



PRESS RELEASE

Brussels, Wednesday 1 July 2009

Eurodac: how to better ensure asylum seekers' rights in practice? Supervision Group issues second inspection report

The Eurodac Supervision Coordination Group has issued a report on their second coordinated inspection of the large-scale database that contains fingerprints of asylum seekers in order to assist asylum procedures in the European Union. The Supervision Group, which is composed of data protection authorities of each of the participating States and the European Data Protection Supervisor (EDPS), has investigated how the database has been used in practice over the last two years. Two main issues were scrutinised: the right of information of asylum seekers and the methods for assessing the age of young asylum seekers in view of their registration in the system. The report presents both the findings and the recommendations based on the replies to the questionnaire received from all the Member States. The Group hopes that the report will usefully contribute to the ongoing revision of the Eurodac and Dublin Regulations.

Peter Hustinx, EDPS, says: *"I very much welcome this second inspection report which shows the effectiveness of the coordinated supervision and addresses two subjects of great importance for asylum seekers in practice"*.

Information provided to asylum seekers

The results of the evaluation exercise show that the information provided to asylum seekers about their rights and the use of their data tends to be incomplete, in particular as regards the consequences of being fingerprinted, and the right of access to and rectification of their data. The information provided also differs widely among Member States and great differences have been observed as regards the practices for asylum seekers and illegal immigrants - the latter generally receiving less information, and in some cases, no information at all.

The Supervision Group therefore calls on:

- Member States to improve the quality of the information on data protection for asylum seekers. The information provided should cover the rights of access and rectification, as well as the procedure to exercise these rights. Member States should ensure that the information is provided on equal footing both for asylum seekers and illegal immigrants, and encourage harmonized practices between competent authorities;
- asylum authorities to reconsider the way in which they provide information on data protection so as to ensure that it is clear enough, well understood and sufficiently visible, in particular by assessing the effectiveness of the information they provide;
- data protection authorities to provide guidance on how to better comply with the obligation to ensure data protection information.

Assessment of the age of young asylum seekers

According to the Eurodac Regulation, asylum applicants over the age of 14 have to be fingerprinted when they request asylum. Asylum authorities may be confronted with difficulties in determining the age of a child who carries no reliable identity document. Various methods,

including medical examination of different kind and types, are therefore used to assess the age of young asylum seekers.

The Supervision Group makes recommendations in this area which include the following:

- the Member States should ensure that the methods for assessing the age of asylum seekers as well as the whole procedure surrounding the tests are established in a clear text accessible by the public;
- asylum authorities have to take into account the margin of error resulting from the use of some medical examinations when taking decisions affecting the legal status of the asylum seeker;
- the Commission should undertake an overall assessment of the reliability of the various methods used in the Member States for age assessment to ensure more harmonisation in this regard. This assessment should pay careful attention to medical and ethical aspects. Medical examination considered invasive in this context should not be used to determine the age limit for Eurodac fingerprinting. If needed at all, it should be limited to the determination of whether a child asylum seeker is under 18 or not;
- the Eurodac Regulation, currently under revision, should be modified to impose fingerprinting asylum seekers only from 18 years old on.

The [report](#) is available on our website.

For more information, please contact the EDPS Press Service at: +32 2 283 19 00

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