



Home Office

Home Office Response to IAGCI Review

Eritrea CIG: National Service and illegal exit, September 2015

November 2015

Review Conclusions/ Recommendations		Response	Home Office Comments
1.	Overall comments on both CIG reports References to the history of the Home Office's Country Policy and Information Team (and its predecessors), page 3.	Not accepted	<p>This section is not relevant to the review, outside of the IAGCI's remit, not factually accurate and based almost exclusively on opinion.</p> <p>Moreover, it sets the tone for a review which, in the opinion of the Home Office, is neither impartial or in keeping with what we would expect from the IAGCI.</p> <p>See Home Office's covering note.</p>

2.	Relevance and adequacy of source information	General observations	<p>At the core of this review is the use of (controversial) sources and whether the information provided by these sources is current and reliable on a country where there are considerable problems in obtaining accurate and balanced information.</p> <p>We believe that the reviewer does not apply same level of objective assessment to all sources referred to in the CIG. Instead he points out the alleged and perceived weaknesses in the DIS FFM and Landinfo reports, without acknowledging their merits. However other sources – such as material provided by Amnesty, Human Rights Watch and the UN in its Commission of Inquiry report – are uncritically accepted as reflecting the county situation.</p> <p>But many of the apparent methodological ‘flaws’ the reviewer observes in the DIS and Landinfo FFM reports – anonymity, currency, lack of transparency, possible bias, possessing a particular political or policy perspective – equally apply to the information from these sources, yet the reviewer appears not to consider these.</p>
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3.	<p>Overall comments on both CIG reports</p> <p>References to the Danish Fact-Finding Mission Report, pages 4-6.</p> <p>The Danish report has been attacked and discredited for its cavalier and highly selective use of the information provided to the fact-finding team by UNHCR, other organizations and by Professor Gaim Kebreab. Professor Kebreab makes it very clear that the Danish team: (a) deliberately misquoted and misrepresented his comments; (b) that the ‘well known Eritrean intellectual in Asmara’ whom they quote must have been affiliated to the ruling political party; (c) that in the climate of fear and mistrust in Eritrea, open conversations/discussions about politics necessarily limits the information provided to foreigners ; (d) no apparent effort was made by the team, or in the report, to question the partiality and vested interests of Eritrean-based informants;</p>	Not accepted	<p>This appears to be based on others’ general observations of the Danish FFM Report, rather than – as was required in the review – a meaningful and impartial engagement with the content of that report.</p> <p>In our June 2015 response to the IAGCI review of the Eritrea CIG, we explain why, in light of criticisms of the DIS FFM report, we considered it remained valid as information. We believe our observations remain relevant and address all the points made by the reviewer.</p> <p>In our view, the reviewer, rather than attempting to take an objective and fresh look at the DIS FFM report and engage with our observations, simply recycles previous criticisms.</p> <p>We accept that the DIS FFM report has its flaws, as all COI documents do, but continues to have value as information from informed sources on the ground in Eritrea.</p> <p>See also the Home Office’s covering note.</p>
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4.	<p>A careful assessment of the Danish report reveals that: (a) the primary sources of information relied upon are anonymized, which means that none of the information provided can be independently corroborated; (b) two named sources – Yemane Gebreab and Osman Saleh, both senior officials in the ruling People’s Front for Democracy and Justice party – are relied upon as providing truthful statements that the government will limit national/military service to 18 months; however (c) no policy statements of this nature have been made, and there is no evidence available that such changes have taken place;</p>	Not accepted	<p>a) Not naming sources is standard practice for fact finding, where interlocutors may be reluctant for privacy or safety reasons to reveal their full identity. However, as the DIS FFM delegation set out in their introduction to the report, sources were identified for knowledge and expertise. Weight can be still attached to the information, on a sliding scale – consistent with the how the courts test evidence.</p> <p>b) The two officials are simply noted as having made statements on the length of national service – it is a reported fact. As Govt. officials who operate the national service program, they are the only ones who can make that statement.</p> <p>c) See above. The UNCOI Report also notes that people in the (then) most recent round of recruits had been informed.</p>
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(d) much of the information contained in the report was provided in late 2014 and is now out of date; (e) the report ascribes statements to informants/sources which cannot be traced in the notes of the organizations or individuals it consulted.

d) We don't agree – the DIS FFM report was one of only two sources to have visited Eritrea within the last 12 months (at the time of drafting). Further, the reviewer is content to recommend a number of sources that predate the DIS FFM but comment on the country situation.

There is also no explanation as to what significant change has occurred to suggest this information is not still relevant.

e) The CIG does not refer to the summary text in the DIS FFM report – we only cite the agreed notes. Nor do we refer to the notes of the interview with Prof Kibreab, which, as far as we are aware he did not dispute – it was only how these were used in the summary that he disagreed.

	<p>Finally (f) the information provided to the Danes by UNHCR and Prof. Gaim Kebreab was selectively cited in a manner which distorted what they said. It is also notable that the evidence cited in both CIGs is completely at odds with current UK Foreign & Commonwealth Office (2015) reports on Eritrea.</p>		<p>f) material cited in the CIG is at odds with the FCO's most recent assessment of the situation in Eritrea published on 12 March 2015. In any case, the reviewer asserts this without explaining how it is, so we cannot comment on specifics.</p> <p>See also the Home Office's covering note.</p>
5.	<p>One of the consultants who undertook the research on the Danish report, Jens Weise Olsen, called the report a "mess" (Olsen 2014). He said, 'It is a torpedo directly into the work we have made over 20 years to build credibility and transparency'. Indeed, in early 2015 the Danish government withdrew its discredited policy and has granted status to Eritrean asylum seekers.³</p>	n/a	<p>Clarification. We do not think it appropriate for the Home Office on comments made by former DIS employees.</p> <p>However, since these statements were made, the Danish Ombudsman has completed a review of the fact finding mission and circumstances surrounding it, and found no breach of law.</p> <p>As we understand it, the DIS considers each Eritrean case on its individual merits – there is no blanket policy to grant asylum - while the DIS FFM report remains on the DIS website.</p> <p>See also the Home Office's covering note.</p>

6.	For the above reasons the only conclusion which can be drawn is that criticism of the Danish report is justified. It therefore follows that the information contained in the Danish report is not credible. For this reason the Home Office cannot rely upon the Danish report and all reference, including all quotations, should be deleted.	Not accepted	See above.
7.	... the Home Office's reply to the IAGCI's comment on its Eritrean CIG reports robustly defended its work by claiming that in preparing COI it has 'taken into account common standards' for processing and providing COI and that it considers the Danish report to be a 'good example' of 'the use of a transparent and robust' methodology (Home Office 2015c).	n/a	Clarification. We did not refer to the DIS FFM report as a 'good example'. We merely observed that the DIS FFM appeared to adhere to internationally agreed COI standards on fact finding, including in identifying sources. See also the Home Office's covering note.
8.	Overall comments on both CIG reports That the CIGs "...at nearly 110 pages in length [] are too long, too poorly organised and provide too little objective evidence to be of use to Home Office case workers, decision makers and others involved in the refugee status determination process", and that they "...should be consolidated into one concise report and organised in a more useful and transparent manner, such as that followed by much earlier Home Office reports ..." page 6.	Not accepted	The reviewer's potentially useful observation about the length of the report is then negated by his opinions about what are required to apparently "correct" this. See also the Home Office's covering note.

9.	<p>Overall comments on both CIG reports</p> <p>“... the only possible way forward for the Home Office is to completely rewrite both CIG reports in a manner which conforms to the guidelines set out by EASO”, page 6.</p>	Not accepted	<p>We consider the COI to be in line with the guidelines referred to in the preface of our document (which includes reference to the relevant EASO guidelines).</p> <p>Moreover, the fact that the reviewer considers this the “only” option (including the apparent consequences of us not doing so) further serves to reinforce the Home Office’s concern about the objectivity and impartiality of the review.</p> <p>See also the Home Office’s covering note.</p>
10.	<p>Comments on specific issues: guidance</p> <p>Pages 7-9</p>	Not accepted	<p>See the Home Office’s covering note for its general view on comments regarding the policy/guidance section.</p>
	Country Information		
11.	<p>8. Sec. 5 ‘The Legal Framework’ (p.15). This section provides long excerpts from Proclamation no. 82 of 1995 (Proclamation of National Service) which is publically accessible and does not need to be cited at length.</p>	Not accepted	<p>We believe it is useful to provide a summary of the main provisions and, at just over one page in length, do not consider this excessively long.</p>
12.	<p>8.a. More importantly, the fact that the Proclamation has clearly been superseded in practice and cannot be relied upon as an accurate or reliable guide in assessing asylum claims is not clearly indicated.</p>	Not accepted	<p>We have pointed out in the report that the way national service works in practice does not necessarily conform to this.</p>

13.	8.b. The excerpts taken from the Proclamation suggest that only the stated exemptions are in effect, namely with regard to the age of conscription, students, etc. This is clearly not the case.	Accepted	The Proclamation does suggest this and we acknowledge this is not the case in practice. However, Article 2 mentions “fit” which is explored further within the CIG. We also acknowledge that the application of national service is random and arbitrary.
14.	8.c. The report needs to cite COI about the Warsai Yekaello programme created in 2002 by President Afeworki which established indefinite conscription in to the military/national service. Adequately addressing this issue would include citing the following material... 9. Sec. 5 should reference further information on national service/conscription including, but not limited to: (a) Human Rights Watch (2009); (b) Gaim Kebreab (2009) and (2013).	Not accepted	The sources suggested are dated, and problems with time limited/open-ended subscription is addressed further on in the report. It is also difficult to reconcile the suggestion for more material with the reviewer’s view that the CIG is “too long”.
15.	10. Sec. 7 ‘Exemptions and alternatives’ a. Sec. 7.1.2 relies on an out-of-date information from the British Embassy (2010) which can no longer be relied upon.	Not accepted	It is not clear why this is out of date or how the reviewer has reached his conclusion(s) regarding the apparent scaling back of the categories of those exempt.
16.	10b. comment re: arbitrary nature of how the rules are applied.	n/a	Unclear whether this required a response or not.
17.	10 c. In relation to the nature and objectives of national service, Gaim Kebreab (2014c) argues that:	Not accepted	Other COI cited makes the wider point about who is eligible to do national service and that exemptions are temporary and may be withdrawn.

18.	11. Sec. 7.3 = Women'. a. Sec. 7.3.5 relies on evidence provided by Dr. Bozzini but his comments are selectively cited and as such are misleading.	Not accepted	It is unclear why the reviewer feels Dr Bozzini's comments are misleading.
19.	i., ii. and iii. re: suggestions for more information on treatment of women	Partially accepted	<p>We acknowledge that more information on treatment of women would be useful.</p> <p>i) 'Clandestine situation' appears to be referring to the situation women find themselves in when they have simply avoided the draft, without further qualification such as being pregnant.</p> <p>ii) We do not accept that we do not refer to the allegations of mistreatment of women (e.g. UN CEDAW, the UN COI, the USSD).</p> <p>We will review the suggested sources. However, as a general observation, the reviewer's choice of phrase: "the section needs to cite <i>better</i> material..." [emphasis added] also points to the Home Office's concerns about the nature of the review.</p>

20.	12. Sec. 7.4.1 summarizes information from the British Embassy (April 2010) and is out of date.	Partially accepted	<p>We will review the sources suggested but would also point to the fact that (a) one of the suggested sources is dated 2010 and another 2008; and (b) three of the further sources quoted are Christian based and may not be the most balanced source of material.</p> <p>Similarly, this section is about exemptions, and the point made in the USCIRF report is that clergy are being called up. If it is a matter of treatment, it may belong elsewhere in the CIG, which we will consider.</p>
21.	13. Sec. 7.6 ‘Recall for Reserve Duties’ omits discussion of the 2012 policy to create Hizbawi Serawit (literally ‘population soldiers’) an armed reserve guard sometimes referred to as the ‘people’s army’.	Partially accepted	<p>This is covered in section 10.3, entitled “People’s Army”. We will consider if/how to better link these sections.</p>
22.	14. Sec. 9.13 refers to a paper – in fact an introduction to a journal issue which examines contemporary Eritrean politics – written by Tekle M. Woldemichael. The quotation cited by the Home Office is a miss-statement/miss-representation of the author’s views and should be deleted.	Not accepted	<p>It is unclear how this quote is misleading – the point is to show that national service is open-ended, which is faithful to the point the source is making.</p>

23.	<p>15. Sec. 9.1.9 quotes the Danish Immigration report at length (pp. 27-29). However the key sources are not revealed, the reliability of much of the information in the report is disputed and the publication is out of date. Because the Danish report cannot be relied upon this section should be deleted.</p>	Not accepted	<p>See the Home Office's covering note and the comments at 1-10. We do not agree that the Danish report cannot be relied upon. The sources may be anonymised but the general background of what organisation they represent is available.</p> <p>The notion that the Danish FFM Report is "out of date" is not explained by the author or how it can be rationalised given it is dated from 2014 and uses more recent material than almost all other sources available, including many suggested by the reviewer.</p> <p>It also points to a lack of objectivity and impartiality in the way the reviewer has approached the task.</p>
24.	<p>16. Sec. 9.1.12 cites EASO (2015) regarding the length of national service as being 5.8 years. However EASO's source is Gaim Kebreab (2013) who reported that his data comes from individuals who deserted the military or fled national service after having served about 5.8 years of service (5 years for women). Gaim Kebreab's research clearly states that military service is indefinite. The quote is misleading and should either be revised or deleted.</p>	Accepted	<p>We will review and revise this.</p>

25.	17. Sec. 9.2 'Discharge and Dismissal'. This section provides a partial quote from the UN Commission of Inquiry regarding release from service. For completeness para 1253 should also be included.	Accepted	We will include a reference to para 1253 for completeness. However, the section we quote described the arbitrariness of release so was illustrative of the wider point.
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26.	18. Sec. 9.3 <u> </u> Moves to time-limit national service (points a-k)	Partially accepted	<p>The information simply sets out information available on commitments / statements made by senior officials in the Eritrean government that national service would be limited to 18 months from the 27th round (November 2014) of draftees and therefore will only be implemented in spring 2016. It is based a range of sources – different interlocutors from the DIS FFM report – the FCO and statements made in public.</p> <p>We will review suggested sources and provide material covering the point that Eritrean government has not previously honoured its commitments and that there has been no public announcement / statement in Eritrea.</p> <p>This is all about how no announcement of NS now being 18 month's duration has been made. We are clear in what we state and do not seek to say any more than we know. However these things have been said, and it would be wrong not to include them.</p>
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27.	As above specifically point h (Channel 4 i/v with Y Gebreab).	Not accepted	See previous comments. Having viewed the interview, and reviewed the transcript of it, it is arguable that YG was given hardly any opportunity to answer questions by Jon Snow rather than a patent unwillingness to do so.
28.	As above points l and m.	Not accepted	See previous comments – also these are post-publication and therefore fall outside of the scope of the review (see section 6(i) of the terms of reference: “The Country Information and Guidance Report should be reviewed in the context of its purpose as set out in paragraph 4 above, and the stated ‘cut off’ date for inclusion of information.”)
29.	Sec. 10. _National Service: roles and assignments’ a. Sec. 10.1.2. This is based on a substantial mis-representation and mis-interpretation of Tekle Woldemikael’s introduction to an edited volume on contemporary politics in Eritrea (published in the journal Africa Today vol. 62, no. 2, 2013).	Not accepted	See comment at 22.

30.	<p>31. Sec. 10.1.5-7 ‘From School to Sawa’. The Home Office quotes extensively from the EASO (2015) COI report on Eritrea. At (sec. 10.1.8) the CIG reports that Sawa military camp/school is ‘now primarily an educational institution’.</p> <p>b. Careful reading of the English version reveals numerous problems with the Norwegian report which make it an unreliable source</p> <p>c. The information in the Norwegian report does not appear to be based on an actual visit to Sawa but rather on information provided by Eritreans and/or officials in private communiqués</p>	Not accepted	<p>We did not refer to the Landinfo English translation as it was only available after the publication of the CIG in September.</p> <p>We do not accept that the Landinfo report cannot be relied on. Landinfo apply international standards COI standards, i.e. those set out the EASO report methodology and elsewhere, in gathering and evaluating sources. As explained above, the use of anonymous sources is standard practice in COI fact finding to protect an individual’s privacy or security. This does not invalidate the information obtained. Landinfo carry out a careful evaluation of their sources and the material provided – see introduction to the report. This material is also obtained to provide an objective basis on which asylum decisions are made in Norway.</p>
32.	<p>21. Sec. 10.1.10 briefly cites the 2015 UN Commission report, but the quote is selective and refers only to events in 2003. The UN Commission provides extensive evidence regarding the conscription of children, including underage children, from 2003 to the present which should be cited</p>	Accepted	<p>We will include further material from the UN CofI report, alongside other material..</p>

33.	22. This is the appropriate place in the CIG to discuss and present objective evidence on the conscription of underage children which is missing from the CIG	Accepted	We agree that underage conscription is something that has not been covered in the report. This is because it is not something that has been raised as an issue by our decision makers. We will consider whether we it should be included in an updated report.
23.	23. Sec. 10.2 _After military training at Sawa' a. Given the importance of assessing the conditions in which national service and military conscripts work, it is important to provide accurate information from the UN Commission of Inquiry (2015)	Partially accepted	We consider that the CIG does provide accurate information about forced labour, including referencing the material recommended by the reviewer, alongside other sources. The CIG states that information on forced labour can be found in paras 1398 to 1506 of the UN CofI report (including all paras recommended by the reviewer) para 11.4.6 of the CIG. Additionally para 1431 of the UN report, recommended by the reviewer is quoted in full at 11.6.8 of the CIG. However this information is in different sections of the CIG (10.2. After Military Training at Swa; and section 11, Conditions During National Service) and will review to ensure that linked information is brought together.

24.	24. Sec. 10.2.8 discusses the employment practices of the Canadian mining company Nevsun – though it is not clear why this information should be in the CIG – and approvingly cites a 2014 human rights impact assessment conducted on behalf of the firm.	Partially accepted	<p>We believe this is a useful source to show that people do finish national service and are able to find employment. We are focussing on the current situation at the mine.</p> <p>However, we accept it may not be best placed in the document and we will review this.</p>
	25. Sec. 10.2.13-17 quotes extensively from the discredited Danish report (pp. 39-41) and should be deleted.	Not accepted	See previous comments on the use of the DIS FFM report.
25.	26. Sec. 10.3 ‘People’s Army’ should be clearly linked to the discussion about indefinite military/national service in Sec. 7.6 ‘Recall to reserve duties’.	Partially accepted	We will review how to cover the subject of the People’s Army in the next update.

26.	<p>27. Sec. 11 = Conditions during national service/Treatment during military training’.</p> <p>a. Sec. 11.2.4-5 relies entirely on the discredited Danish report which is out of date and is contradicted by other objective evidence. This section should be deleted.</p>		<p>See previous comments on the use of the DIS FFM report.</p> <p>It is not clear why the material is out of date – it was gathered in August and October 2014 which is the most recent or as up to date as available other sources.</p> <p>Indeed, the sources recommended by the reviewer (Kibreab; Tronvoll; Connell) predate the DIS FFM report. The only exception is the UN COI report (which is based largely on individual testimonies covering the period from 1994 to February 2015 but does not transparently explain which periods its evidence relates). Additionally the CIG refers to the EASO report published in May 2015 but based on material up to early 2015.</p> <p>That DIS FFM report material is contradicted by other sources does not make it invalid, but that it needs to be critically assessed.</p>
27.	<p>28. Sec. 11.7 = Redress for mistreatment’</p> <p>a. This section needs to link to the information about Nevsun, about mistreatment in the military and to issues discussed at (I. 29) below more clearly and effectively.</p>	Partially accepted	<p>We will look at the organisation of the COI in the next update and if/how to link these sections.</p>

28.	29. Sec. 11 = 'Conditions during national service'. There is a serious gap in the objective evidence regarding the absence of an independent judiciary/courts and of an independent police force. This means that rule of law, and recourse to redress for mistreatment by government and military officials does not exist.	Partially accepted	We provide material on redress for conscripts in section 7, which makes it plain there is not any. While we accept there may be value in making reference to the lack of independent in judicial system, we do not propose including the detail proposed (and there is likely to be up to date material, for example provided by the US State Department). We will, however, include material from Kibreab about penalties covering military violations. The purpose of the section is set out treatment during national service.
30.	30. Sec. 11.6.5 is taken from the discredited Danish Report and should be deleted.	Not accepted	See previous comments on the use of the DIS FFM report
31.	31. Sec. 13 . = 'Law on Desertion and Evasion' 30 a. Sec. 13.1.4-8 is based entirely on the discredited Danish Report and should be deleted.	Not accepted	See previous comments on the use of the DIS FFM report
32.	b. Sec. 13.1.7 . The wording at the beginning of the section needs to be revised to clearly indicate that the source is the Danish Report not the UN Commission of Inquiry. c. Sec. 13.2.9 . The wording at the beginning of the section needs to be revised to clearly indicate that the source is the Danish Report not the US State Department.	Not accepted	We do not consider there is likely to be confusion over the sources (the UN COI report is not mentioned in the section at all). The introduction to the quotes / sourcing is clear and footnoted correctly

33.	<p>32. Sec. 13.2.9-22 extensively quotes the discredited Danish Report and should be deleted.</p> <p>a. Sec. 13.2.17 reference is made to <u>a UN agency</u> as the source of this information. In light of a subsequent statement by UNHCR about the Danish report, it should be made clear that UNHCR was not the source.</p>	Not accepted	<p>See previous comments on the use of the DIS FFM report</p> <p>We consider the source is accurately represented – in accordance with how the DIS FFM referred to it.</p> <p>See also the Home Office covering note.</p>
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34.	<p>33. Sec. 13.2.23-24 . The long quote is from EASO (2015) and needs to be linked with findings from the UN Commission of Inquiry (2015) regarding the treatment of deserters and the experience of failed asylum seekers who were forcibly returned to Eritrea.</p> <p>The UN report provides evidence on the treatment of deserters as follows:</p> <ul style="list-style-type: none"> i. <u>Deserters and the treatment of third persons/families of deserters</u> at paras 746-751; ii. <u>Registration of detainees</u> at paras 798-800; iii. <u>Military and civilian detention facilities</u> at paras 855-865; iv. <u>Incommunicado detention</u> at paras 865-871. Etc. 	Partially accepted	<ul style="list-style-type: none"> i) We provide material on treatment of family members in the subsection on Punishment of family members, which includes references to the UN COI report. We'll review this section in light of the reviewer's comments. ii) We will review this material and include as relevant iii) Describes the existence of a network of secret prisons / detention centres but does not link this to draft evaders per se. This does not appear directly relevant to this section on treatment of draft evaders, however we will refer to it in section 'conditions in detention' (section 11.5)
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35.	<p>34. [Sec. 13.2.23-24] Regarding the experience of failed asylum seekers who are forcibly returned, the UN Commission clearly addresses this issue and found that...I and ii re additional material</p> <p>‘iii. It should be clear that the UN report states that only Eritreans who return voluntarily – i.e. who are not being forcibly returned as a failed asylum seeker – and who hold the nationality of another country are allowed back into Eritrea without facing sanctions such as imprisonment or compulsory military conscription.</p> <p>‘iv. The statement that deserters can now return to Eritrea without fear of retribution comes from the Danish report, which is relied upon in the CIG, and arises because of the way that the Danish team distorted the evidence provided by Prof. Gaim Kebreab (2014b).’</p>	Partially accepted	<p>i, ii, and iii: Treatment of returnees is covered in the Illegal exit CIG, including issues surrounding the 2% dispora tax. We will cross refer and include relevant material in that CIG – some of the additional material is already quoted in section 6 of Illegal Exit CIG.</p> <p>iv) This is incorrect. The information that deserters may be able to return to Eritrea is not based on Prof Kebreab’s interview with the DIS FFM, since the CIG refers neither to the Kebreab’s interview in the DIS FFM or the DIS FFM report summary. Instead, it reflects the agreed notes of interviews with other interlocutors interviewed on the DIS mission.</p>
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36.	35. Sec. 13.3 =Perceptions as Traitors' – quote from discredited Danish report	Partially accepted	<p>a) See previous comments on the use of the DIS FFM report.</p> <p>b) Discussed above</p> <p>c) We will review the material produced Muller if the reviewer is able to provide a copy as we do not have access to the journal in which this is published) and Kibreab (similarly if the reviewer has a copy of the 2013 article, we'd welcome this) and include if relevant in the next CIG.</p>
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37.	<p>36. 13. 4.1 Punishment of family members .</p> <p>a) quote from discredited Danish report</p> <p>b) Other published COI on this issue should be provided, see for instance:</p> <p>i. Human Rights Watch (2014b) ...</p> <p>ii. Other sources on this issue include: Canada (2012), Human Rights Concern – Eritrea (2013a & b), US 2010 [‘Security forces also continued to detain and arrest the parents and spouses of individuals who evaded national service or fled the country’] etc.</p> <p>iii. Also see discussion at (33) above and (12) below.</p> <p>c. Sec. 13.4.4-8 quotes the discredited Danish report and should be deleted</p>	Partially accepted	<p>a) and c) Do not accept – see comments on DIS FFM report above</p> <ul style="list-style-type: none"> - b) i) and ii) we’ll consider the material from HRW when we next update, although the wider point about uncritical acceptance of material based on unnamed sources remains relevant here. - The other sources now predate the material the provided in the CIG which includes a range of sources and add no more substance to the existing material
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38.	<p>37. Quality and balance of sources and other problems with ‘Eritrea: National (incl. military) Service’:</p> <p>i. The policy recommendations bear little relation to available objective evidence and should be brought into line with all objective evidence;</p> <p>ii. The CIG needs to be better organized around linked themes/issues; clear links in the text should be made between related sections. 36</p> <p>iii. There are many gaps in the COI provided. Much of the available but uncited COI contradicts or, at the very least, complicates the picture conveyed in the CIG.</p> <p>iv. In view of the problems with and criticism of the Danish report, the Home Office cannot rely on it.</p>	See individual comments	<p>i) Not accept. Outside remit of the review, and we do not agree – the guidance is based on a reasoned assessment of the available evidence. See the Home Office’s covering note.</p> <p>ii) Partially accepted. We will review the organisation of the CIG in the next update</p> <p>iii) Partially accepted. While some material may be added, we do not think that there are significant gaps, certainly not in recent material reflecting the current country situation – see comments above</p> <p>iv) Not accepted – see comments above and the Home Office’s covering note.</p>
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	<p>v. Some cited COI is clearly out of date and is no longer reliable.</p> <p>vi. Some of the COI is selectively quoted and misleadingly stated to support a particular policy position.</p>		<p>v) Not accepted – see comments above. The reviewer appears inconsistent on this – often recommending sources that predate 2013, but stating that other sources, such as the DIS FFM report or Landinfo are out of date. See also the Home Office’s covering note.</p> <p>vi) Not accepted. The reviewer states on three occasions that the COI is misleading, two of which we dispute. See also the Home Office’s covering note.</p>
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	<p>vii. The Home Office cannot rely on private communications from Eritrean officials: clear and verifiable evidence of policy change and of changing policy practices on the ground in Eritrea are required before the Home Office can legitimately conclude that draft evaders and those who have fled the country without an exit visa can safely be returned.</p>	<p>Not accepted</p>	<p>vii) We are not clear why statements made by the Eritrean officials in an official context should not be considered valid information. Also, this information is referred alongside other information from public sources. This appears to be an indirect comment on the policy – on this we have merely stated that the Eritrean government has said, as officials have, that NS will only be 18 months.</p>
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39.	<p>In conclusion, the CIG does not comply with EASO criteria regarding the production of COI because: the information is selectively chosen, reporting is biased, citations do not adequately cover relevant issues, inadequate information is provided and not all sources cited are publically available. In short the CIG does not exhibit impartiality, nor is it balanced, objective, or useful.</p>	Not accepted	<ul style="list-style-type: none"> - We have not chosen information selectively in order to support a policy position. We have chosen the material on its relevance, currency and reliability. - We reject the CIG does not adequately cover relevant issues – see above. - All sources are publicly available or can be made so - The reviewer does not fully appreciate the EASO guidelines and how they are to be applied. - The reviewer does not engage with or objectively assess all the sources – dismissing the Landinfo and DIS FFM reports but uncritically accepting evidence by others, such as the UN COI, HRW or AI. Ultimately this means the review is not balanced or objective in tone or content. <p>See also the Home Office’s covering note.</p>
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40.	II. Summary of findings regarding CIG ‘Eritrea – Illegal Exit’		
41.	<p>The policy recommendations are completely divorced from, and unconnected to, relevant objective evidence. Potential users of the report are left in a position where they must either accept the link between the COI provided in the CIG and the policy statements or find and assess new COI to assess claims made by Eritrean asylum seekers. This is an unsatisfactory situation which can give rise to incorrect asylum decisions.</p> <p>A further problem arises from the manner in which the CIG begins with a <u>consideration of the issues</u> which blurs the <u>facts</u> with recommended policies. Guidance is followed by a section entitled <u>policy summary</u>, and both are divorced from a reliable range of objective evidence (indeed the CIG provides a problematic assessment of a very limited number of COI sources).</p> <p>The annexes with correspondence from the British embassy are out of date and misleading; all three annexes should be deleted.</p>	Not accepted	<p>Comments on the policy section are out of the reviewer’s remit.</p> <p>In any case, we do not agree with the assessment – see comments on the COI below.</p> <p>It is also our opinion that this has affected the impartiality and objectivity with which the reviewer has approached the task. See also the Home Office’s covering note.</p> <p>We do not accept that the British Embassy material is no longer valid. It is consistent with some of the source material referenced and provides useful background to situation in the country.</p>
42.	Sec. 4.3.3 on <u>exit visas</u> provides a long quotation from the UN Commission of Inquiry; however the paragraph number is not cited.	Accepted	We will add the para in the next update

43.	<p>Sec. 6. <u>Penalties for leaving illegally and treatment on return</u></p> <p>a. Sec. 6.1.1-14 is an extensive quote from the discredited Danish report and should be deleted.</p> <p>b. Sec. 6.1.12 begins by referring to information provided by IOM – regarding their staff travelling in and out of Eritrea – without providing a source, but ends by citing the Danish report. This section is misleading and should be deleted.</p> <p>c. c. Sec. 6.1.15-17 is based upon the EASO CIG (2015) report. The entire section is problematic and needs to be revised...</p> <p>I to iv refer suggest the quote is misleading because it misrepresents the source, and recommends adding two sentences at the end: ‘There are no reports on the treatment of people who merely have left the country illegally without having deserted or evaded conscription. The Eritrean authorities claim that people who have left the country illegally may return without fear of punishment after they have paid the diaspora tax and signed the repentance form but they may be sent to a six-week training course to „enforce their patriotic feelings’</p>	Partially accepted	<p>a) Not accepted. See comments on the DIS FFM report above</p> <p>b) The paragraph is clear that the source, interviewed by the DIS FFM delegation, is the IOM.</p> <p>c) i-iv) Accepted insofar as we will add the final two sentences. We do not, however, accept that it was misleading without this information.</p>
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44.	<p>Sec 6... v) Note that the source of information for the statement that people who left illegally can now return without fear' is found in footnote no. 471 of the 2015 EASO report which identifies the following sources:</p> <p>'Home Office (United Kingdom), Country of Origin Information (COI) Report — Eritrea, 17 August 2012, p. 142... Udlændingestyrelsen (Danish Immigration Service), Eritrea — Drivers and Root Causes of Emigration, National Service and the Possibility of Return, Appendix edition, December 2014, pp. 25-26, 29, 32, 40; Ministerie van Buitenlandse Zaken Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs, Netherlands), Algemeen Ambtsbericht Eritrea, 5 May 2014, p. 59; Schweizer Radio und Fernsehen, Rundschau: Homo-Segnungen, Eritrea-Flüchtlinge, D. Fiala, Sperma-Schmuggel [video], 11 March 2015; Landinfo, Respons Eritrea: Utstedelse av utreisetillatelse og ulovlig utreise, 15 April 2015, pp. 6-7.'</p> <p>The 2012 Home Office CIG on Eritrea does not provide information on this issue; the Danish Report is discredited and cannot be relied upon and all the other sources cite the discredited Danish report as the source on this issue. This sleight of hand in referencing information that supports a particular policy position is a clear indication of bias, lack of impartiality and a failure to assess other COI. This entire section should be deleted.</p>	Not accepted	<p>While we can see that the CIG could have been more explicit about the underlying sourcing – albeit the EASO report does undertake a degree of summary and therefore analysis of available information – we completely reject the unsupported assertion that this is a sleight of hand to support a policy position.</p> <p>Also, to clarify:</p> <ol style="list-style-type: none"> EASO appear to be referring to the FCO letter appended to the Home Office COI report on Eritrea of 2012. This is/was a COI report, not a CIG, and contained no policy, only information. <p>Second, we do not accept the DIS FFM report should be rejected – see comments above.</p> <p>Third, the reviewer overlooks reference to information provided by Landinfo and that the Dutch Ministry of Foreign affairs, which are also cited as sources. The COI report, the DIS FFM reported (composed of multiple sources) are not referenced in isolation.</p>
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45.	<p>Finally, the UN Commission's (2015) evidence on this issue is up-to-date and conclusive: individuals who are forcibly returned to Eritrea and are subject to incommunicado detention, treatment amounting to torture, and they will be compelled to participate in indefinite military service if they survive their period in detention (see above at (I. 33-34).</p>	Not accepted	<p>The COI report addresses return in paras 431 to 436 and 438.</p> <p>This material is referred to in para 6.1.20 and 6.1.21, although not quoted in full, of the CIG.</p> <p>While we agree it is useful and relevant, we contend that it is neither up to date nor conclusive.</p> <p>The majority of the evidence – from unnamed witnesses, paraphrased or partly quoted so impossible to test, occurred in 2008 or earlier (similar information is referenced by EASO report, cited at para 6.1.16 of the CIG, which also observes it is therefore hard to determine what happens currently given the lack of documented returns).</p> <p>The UN COI report cites only two witnesses who refer to separate incidents of forced return in 2014. One incident of 40 cases, which the UN concedes 'allegedly' occurred. This information is relevant and material, but not conclusive.</p>
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46.	The end of the quote in sec. 6.1.16 (p. 18) refers to statements made in private to official delegations visiting Asmara that <u>those returning to the country will not be punished ...</u> : As already discussed, it should be apparent to the Home Office that given Eritrea's extensive history of human rights violations, that a reliable and independent human rights organization is required in Eritrea before nationals can be returned in order to effectively monitor government actions towards failed asylum seekers, conscripts, detainees etc.	n/a	We simply provide evidence made available to us from a variety of publicly available sources, not just Eritrean officials made to the Home Office.
47.	At this point the CIG should provide a link/cross reference to information about the absence of rule of law in Eritrea raised above at (I. 29) before discussing prison conditions at sec. 6.1.7-8.	Accepted	We will refer to the CIG on National service, subsection covering this point.
48.	Sec. 6.1.26 refers to a <u>Response to information request</u> prepared by the Canadian Immigration and Refugee Board (2014), but does not quote it.	n/a	It is not clear if a recommendation is being made. The source predates other sources referred, or refers to sources included.
49.	Sec. 6.2 <u>Number of Returnees</u> . Again the reference is the discredited Danish Report. a. Sec. 6.2.2-5 is a thinly disguised attempt to persuade readers that it is now safe for all Eritreans, but specifically individuals who left without an exit visa and/or those who evaded or deserted military service, to return to Eritrea without fear of sanction. b. This source is the Danish Report and private communications with Eritrean officials. c. This section should be deleted.	Not accepted	The COI reflect material obtained by the DIS FFM. We do not accept that this should not be used as a source – see comments above. b) N/A c) We do not accept – see above re: point a)

50.	Sec. 7 <u>'Diaspora Tax'</u> a. Sec. 7.1-2 claims to identify the legal basis for the 2% diaspora tax as Eritrean Proclamation no. 17 (1991) and Proc. 67 (1995).	n/a	Points i) to x) – thanks for the background information.
51.	Mention of the 2% tax is incomplete without examining the actual tax form. I have attached a copy of the form in Tigrinya and a translation of the form into English in Appendix II and III.	n/a	Thank you.
52.	Sec. 7.2.3-4 quotes the discredited Danish report to the effect that if the 2% tax is paid and an individual signs the <u>'letter of regret'</u> s/he is able to return without sanction, i.e. the most that will occur to the individual is that <u>'they may be sent to a six-week training course to <u>enforce their patriotic feelings'</u>...</u> This section is completely at odds with other published COI, notably the UN Commission of Inquiry, and should be deleted.	Not accepted	See comments re DIS FFM report. It would be helpful if the reviewer can cite which bits of the UN report the DIS FFM report is completely at odds with.
53.	Sec. 7.2.4 raises the issue of the <u>'letter of repentance'</u> which, together with payment of the diaspora tax is said to allow individuals who have fled the country illegally and/or who have evaded national service or deserted the military to return without fear of reprisal by the Eritrean authorities.	Partially accepted	Paras 7.2.4 to 7.2.5 cover diaspora tax, including material from the UN COI report. We will review this section to ensure it covers the subject fully, but do not propose to remove reference tot the EASO / DIS FFM report.
54.	The data contained in this correspondence is now very dated and simply wrong in light of information that has subsequently come to light. While I address some of the obvious issues below, this Annex needs to be deleted.	Not accepted	We will review this source when updating the CIG, however we consider that elements of it remain relevant and accurate on a number of issues. It will be used alongside other source material.

55.	Annex B. Correspondence from British Embassy in Asmara, 11 October 2010	Not accepted	<p>The reviewer appears to be suggesting that sections of the letter be deleted, if not the whole letter. However the letter is a discrete document, and needs to be referenced as a whole.</p> <p>We consider that while elements of the letter have been superseded, much of the content is still useful. However, it is one source of information amongst many.</p>
56.	Annex C. Correspondence from British Embassy in Asmara, 3 October 2011. This annex is out of date and adds nothing that is important. The annex should be deleted.	Not accepted	<p>We will review before the next update, but consider that the material is still relevant as content.</p>

57.	<p>Quality and balance of sources</p> <p>29. The policy summary bears little relation to the available objective evidence and should be brought in line with the evidence. Assertions which lack a basis in evidence should be deleted.</p> <p>30. This CIG should be incorporated into the first CIG; both CIGs need to be much better organized and sourced with COI.</p> <p>31. The Home Office cannot rely on the Danish or the Norwegian reports.</p> <p>24 See: <u>Annex: A List of Known Detention Facilities in Eritrea</u> at: http://www.ehrea.org/12.htm.</p> <p>32. The Home Office needs to assess the reliability and quality of the information it relies upon, especially if it comes from Eritrean officials or government websites.</p> <p>33. Dated material, notably the three Annexes from the British embassy, should be deleted.</p>	Not accepted	<p>The reviewer is outside of his remit in reviewing the guidance section.</p> <p>Further we do not agree with his assessment. We consider there is merit in have discrete CIG on National service and Illegal exit, one might be considered separately from the other.</p> <p>We do not accept should not rely on / refer to the DIS FFM or Landinfo reports.</p> <p>We do carefully assess the sources we use, in line with EASO report writing methodology and other internationally agreed guidelines.</p> <p>We will review all material in the CIG in the next update to ensure that it remains current and relevant. However, we consider that while elements of the FCO material may no longer be up to date, it still reflects the situation in the country on issues where there is limited up to date and accurate information.</p>
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58.	<p>COI responses [the reviewer incorrectly refers to FOI responses]</p> <p>Generally speaking, very little thought, time or effort has been given by staff to answer these requests.</p>		<p>We consider this statement rather sweeping and not to fully correspond with the reviewer's comments, In fact the review assesses 4 of the 10 responses as 'reasonable' and provides limited substantive comment or, despite saying there is further information, additional source material for the remainder.</p>
59.	<p>Legal System, Judiciary. Sawa Prison (10/15/096)</p> <p>This is a very basic reply which could at least have provided the url link to the document cited. There is other, more detailed material available on the internet so the question is whether the Home Office has access to information other than what is available via the internet and how much time/effort is spent providing information. If the Home Office do not possess this information, perhaps it would be better to say so?</p>	Partially accepted	<p>Responses are case-specific and time-limited usually based on internet research only. So in practice it may not be possible to provide much detail in a response. We believe we make this clear in the disclaimer. The weblinks are provided in the footnotes. We'd welcome seeing the additional information available that the reviewer refers. This would be useful for future CIG products.</p>
60.	<p>Eritrea/political affiliations/January 13th attempted coup (07/15/085)</p> <p>This is a reasonable answer.</p>	-	-

61.	<p>IDPs/refugees, return of Eritrean refugee to Ethiopia (02/15-020)</p> <p>The reply does not answer all the questions. It would have been better to seek information from UNHCR Addis Ababa.</p>	Partially accepted	<p>The response states which questions it can answer and which it cannot, based on online, time-limited research.</p> <p>Contacting the UNHCR may have provided further relevant material but would take time and there would be no guarantee of a response. Responses are required in a short time-frame – if our research is inconclusive, decision makers have the option of waiting while we make further queries.</p> <p>We assume that the reviewer was otherwise satisfied by the range of sources and content provided in the response.</p>
62.	<p>Political affiliation/political opposition/ PFDJ. Diaspora. Political prisoners (06/15-106)</p> <p>Wouldn't it have been better to say that the Home Office holds no information on this organization?</p>	Partially accepted	<p>The response provides useful background on political opposition and parties. However, we needed to obtain an English translation of the party to see if it is referred to in English-language reports.</p> <p>We agree, if we did not find anything about the party, then we should state this.</p>
63.	<p>Non-state armed groups/Ansar Assuna Wahhabi in Eritrea/ Charity, Islamist, Sunni (06/15-011)</p> <p>A reasonable reply.</p>	-	

64.	Legal system/judiciary/national service exemption 906/16-014) The reply does not address the question. You only provide recent information which does not answer the query. If you do not have historical data for 2000, you should make this clear.	Accepted	We agree that the response should make it clear that the information obtained refers to the situation in 2012, not specifically 2000.
65.	Political affiliation/ Land expropriation and compensation (05/15-033) The reply only addresses the question of land expropriation. There is COI available about the legal system in Eritrea which could address the question about redress. The final two questions are not clearly addressed.	Partially accepted	The response provides information on all questions bar redress, which needed to be answered. We'd welcome further material the reviewer may have relevant to this response.
66.	Freedom of movement/ Facilitator of illegal exit (05/15-027) The response does not answer the questions. Q1 is clearly about current Home Office policy: does desertion/evasion constitute a crime: yes, it is a criminal offence. Is it dissent: yes, given that all disagreements with officials lead to problems. There is COI on the issue of sureties which could be used. The reply to the final two questions is adequate.	Not accepted	Q1 asked if there is enhanced risk for those who facilitate illegal exit – and not what Home Office policy is and which the requester was already aware. The response states no information could be found on this factual point. We'd welcome seeing the COI on sureties - the response was that no information could be found in the time allowed.
67.	LGBTI persons/societal attitudes towards homosexuals (04/15-084) The response is adequate if basic.	-	-
68.	Religion/ethnicity/Treatment of Jerberti ethnic group (07/15-104) The response is pretty basic.	-	-