling the Court of Justice to guarantee the unity of Community law is the preliminary ruling procedure laid down in Article 234 of the EC Treaty, and whereas a key component of that procedure is the principle that any national court may ask the Court of Justice for a ruling; whereas, however, on the basis of the derogation from that principle laid down in Article 68 of the EC Treaty the Court of Justice is unfortunately empowered to interpret asylum-related provisions only if consulted by the national court of final instance,
1. Welcomes the efforts made to improve practical cooperation in the common European asylum system; considers that improving quality in procedures and decisions is in the interests of both the Member States and asylum-seekers;
  2. Reaffirms the need for a proactive common EU asylum policy, based on the obligation to admit asylum seekers and on respect for the principle of non-refoulement; recalls, in this respect, the fundamental role of a strong Common Foreign and Security Policy, promoting and safeguarding democracy and fundamental rights;
  3. Emphasises once again that the ultimate objective of introducing a common asylum system must be to ensure a high quality of protection, of assessment of individual asylum claims, and of procedures resulting in duly substantiated and fair decisions; points out that improvement in the quality of decision making must ensure that those in need of protection may enter the EU safely and have their claims properly processed, and ensure strict adherence to international standards of human rights and refugee law, in particular to the principle of non-refoulement;
  4. Condemns the clearly inadequate resources available to the Commission to monitor the implementation of the various directives which deal with asylum-related matters, and urges the Member States to facilitate the Commission's task by systematically submitting to it a table of equivalences setting out exactly what measures have been taken to implement what provisions of those directives;
  5. Calls on the Council and the Commission to work to bring about the introduction in all Member States of a single procedure which makes for fair and effective decision-making, in order to ensure that refugee status is granted as quickly as possible to all those who are entitled to it;
  6. Points out, with regard to the conditions and procedures for granting international protection and, in particular, subsidiary protection, that as long as asylum-related legal provisions are based on minimum standards and on the lowest common denominator, differences between the Member States will continue to exist and 'asylum shopping' will remain an issue;

7. Emphasises that one of the objectives of the asylum-related instruments adopted is to curb so-called 'secondary' movements; urges the Member States to take practical steps now to achieve the highest possible degree of convergence among their respective asylum policies;
8. Takes the view that one of the improvements to be made to the EU asylum system should consist, for the sake of greater solidarity, in a fairer share of the burden carried in particular by those Member States at the external borders of the EU, and already awaits with interest the Commission's assessment of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin II regulation) and any proposals it may make in this area;
9. Considers that due note should be taken of the fact that civil servants responsible for decisions granting refugee status must have proper training on the basis of a European curriculum, with the possibility of obligatory qualifications or an obligatory level of qualification being introduced;
10. Calls for information campaigns to be carried out in countries of origin and transit with a view to making clear to potential migrants both the risks inherent in illegal immigration and the consequences of denial of refugee status, and the scope for legal migration and the possibility to apply for asylum in a justified case, as well as the dangers involved in trafficking in human beings, in particular women and unaccompanied minors;
11. Calls - once judicial remedies have been exhausted - for measures applicable to persons who have not been granted refugee status or whose refugee status has been revoked, to be implemented quickly and fairly with full respect for the human dignity and fundamental rights of the persons who have to be repatriated; calls furthermore in this respect for the establishment in the shortest possible term of a EU repatriation procedure;
12. Calls for the measures applicable to persons who have been granted refugee status or humanitarian protection to be implemented quickly and fairly, in order that decent living conditions, effective integration in social and political life and shared active involvement in decisions taken by the host community may be fostered;
13. Calls on the Commission to overcome as quickly as possible the technical and political problems involved in introducing a joint database containing information about countries of origin; considers that an EU database should work as an open system, so that all persons involved in the procedure can rely on the same information when dealing with an individual application; hopes that a pragmatic solution can be found to the problem of multilingualism;
14. Welcomes on the one hand the previous Commission's efforts, pursuant to the provisions of Article 29 of Directive 2005/85/EC, to draw up a list of safe countries of origin, but recalls on the other hand the pending judgment of the action for annulment which was brought before the Court of Justice concerning that Directive, for which reason the drafting of such a list is currently suspended, and calls on the Council to take into account

these contrasting elements and to make decisions accordingly; points out, furthermore, that the safe third country concept does not exempt Member States from their obligations under international law, in particular the provisions laid down in the Geneva Convention concerning the principle of non-refoulement and the individual assessment of every single application for asylum;

15. Takes the view that coordinating activities in connection with practical cooperation on asylum-related matters must remain the task of the Commission, which must be provided with resources appropriate to that task; calls on the Commission to advocate that option in the report which it will submit in early 2008 concerning progress with the first phase of activities and, if it chooses another option, to justify why the establishment of a new structure in the form of a 'European Support Office' is considered necessary, whereas the cost-benefit ratio should be taken into account; takes the view that if the Commission envisages the creation of a European Support Office, it should be under a strict obligation to include guarantees of its transparency and accountability;
16. Calls on the Member States to cooperate fully with UNHCR, to provide it with the appropriate support and to carry out a 'Quality Initiative' exercise and publish the results of that initiative, so as to familiarise people with and encourage the use of best practices with regard to the processing of applications for international protection;
17. Stresses the need to establish reception centres with separate facilities for families, women and children and suitable facilities for elderly and disabled asylum-seekers; calls for reception conditions to be assessed as part of measures implementing Directive 2003/9/EC; stresses, in this connection, the need for full use to be made of the opportunities afforded by the new European Refugee Fund;
18. Welcomes the measures planned by the Commission to support those Member States which are under severe pressure, so that they can cope with problems relating to the reception of asylum seekers and the assessment of asylum applications; welcomes, in particular and above all, the proposal to send teams of experts comprising members from different Member States;
19. Emphasises that it is the Commission's task to monitor the application of asylum-related directives and that the resources made available to it for this purpose currently fall well short of those needed to carry out such a comprehensive task successfully; takes the view that the credibility of the Union in this area and the future of the common asylum policy are at stake;
20. Encourages the Commission to make it easier to access financial instruments such as the European Refugee Fund and the ARGO Programme so as to enable Member States to obtain funding swiftly in an emergency;
21. Points out that the body of Community law created in the area of asylum policy must be uniformly interpreted and applied throughout the Union; takes the view that harmonisation in the area of asylum policy will be facilitated and speeded up if the Court of Justice can in future be consulted by courts other than national courts of final instance, as is currently the case; calls on the Council, therefore, to restore to the Court of Justice



its full powers in the area of preliminary rulings granted to it pursuant to Title IV of the EC Treaty; welcomes the Court of Justice Discussion Paper on the treatment of questions referred for a preliminary ruling concerning the area of freedom, security and justice<sup>1</sup> and encourages discussion on the need for a procedure that is adapted to the specific nature of cases in the field of asylum and immigration;

22. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>1</sup> Council Document 13272/06.

## EXPLANATORY STATEMENT

### Introduction

The first phase of the introduction of the common asylum system was completed with the adoption, on 1 December 2005, of the four instruments provided for in Article 63(1) of the EC Treaty. The aim now, therefore, must be to consolidate the arrangements which have been introduced so that the transition can be made to the second phase of the system, which will involve the introduction of a common asylum system and uniform status for those persons who are recognised as refugees or who are granted subsidiary protection.

In the Hague Programme of 4 and 5 November 2005 the European Council pointed out that asylum policy should now have three main components, namely the introduction of a uniform procedure, the sharing of information about countries of origin and closer cooperation among the Member States, in particular in order to help those Member States which are under particular pressure, by virtue of their geographical situation, to cope more effectively with that pressure.

If these objectives are to be achieved, and the transition to the second phase of the asylum system is to be made, above all there is a need to foster practical cooperation among the Member States, with the ultimate objective of improving the quality of decision-making, which, in your rapporteur's view, should be quicker, fairer and more reliable. Stepping up this practical cooperation is the subject of the Commission communication dealt with in this report. In that connection, your rapporteur has identified a number of aspects which could make a decisive contribution to improving cooperation and, hence, decision-making in the sphere of asylum policy. Those aspects are set out in the following paragraphs.

### Uniform procedure

A uniform procedure will speed up decision-making and its introduction should therefore be encouraged. In most Member States a uniform procedure has already been introduced which combines in one operation the assessment of applications of the basis of the criteria for granting refugee status and those for granting access to subsidiary protection. This is entirely laudable, in that as a rule a person who has submitted an application to be granted international protection is hardly likely to be in a position to determine whether his or her application is consistent with the criteria laid down in the Geneva Convention or those governing other forms of international protection. This approach is also more rational in that one single body takes a decision and, in so doing, assesses compliance with all the criteria governing the granting of international protection, thereby sparing the applicant the need to submit applications to several bodies which all then assess the same basic set of facts.

### A joint database

The quality of the decisions taken at first instance depends on the quality of the information on which such decisions are based. The way in which information about countries of origin is compiled must therefore be improved and, with a view to harmonising as far as possible the

decision-making criteria employed by the Member States, care must be taken to ensure that all Member States have the same information at their disposal. The sharing of available information about countries of origin is made all the more necessary by the fact that the means used to compile such information differ from one Member State to the next. Some have created sophisticated databases to be used by their decision-makers, others do not have their own sources of information and therefore rely on outside providers, e.g. non-governmental organisations and the UNHCR. In order to guarantee more consistent decision-making, however, decisions should ideally be based on identical information. It would make sense, therefore, to work towards the establishment of a joint database containing information about countries of origin, a step your rapporteur strongly advocates. The 'common portal' referred to in the Commission communication can only be an interim measure to be replaced as soon as possible. As the Commission suggests, the aim would be to draw up joint guidelines for the collection and analysis of information by the relevant national authorities so that a European database containing information about countries of origin can be set up on the basis of joint Community standards.

### **Training for civil servants**

If the aim is to improve decision-making, care must naturally be taken to ensure that the persons actually responsible for that decision-making have the requisite skills and are provided with high-quality training. In that connection, it is welcome that some countries, such as the United Kingdom and Austria, have taken the initiative and turned to a body with specialist knowledge in the asylum sphere, the UNHCR, asking it to help them by assessing the practices they employ in the day-to-day processing of asylum applications and making practical proposals for improvements. This is an example which might be followed and which could lead to the drafting of a manual of 'proven methods'. Your rapporteur welcomes various measures taken under the auspices of Eurasil<sup>1</sup> to harmonise the qualifications which civil servants working in the asylum sphere must have and calls for these measures to be more broadly implemented. He would also like to see Member States make efforts to introduce a range of measures designed not only to improve the skills of their civil servants, but also to increase their motivation, a factor which the UNHCR experts regard as highly significant. In that connection, consideration might be given to developing a training programme at EU level which would enable Member State civil servants to meet and exchange experiences. They could familiarise themselves with the current legal framework and with various practical aspects of their work, such as interviewing techniques, the criteria for assessing the credibility of statements made by asylum seekers and the need to take account of the specific requirements of the persons they are supposed to help, who may well be traumatised and vulnerable.

### **Role of the Court of Justice**

Your rapporteur takes the view that harmonisation of the asylum policies would be facilitated and speeded up if in future the Court of Justice of the European Communities could be consulted by courts other than the highest national court in each Member State, as is currently the case. He takes the view, further, that consistent implementation of the *acquis* would in particular help to curb secondary movements between Member States, a phenomenon which

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<sup>1</sup> The EU network for asylum practitioners was set up in 2002.

is a constant matter for concern. He would therefore welcome a revision of the provisions of Title IV of the EC Treaty, with a view to guaranteeing more effective judicial protection, particularly as the current derogation applies to policy areas which are particularly sensitive in terms of fundamental rights, since they concern the protection of vulnerable persons.

### **Role of the Commission**

If the Commission is to guarantee the uniform application of Community law in the asylum sphere it must be in a position properly to monitor implementation of the relevant directives. The resources available to it are clearly inadequate, however, and in your rapporteur's view the resulting need to outsource work could jeopardise the Commission's role as guardian of the Treaties. Your rapporteur therefore feels that the Commission should employ teams of lawyers from the individual Member States and teams of translators so that it can carry out its monitoring role as effectively as possible. For their part, the Member States should systematically submit to the Commission tables of equivalences which clearly show which provisions of the directives notified national measures are intended to implement. This is a proven administrative procedure which falls within the scope of fair cooperation. It is difficult to understand, therefore, why the Member States are reluctant to employ it.

At all events, your rapporteur is aware that, as noted in the Commission communication, coordinating practical cooperation could ultimately exceed the capacity of a cooperation network in the asylum sphere. He nevertheless takes the view that it is the Commission's task to assume responsibility for coordinating among the Member States activities relating to the common European asylum system and he warns against the temptation of conferring that task on a new agency. He is categorically opposed to any such proposal.

All in all, your rapporteur welcomes the practical proposals set out in the Commission communication to step up cooperation among the Member States in the asylum sphere and hopes that this pragmatic approach will result in the establishment of a common asylum system by 2010.

25.1.2007

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Civil Liberties, Justice and Home Affairs

on asylum: practical cooperation and quality of decision-making in the common European asylum system  
(2006/2184(INI))

Draftswoman: Bernadette Vergnaud

### **SUGGESTIONS**

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>1</sup>,
  - having regard to the Council of Europe's Parliamentary Assembly Doc 11103 of 23 November 2006 entitled 'Improving the quality and consistency of asylum decisions in the Council of Europe member states',
- A. whereas violence and the threat of violence against women constitute a breach of the right to life, safety, freedom, dignity and physical and emotional integrity, as well as being a serious threat to the physical and mental health of the victims of such violence,
- B. whereas in recent years, the number of asylum applications submitted in industrialised countries has continuously dropped, reaching the lowest level since 1987, with Europe receiving some eighty percent of the total,
- C. whereas the downward trend in the numbers of asylum seekers can be attributed inter alia to improved conditions in some of the main countries of origin of asylum seekers as well to the introduction of more restrictive asylum and immigration policies,

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<sup>1</sup> OJ L 304, 30.9.2004, p. 12.

1. Welcomes the efforts made to improve practical cooperation in the common European asylum system; considers that improving quality in procedures and decisions is in the interest of both the Member States and asylum-seekers;
2. Notes with concern that the Commission communication totally ignores aspects relating to women's rights and gender equality, homosexuality, bisexuality and transsexuality, and to the protection of minors;
3. Notes, again with concern, that the same applies to sexual, domestic and gender-based violence against women, boys and girls, female genital mutilation, human trafficking for sexual purposes, violence suffered because of the cruel and inhuman enforcement of Sharia law in certain countries, crimes of honour and sexual abuse, rape as a weapon of war, which constitute acts of gender-specific persecution as referred to in Directive 2004/83/EC; points out that specific criteria need to be introduced for granting asylum or special humanitarian status to women suffering under this type of violence; stresses the need for gender issues and, in particular, violence against women, to be taken into account during consideration of asylum applications;
4. Calls for gender-specific persecution guidelines for governments, lawyers and all those involved in decision-making on asylum applications to be adopted and used as a tool contributing to the legal appraisal of asylum applications from women;
5. Calls on the Commission, as part of the preparations for a single procedure and in accordance with the common European asylum system, to set up an ad hoc expert group to draft European guidelines on gender-specific persecution;
6. Points out that Member States should view the overriding interests of the child as an essential factor in the consideration of asylum applications from minors; stresses, in this connection, that the competent authorities should take due account of cases of child-specific abuse and persecution;
7. Calls on Member States to acquire the necessary means to grant full protection to women who are victims of prostitution networks or domestic violence and who summon up the courage to report their situation and request asylum on the grounds of basic gender-based persecution;
8. Points out that family reunification is a necessary means of encouraging family life and helps create social and cultural stability by facilitating the integration of third-country nationals in the Member States, thereby fostering economic and social cohesion; welcomes the provisions of Directive 2003/9/EC<sup>1</sup> laying down minimum standards for the reception of asylum-seekers, Article 8 of which requires Member States to take appropriate measures to maintain as far as possible family unity as present within their territory, if applicants are provided with housing by the Member State concerned;
9. Stresses the need to improve the collection and processing of country-of-origin information – including gender-specific data/statistics –, which plays an essential role in Member State decisions on asylum matters;

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<sup>1</sup> OJ L 31, 6.2.2003, p. 18.

10. Points out that asylum service staff training is of essential importance to implementation of the common European asylum system and stresses the need for Member States to provide staff responsible for considering asylum applications with training in gender mainstreaming and gender issues and the specific issues inherent in the persecution of women and children; draws attention to the importance of providing asylum seekers, both male and female, with legal aid and assistance in a language they are able to understand, in order to ensure that asylum procedures are conducted in a proper manner and that the information received is of a fitting standard;
11. Stresses that women's experiences of persecution, as well as their own political activities, may be different from those of men and therefore require that different questions be asked; underlines that women interpreters, decision-makers and legal counsel with this competency must be available;
12. Stresses that the need to improve cooperation on country-of-origin information must not be confused with the drawing up of safe-country-of-origin lists, since no country can be declared a safe third country for all asylum seekers; point outs, furthermore, that the safe-third-country concept is at odds with Member States' obligations under international law, since primary responsibility for international protection lies with the country which received the asylum application, and may not be transferred to a third country; proposes that, rather than a list, a set of criteria taking into account the protection of fundamental rights should be drawn up, including protection for women and children who are victims of sexual, domestic or gender-based violence;
13. Calls for the abolition of a generalised list of safe third countries; recommends individual assessment on the basis of human rights, and in particular on the basis of separate consideration for women's rights;
14. Stresses the need to establish reception centres with separate facilities for families, women and children and suitable facilities for elderly and disabled asylum-seekers; calls for reception conditions to be assessed as part of measures implementing Directive 2003/9/EC; stresses, in this connection, the need for full use to be made of the opportunities afforded by the new European Refugees Fund;
15. Proposes that the Member States develop specific policies and programmes to guarantee medical, social, legal and psychological assistance geared to the circumstances of women and children who are seeking asylum;
16. Reiterates the importance of prevention in the countries of origin in respect of social issues and in the area of organised crime; stresses, in regard to human trafficking, however, that the entire chain, including the countries of origin, transit and reception, must be taken into account;
17. Advocates that gender, gender expression and sexual orientation should be regarded as grounds for asylum in all Member States on the basis that an individual should have the right to live openly and freely, which homosexuals, bisexuals and transsexuals are not guaranteed in countries where non-heterosexuality is punished or not socially accepted; considers that forced marriage and genital mutilation should also be regarded as grounds for asylum within the meaning of the law.

## PROCEDURE

<b>Title</b>	Asylum: practical cooperation and quality of decision-making in the common European asylum system
<b>Procedure number</b>	2006/2184(INI)
<b>Commission responsible</b>	LIBE
<b>Opinion by</b> Date announced in plenary	FEMM 6.7.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Bernadette Vergnaud 6.9.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	23.11.2006    20.12.2006    24.1.2007
<b>Date adopted</b>	24.1.2007
<b>Result of final vote</b>	+:            19 –:            10 0:            1
<b>Members present for the final vote</b>	Edit Bauer, Maria Carlshamre, Edite Estrela, Ilda Figueiredo, Věra Flasarová, Claire Gibault, Lissy Gröner, Zita Gurmai, Esther Herranz García, Anneli Jäätteenmäki, Lívia Járóka, Rodi Kratsa-Tsagaropoulou, Urszula Krupa, Pia Elda Locatelli, Angelika Niebler, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Christa Prets, Marie-Line Reynaud, Teresa Riera Madurell, Eva-Britt Svensson, Britta Thomsen, Corien Wortmann-Kool, Anna Záborská
<b>Substitute(s) present for the final vote</b>	Lidia Joanna Geringer de Oedenberg, Christa Klauf, Zita Pleštinská, Bernadette Vergnaud
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Jean Lambert, Elisabeth Schroedter
<b>Comments (available in one language only)</b>	...



## PROCEDURE

<b>Title</b>	Asylum: practical cooperation, quality of decision-making in the common European asylum system		
<b>Procedure number</b>	2006/2184(INI)		
<b>Committee responsible</b> Date authorisation announced in plenary	LIBE 6.7.2006		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFET 6.7.2006	DEVE 6.7.2006	FEMM 6.7.2006
<b>Not delivering opinion(s)</b> Date of decision	AFET 28.11.2006	DEVE 11.7.2006	
<b>Enhanced cooperation</b> Date announced in plenary			
<b>Rapporteur(s)</b> Date appointed	Hubert Pirker 13.3.2006		
<b>Previous rapporteur(s)</b>			
<b>Discussed in committee</b>	5.10.2006	28.2.2007	8.5.2007
<b>Date adopted</b>	8.5.2007		
<b>Result of final vote</b>	+ 38 - 4 0 0		
<b>Members present for the final vote</b>	Alexander Alvaro, Mario Borghezio, Philip Bradbourn, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Carlos Coelho, Fausto Correia, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Kinga Gál, Roland Gewalt, Elly de Groen-Kouwenhoven, Lilli Gruber, Jeanine Hennis-Plasschaert, Lívia Járóka, Ewa Klant, Wolfgang Kreissl-Dörfler, Barbara Kudrycka, Stavros Lambrinidis, Henrik Lax, Kartika Tamara Liotard, Sarah Ludford, Dan Mihalache, Claude Moraes, Javier Moreno Sánchez, Martine Roure, Inger Segelström, Károly Ferenc Szabó, Adina-Ioana Vălean, Ioannis Varvitsiotis, Manfred Weber		
<b>Substitute(s) present for the final vote</b>	Edit Bauer, Simon Busuttil, Ignasi Guardans Cambó, Jean Lambert, Katalin Lévai, Antonio Masip Hidalgo, Marianne Mikko, Hubert Pirker, Eva-Britt Svensson		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Tobias Pflüger		
<b>Date tabled</b>	14.5.2007		
<b>Comments</b> (available in one language only)			