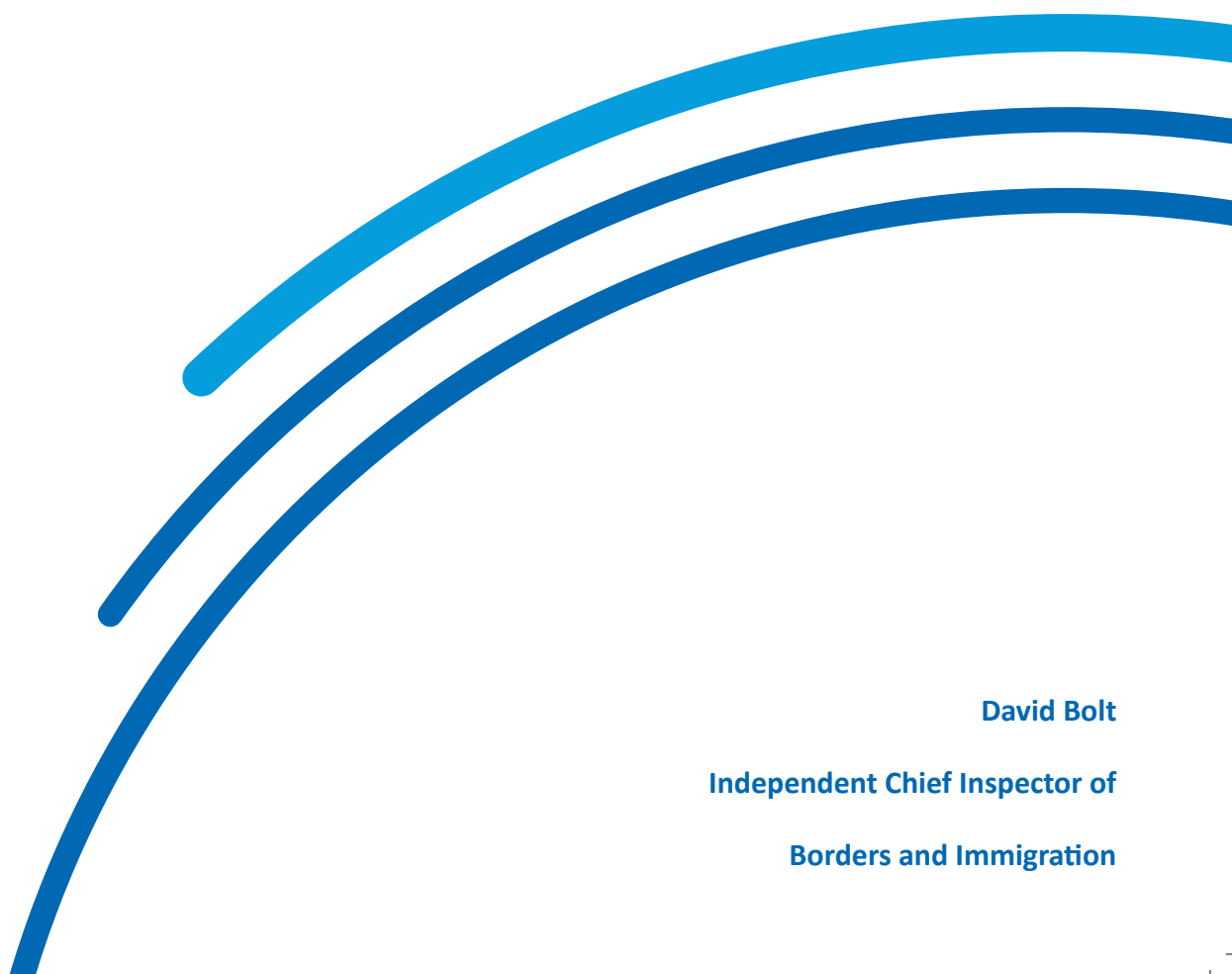




Inspection of Country of Origin Information:

March 2017 Report



David Bolt

Independent Chief Inspector of
Borders and Immigration

Inspection of Country of Origin Information:

March 2017 Report

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

July 2017



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Independent Chief Inspector
of Borders and Immigration,
5th Floor, Globe House,
89 Eccleston Square,
London, SW1V 1PN
United Kingdom

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To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

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5th Floor, Globe House,
89 Eccleston Square,
London, SW1V 1PN
United Kingdom



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Foreword

The UK Borders Act 2007 Section 48 (2)(j) states that the [Independent] Chief Inspector [of Borders and Immigration] “shall consider and make recommendations about” ... “the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.”

The Independent Advisory Group on Country Information (IAGCI) is a panel of experts and practitioners, created to assist the Chief Inspector in this task. The IAGCI commissions and quality assures reviews of country information produced by the Home Office’s Country Policy and Information Team (CPIT).¹ A list of IAGCI members can be found on the Inspectorate’s website.

This report covers the reviews considered and signed off by the IAGCI at its March 2017 meeting, which related to Albania, Bangladesh, Egypt and Sri Lanka.

On 9 April 2017, Palm Sunday, two Christian churches in Egypt were bombed, killing over 40 people and injuring more than 100 others. Islamic State of Iraq and Syria (ISIS) claimed responsibility for the attacks. The following day, Egypt’s President declared a three-month state of emergency, which was later approved by parliament. These events post-date the review of the Country Policy and Information Note ‘Egypt: Christians (November 2016)’, although the review did recommend adding a reference to the El Botroseya Chapel bombing in December 2016 in which 25 people died, to which the Home Office agreed. The 9 April 2017 attacks highlight the dynamic nature of the threat to Egyptian Coptic Christians and the importance of ensuring that the Home Office’s guidance is kept as up to date as possible.

This report makes two recommendations for improvement. It was submitted to the Home Secretary on 11 May 2017

D J Bolt

Independent Chief Inspector of Borders and Immigration

¹ Previously the Country of Origin Information Service (COIS).

1. Scope

1.1 In January 2017, IAGCI sought tenders for reviews of the following CPIT Country of Origin Information Requests (COIRs) and Country Policy and Information Notes (CPINs):

- Albania
 - Country of Origin Information Requests (COIRs)
 - Ethnic Minority Groups (October 2016)
 - Sexual Orientation and Gender Identity (December 2016)
- Bangladesh
 - Country of Origin Information Requests (COIRs)
 - Minority Religious Groups (March 2016)
 - Opposition to Government (February 2015)
- Egypt
 - Country of Origin Information Requests (COIRs)
 - Christians (November 2016)
 - Muslim Brotherhood (August 2016)
- Sri Lanka
 - Country of Origin Information Requests (COIRs)
 - Tamil Separatism (August 2016)
 - Journalists, Media Professionals and Human Rights Activists (September 2015)

1.2 These countries and topics were chosen because they were last reviewed by IAGCI in 2012 (Sri Lanka) or 2013 (Albania, Bangladesh) or not at all (Egypt), and because of the numbers of asylum applications and high refusal rates in 2016.

1.3 IAGCI received two tenders each for Albania, Bangladesh and Egypt. These were assessed by the Chair, with input from members, and the reviewer with the most relevant, country-specific knowledge selected in each case. One tender was received for Sri Lanka, from a reviewer who had previously produced high quality work for IAGCI.

1.4 The completed reviews were quality assured by the IAGCI Chair and members and sent to CPIT. CPIT added its responses, forming a single document for each country review (original review and CPIT response are attached).

1.5 IAGCI met on 27 March 2017 to go through each review and the CPIT responses (The agenda and minutes of this meeting are attached).

2. Reviewers' detailed points and recommendations

Albania

- 2.1 Dr Enkeleida Tahiraj² reviewed nine COIRs. CPIT 'Accepted' the substance of the reviewer's recommendations or points in five instances: discrimination against Gorani ethnic groups; availability of shelters for LGBT minors; imprisonment of minors; fear of persecution because of historic links to the Democratic Party; and, the name of a regional head of police.
- 2.2 Three further points were 'Noted', two with the caveat that "We acknowledge that further information is available, but time constraints limit what we can provide when responding to COI Requests." The ninth recommendation/point, in relation to the arrest of a named individual was, in effect, rejected, primarily because the COIR was of no lasting value, but citing as a supporting argument "and the additional sources are in Albanian".
- 2.3 The reviewer assessed that the CPINs on Ethnic Minority Groups (October 2016) and on Sexual Orientation and Gender Identity (December 2016) presented the referenced source material fairly and accurately. However, while this material was recent, the reports relied on a narrow range of sources, mostly International organisations active in or with Albania. The reviewer recommended the inclusion of other sources, such as Albanian national media reporting, much of it available in English, academic research and material from civil society organisations.
- 2.4 The reviewer described a separation between stated policy and the implementation of policy and legislation in Albania. She noted the lack of consistent data and analysis about how poor implementation of policy affects particular social groups in Albania. In the absence of this evidence, she recommended that the Home Office widen its selection of sources and reconsider their weighting, and that subjective testimony should not be discounted where no alternative objective evidence is available.
- 2.5 Of the 17 detailed recommendations made in relation to the report on Ethnic Minority Groups, CPIT 'Accepted' 16. One recommendation was 'Rejected'. This concerned the description of Roma children as 'not fully integrated' in the education system, which the reviewer read as implying a greater degree of integration than the statistics show.
- 2.6 For the report on Sexual Orientation and Gender Identity, CPIT marked five (out of 32) recommendations 'Not accepted'. In two cases, this was because it considered the reviewer's sources to be dated, but the other three rejections involved disagreements of substance: about the prevalence of homophobia in different parts of Albania; about internal relocation as an option; and about whether the rights of LGBT individuals are effectively enforced. In each instance, the reviewer challenged whether the evidence was sufficient to support the broadly positive position set out in the CPIN.

² Full review including biography is attached.

- 2.7 In addition, in relation to the availability of shelters providing protection specifically for LGBT persons, the reviewer pointed out that there was just one such shelter with very limited capacity, which is “not intended and cannot provide safe refuge for LGBTI people in fear of persecution”.
- 2.8 The reviewer described intolerant attitudes towards LGBTI persons as a societal issue. She recommended that the Home Office define the ‘less conservative’ areas referred to in the CPIN or remove this generalisation. In addition, in referring to evidence of intolerance towards LGBTI persons in the North of Albania the Home Office should not leave caseworkers to infer there is greater tolerance elsewhere in the country when, in fact, there is an absence of data.

Bangladesh

- 2.9 Joseph Allchin³ reviewed 10 COIRs. A number dealt with the treatment of particular ‘groups’: the Bihari minority (two COIRs); children born out of wedlock and their mothers; Communist Party members; persons born in the Chitmahal border area. Others dealt with: ‘loan sharks’; internal relocation of LGBTI individuals; availability of identity documents for individuals undergoing gender reassignment; status of the Khelafat Majlish Party; risk of torture and harassment for members of the Awami League Party. CPIT accepted, fully or in part, all of the reviewer’s comments and recommendations.
- 2.10 The reviewer assessed that the sources used for the CPIN on Minority Religious Groups (March 2016) were “on the whole” ... “reliable and relatively objective”. The reviewer made 12 recommendations. Most were ‘Accepted’ (3) or ‘Partly Accepted’ (6). One was ‘Not Accepted’. This related to whether internal relocation within Bangladesh was a ‘likely option’. Here, the reviewer argued that the threat to certain individuals, for example those deemed to have offended the religious sentiments of the majority community, are not geographically limited. CPIT argued that the relevant sentence already specified “... but will depend on the nature and origin of the threat as well as the personal circumstances of the person.”
- 2.11 Two of the 12 recommendations were ‘Noted’. These dealt with the ability of religious minorities to practise their faith freely and the lack of evidence that Hindus, Buddhists, Christians and Ahmadiyyas were at real risk of persecution, serious harm or human rights breaches. From CPIT’s accompanying comments, both were effectively ‘Not accepted’.
- 2.12 The reviewer described the opposition to Government (February 2015) CPIN as using ‘a limited number of well-known sources, most of which were ‘reliable and sound’, but some were not. In responding, in particular to the point that ‘the situation in Bangladesh has changed considerably’, CPIT indicated that the CPIN was due to be updated soon.
- 2.13 Most of the reviewer’s 11 recommendations were ‘Accepted’ (6) or ‘Partly accepted’ (1). Three were ‘Noted’. In two cases this was because CPIT judged they were not relevant to the scope of the CPIN. The third referred to possible new legislation, and CPIT undertook to review this if/when that legislation was passed.
- 2.14 One recommendation, that “the threat from politically motivated violence is often not localised and police forces are unable to provide protection ...”, was ‘Not accepted’. This bore on whether internal relocation was an option for individuals fearing ill-treatment because of their political views. The CPIN recognised it depended on ‘individual circumstances’ and that “women, especially single women with no support network, are likely to be vulnerable and may be

³ Full review including biography is attached.

subjected to destitution”, but stated that “the threat is likely to be localised and relocation to another area of Bangladesh may be viable”. In its written response, CPIT commented that “the vast majority of political activists (except students) are known and recognised only within the area in which they live”.

Egypt

- 2.15 Dr Dalia Malek⁴ reviewed 10 COIRs. These covered: Atheists; Treatment of homosexuals; Military service medical exemption; Schools for disabled children; Single female mother; Status of Syrian refugees; Muslim Brotherhood; LGBTI persons and military service; Freedom of religion in Egypt – Islam, Sunni, Coptic; Christian man married to Muslim woman. CPIT ‘Accepted’ the reviewer’s recommendations in nine cases, and ‘Partly accepted’ the tenth (Muslim Brotherhood) stating that the question of whether a low-level supporter of the Muslim Brotherhood would be at risk is covered more fully in the updated CPIN on the same subject.
- 2.16 The reviewer assessed the sources used in the Christians (November 2016) CPIN as “relevant, up-to-date and reliable” and the report as including “a balance of views, even on controversial issues”. However, the reviewer drew attention to two major events – the ‘Maspero Massacre’, in 2011, and the bombing of the El Botroseya Chapel, in December 2016 - which were not referenced in the CPIN (the latter post-dated its issue) but were relevant to the question of the security of Christians in Cairo. CPIT agreed to include reference to these events.
- 2.17 The reviewer made over 50 recommendations in relation to the Christians CPIN, a large number of which were simple textual corrections. CPIT ‘Accepted’ the majority. However, there was disagreement about one point of substance. This concerned the availability of state protection, which CPIT described as going to the correctness or otherwise of its policy position, which was that “The availability of protection is a legal test” which “does not require a state ... to provide guaranteed protection ... but to have in place the infrastructure, resources, intent and actions in practice of protection, even if imperfect.” In this particular case, protection did not “appear to be any worse or better than that available to Muslim Egyptians, so there is no clear evidence of discrimination on religious grounds.”
- 2.18 The reviewer described the Muslim Brotherhood CPIN as “extremely well sourced with relevant and reliable sources”. The reviewer made 22 recommendations, 18 of which were ‘Accepted’. Three ‘Not accepted’ recommendations were stylistic. In the fourth case, CPIT preferred its original paraphrasing of the size, make-up and funding of the Muslim Brotherhood to a direct quotation from the referenced source.

Sri Lanka

- 2.19 Liz Williams⁵ reviewed 10 COIRs. These covered: Bodu Bala Sera’s attitude to LGBTI; Sri Lankan refugees in India; methods of serving arrest warrants; Transitional government of Tamil Elam (TGTE); risk to Tamil Muslims on return; rights to Citizenship. A number dealt with state protection and support for various ‘groups’: trafficking victims, particularly traumatised lone women; victims of forced marriage and FGM; interfaith married couples; Christian converts.
- 2.20 In most instances, the reviewer made a number of points and detailed recommendations. CPIT either ‘Accepted’ or ‘Partly accepted’ all of these, with the exception of a recommendation that

⁴ Full review including biography is attached.

⁵ Full review including biography is attached.

part of the COIR about Christian converts should be omitted as irrelevant as it related to the treatment of Muslims. CPIT responded that the information provided related to Muslims and Christians and provided context regarding religious tensions.

- 2.21 The reviewer assessed that the Tamil Separatism (August 2016) CPIN cited “a good balance of usually traceable, reliable sources”, but few related to events in 2016, and that the CPIN “could benefit from the inclusion of further local NGO sources, particularly those invited to submit to the UN Human Rights Council, as well as additional local media sources.” CPIT accepted this recommendation, which it said it would address in future updates.
- 2.22 The reviewer made 25 recommendations, all of which were ‘Accepted’ (15) or ‘Partly Accepted’ (10). The reviewer also suggested a number of additional sources that should be cited in any updated CPIN. CPIT’s response in each case was that it would review these sources alongside other relevant sources before deciding what to include.
- 2.23 The reviewer described the Journalists, Media Professionals and Human Rights Activists (September 2015) CPIN as presenting ‘a good balance of reliable sources’. The reviewer made nine recommendations, of which seven were ‘Accepted’ and one ‘Partly accepted’.
- 2.24 One recommendation was ‘Not accepted’. Here, the reviewer recommended the inclusion of evidence from a September 2015 UNHCR report on the situation for human rights defenders in Sri Lanka. CPIT responded that the report post-dated the CPIN.

3. Independent Chief Inspector's Findings and Recommendations

- 3.1 In addition to the detailed recommendations and comments made by the reviewers, and those made at the Independent Advisory Group on Country Information (IAGCI) meeting on 27 March 2017⁶, this round of reviews raised a number of cross-cutting issues. Some of these relate to improvements in the way IAGCI and the Country Policy and Information Team (CPIT) interact. These are detailed below. I have also made two recommendations on points of substance.

Process improvements

Format of reviews – clarity of recommendations and responses

- 3.2 After the November 2016 IAGCI meeting, the review template was amended in response to the CPIT request for it to be restructured to make clearer what the reviewer was recommending, in turn making it easier for CPIT to respond. The March 2017 round of reviews was the first to use the amended template, which the IAGCI meeting agreed was an improvement.
- 3.3 However, there were still some instances where it was not entirely clear whether the reviewer was recommending a change to the published country information or simply making a comment. In some cases, CPIT had responded with 'Noted', rather than 'Accepted', 'Partly accepted' or 'Not accepted'.
- 3.4 IAGCI will aim to ensure that reviewers' recommendations are clearly marked as such and differentiated from any comments, which may entail a further 'tweak' to the template. For its part, the Home Office needs to ensure that its responses are clear and specific.
- 3.5 Where a reviewer is recommending a change to a country of origin information product, CPIT should respond with either 'Accepted', 'Partly accepted' or 'Not accepted', indicating clearly what is accepted, what is not accepted and why, what action will be taken and by when.
- 3.6 If CPIT is unclear whether something is a recommendation or a comment, it should seek clarification where possible prior to the relevant IAGCI meeting. It should use 'Noted' only in response to points marked as 'comments'.

Narrative interpretations of data

- 3.7 The description in the Albania CPIN on Ethnic Minority Groups (October 2016) of Roma children as 'not fully integrated' in the education system highlights the problem with narrative interpretations of data. CPIT argued that 'not fully' was accurate. But, is the intended meaning 'almost fully' or 'poorly'? The data supported the latter, but was not quoted.⁷

⁶ Minutes are attached.

⁷ Gross enrolment rate for Roma children of 48% in mandatory education (ages 2-16) compared to a national average of 91%, with 3.9 years in education compared to 10 years. 4% achieve upper secondary level education, with less than 1% entering post-secondary (university).

- 3.8 In future, where available COIRs and CPINs should include data or further details alongside any narrative description of scale or relative importance in order to avoid possible misinterpretation.

Acknowledging the lack of information or data

- 3.9 It is equally important that COIRs and CPINs do not inadvertently present a distorted picture where they are silent on quality and extent of available information or data. For example, the reference to intolerance towards LGBTI persons in the north of Albania could be read as indicating that the situation elsewhere is different, whereas in reality CPIT had found little or no information or data about the conditions for particular minorities in other parts of the country.

Terminology - 'threat' or 'risk'

- 3.10 Typically, country of origin products need to consider both 'threats' and 'risks'. For the sake of clarity, it is important that these terms are not used interchangeably.
- 3.11 The generally accepted meanings, in use elsewhere in the Home Office, are:
- 'threats' comprise capability or capacity and intent
 - 'risks' comprise threat plus opportunity

CPIT should use these in its country of origin products and be consistent in their use, in particular in relation to the options for internal relocation. For example, if a member of a minority religious group or a political activist who has relocated within Bangladesh does nothing to draw attention to themselves the risk of them being harassed or worse may be low, however their relocation does not necessarily reduce the threat, which is country-wide not location-specific.

Recommendations

Policy summaries

- 3.12 Each CPIN contains a Guidance section with a final chapter headed 'Policy summary'. The IAGCI tendering process makes it clear that 'policy guidance' is out of scope for the reviewers (though not of the ICIBI). However, in practice the 'Policy summary' uses country information to justify the policy position. This creates a problem where the information quoted is partial, omitting contextual or contradictory evidence.
- 3.13 For example, the policy position on persons from Albania who fear persecution based on their sexual orientation or gender identity is that they are 'unlikely to qualify for the grant of asylum or humanitarian protection'. The 'Policy summary' refers to anti-discrimination laws, the general level of discrimination, availability of protection, and options for relocation, in a way that builds towards this conclusion. 'Homophobic attitudes' and the 'risk from non-state actors' are mentioned but effectively dismissed, while the option of internal relocation 'to less conservative areas' creates an impression of a vast and socially diverse country.

Recommendation 1

The Home Office should distinguish more clearly between what is country information and what is policy in the 'Guidance' section of its Country Policy and Information Notes (CPINs). In particular, the 'Policy Summary' should not make selective use of country information to validate a policy position on the likely strength of asylum or humanitarian claims.

Availability of state protection

- 3.14 In its response to the reviewer's comments about Egyptians' general mistrust of the police and other authorities, CPIT stated that these appeared to be more about the Home Office's policy position on the availability of state protection rather than the accuracy of the country information.
- 3.15 I disagree. While it may be Home Office policy that the protection available from the state in a particular country is sufficient for the purposes of safely returning an individual to that country, information about the protection a state provides is country information.
- 3.16 The CPIT response refers to a 'legal test' regarding the availability of protection, which "does not require a state" ... "to provide guaranteed protection to a person but to have in place the infrastructure, resources, intent and actions in practice of protection, even if imperfect."
- 3.17 It is axiomatic that no system of state protection can be 'perfect'. But, while laws and enforcement structures either exist or do not, 'intent and actions in practice of protection' are open to interpretation, and it was the evidence of intent and actions that the Egypt reviewer was contesting. In other contexts, the Albania, Bangladesh and Sri Lanka reviewers all raised points about the difference between the existence of laws and their effective application.

Recommendation 2

The Home Office should clarify the 'legal test' it uses to assess the availability of state protection for particular individuals and groups, and specify how 'intent and actions in practice of protection' will be tested and assessed as sufficient to support a policy of removal and, where relevant, internal relocation.

D J Bolt

Independent Chief Inspector of Borders and Immigration

Annexes

Annex A: Review of the Home Office Country of Origin Information on 'Minority groups, Albania, October 2016' and 'Sexual orientation and gender identity, Albania, December 2016'. By Dr. ENKELEIDA TAHIRAJ

Annex B: Review of the Home Office Country of Origin Information (COI) on Bangladesh: Minority Religious Groups (March 2016); and Political Opponents (February 2015); and 10 responses to COI requests by Joseph Allchin.

Annex C: Review of the November 2016 UK Home Office Country Information on Egypt: Country policy and information note on Christians; country policy and information note on the Muslim Brotherhood; and a selection of country of origin information responses by Dr. Dalia Malek.

Annex D: Review of the Home Office Country of Origin Information (COI) on Sri Lanka: Tamil Separatism (August 2016); Journalists, media professionals and human rights activists (September 2015); and 10 responses to COI requests by Liz Williams.

Annex E: Minutes of the Independent Advisory Group Meeting held on 27 March 2017.

Annex A

Review of the Home Office Country of Origin Information
on ‘Minority groups, Albania, October 2016’ and
‘Sexual orientation and gender identity, Albania,
December 2016’.

Prepared for the Independent Advisory Group on Country Information (IAGCI)

Dr. ENKELEIDA TAHIRAJ⁸

March 2017

⁸ Visiting Senior Fellow, LSEE, the London School of Economics.

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1.1 Instructions

Country Information Guidance (CIG) reports are produced by the Home Office as part of the process of asylum determination. I have been instructed to review two Home Office CIG reports for accuracy and relevance and to seek to identify any areas where they can be improved. Specifically, this report comments on and offers suggestions on reports covering LGBTI and Ethnic Human Rights in Albania, following the instructions of:

- Providing an assessment of the extent to which information from source documents has been appropriately and accurately reflected in the CIG Reports.
- Identifying additional sources detailing the current human rights situation in the country with respect to main grounds for asylum claims (which are noted in each CIG Report).
- Noting and correcting any specific errors or omissions of fact.
- Making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach.

The review was also conducted according to the following specific guidelines:

- 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.
- The review should focus exclusively on the country of origin information contained within the document, and not pass judgement on the policy guidance provided.
- When suggesting amendments, rather than ‘tracking changes’ on the original CIG report, a list of suggested changes should be provided as part of a stand-alone review paper, and each report should be reviewed separately.
- Any suggestions for additional information (or corrections to information in the document) must be referenced to a source document for the Home Office to be able to use it (preferably Open Source). The Home Office may use foreign language source documents, but only if the information is considered essential and is not available in English language source.

1.2 Methodology

The review was conducted through research of primary and secondary literature on the issues of LGBT and Ethnicity in Albania. The evidential basis for this review comes from publicly available country statistics, reports and publications on issues relevant to the CPIN under review. The main sources consulted include

1. Government institutions (strategy and policy documents, laws, regulations, statistics),
2. the People's Advocate and the Commissioner for Protection from Discrimination (reports and statements),
3. Local and International civil society organisations (research, reports, analysis, statistics)
4. Academic institutions (papers and reports).

Original source material was examined to assess the accuracy of presentation in the CPIN. Updated or new information was noted and referenced where more recent reports are available.

Acknowledging the limitations of available official sources in providing information or evidence, some online reporting from established and reputable media were used to gather relevant background or contextual data, notably on government events and announcements. Where they are put forward they are available in the English language. In adherence to the Home Office requirements on foreign language sources, such information was not included here if it did not provide essential information and was also not available in English language source.

This review is focussed on country of origin information only and neither intends nor attempts to assess Home Office policy.

1.3 Summary of Review

Overall both reports have the following strengths and weaknesses:

- Strengths
 - Generally, reports reflects a fair and accurate presentation of the source material.
 - There is a good coverage of the range of issues in each CPIN.
 - Referencing is recent, with no reliance on outdated information.
 - The reports reflect much of current knowledge of the rights situation for ethnic groups and SOGI.
- Weaknesses
 - There are minor occasional omissions of facts and an occasional counterfactual (such as the statement that ‘there are no reports of cases of discrimination’ in LGBT CPIN). These do not undermine the line of reasoning presented in the report.
 - Reports reflect the poor evidence/statistical base,
 - Reliance on a few available sources.
 - Limited information/data from Government channels.
 - Comparison/trend data is problematic due to the weak statistical standards and capacities in Albanian institutions.
 - Limited assessment of the progress in implementation of legal frameworks.
 - No information on impact evaluation of Albanian policies on SOGI.
 - Balance of information across source types
 - Reliance on information/opinion from International Organisations actively engaged with Albania.
 - Cross checking information triangulation of data including not only official reporting but also civil society and organised individuals.
 - A large amount of Albanian national media is currently available in English language that might be drawn.
 - These provide contextual/country conditions from national media reportage (where available in the English language).

Summary of Country of Origin Information on 'Minority groups, Albania, October 2016'

- Strengths
 - Provides good grounds for understanding the general situation of ethnic minorities in Albania.
- Weaknesses
 - Might better reflect the differences in the rights situation as well as the expressed concerns of the various ethnic groups.
 - Periodical updates from implementation of national policies are insufficient.
 - Information on outcomes of policies and impacts on ethnic communities needs more sources of analysis.
- Main Recommendation:
 - CPIN may benefit from more information on conditions of the Roma and Egyptian community that can be found in the NAP analysis of respective issues related to education, health, employment, living standards and access to justice.

Summary of Country of Origin Information on 'Sexual orientation and gender identity, Albania, December 2016'.

- Strengths
 - Provides good grounds for understanding the general situation of ethnic minorities in Albania.
- Weaknesses
 - Treats the LGBTIQ community as homogenous, rather than diverse:
 - Might therefore better reflect differences in the rights situation and issue faced between those who identify anywhere along the spectrum.
 - Information on outcomes of policies and impacts on the LGBTIQ needs more sources of analysis.
 - It should be made clear that the LGBT shelter is
 - not a state agency.
 - is not linked into a national referral mechanism.
 - provides no assurance of protection.
- Main Recommendation
 - To acknowledge differences that exist in constitutional rights and protection of rights in practice as regards the various groups' needs within LGBTIQ.
 - To accurately elaborate the remit and capacities of the LGBT Shelter and assess its appropriateness as a refuge.
 - Considering limited available official breakdown of statistics and reporting 'there are no data for', CPIN may benefit by taking into account individual stories of LGBTI persons published online that provide evidence of rights protection in practice.
 - Rather than treat the country as homogenous, capture/elaborate some of

the regional differences particularly as are revealed in levels and kind of societal prejudice - for instance, as regards comparisons of the small Blloku area in Tirana to the rest of the country. This is important when addressing relocation, and the matter of relocation being a viable solution to enable the person in fear of persecution.

<p><u>Main Suggestion relating to the COI Requests:</u></p> <p>Responses to all COI requests especially those that deal with issues that affect particular, vulnerable, specific groups, such as children, women; people affected by blood feuds, would benefit from wider and up-to date consideration of academic research publications, human rights organisations reports, and international organisations published analysis which provide ample information to draw conclusions from.</p>	<p>Partly accepted, though time constraints limit what we can provide when responding to COI Requests.</p>
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1.4 Understanding of the themes addressed in the CIG Reports

Overall both reports reflect an appropriate usage of terminology. Specific themes might benefit from further elaboration.

1. There are limitations especially as regards deconstruction of official data, opinion polls and study findings.
 - a. It is recommended that the guide notes firstly that such data are indicators rather than absolutes.
 - b. It is also recommended that the guide notes that statistical coverage is limited and not necessarily directly comparable even when from the same source (due to wide ranging methodologies and indicators).
2. Both CPIN's would benefit from a fuller treatment of social/cultural factors in order to better serve case assessment.
 - a. The potential impacts of long-term exclusion/discrimination on vulnerable groups or individuals alongside an examination of incidence and nature of specific risks in Albania.
 - b. Such information might be drawn also from academic sources and include examination of barriers to public services, as well as outcome data on health & longevity, education, employment and living standards. These are important issues that help in understanding the reality of affording a successful reintegration upon return.
3. CPINs also might be strengthened from some general assessment of the implementation of the legal and policy frameworks, as well as monitoring and evaluation, given that policy making in the country is not as robust as in OECD countries.

1.5 Quality and balance of sources

- The CIG offers a fair macro-level assessment of the human rights situation for ethnic and LGBT persons in Albania.
 - It reflects country conditions adequately in that while there is no targeted discrimination from the state against specific groups, and the society is generally peaceable, there remain risks to individuals and each case needs to be assessed on its merits.
 - To achieve this the CPIN would benefit, as noted in 1.4 above, from fuller treatment of the most common risks faced by individuals.
- Information is recent and has been drawn from credible sources.
- There is however need to address and include academic research and studies in the CPINs.

2 Review of CPIN Albania Minority Groups

2.1 Comments on Section 2.2 Assessment of Risk

<p>2.2.1 It should first be noted that Albania has not legally recognised all minorities that self-identify or are recognised by other organisations or states. Some therefore do not fall under explicit state protections in practice.</p> <p>The European Parliament has called on Albania to make sure the rights of all minorities - and specifically ethnic Bulgarians - are safeguarded and legally enshrined. EU Parliament 'Calls on Albania to Recognize Bulgarian Minority'</p> <p>http://www.novinite.com/articles/178691/EU+Parliament+Calls+on+Albania+to+Recognize+Bulgarian+Minority'</p>	<p>Home Office responses.</p> <p>Accepted.</p>
<p>2.2.2 Suggest rewording “not fully integrated” to more accurately reflect official data. Roma have a gross enrolment rate of 48% in mandatory education (2-16) compared to 91% national average, with 3.9 years of education compared to 10 national average. Regarding university quotas, only 4% achieve upper secondary level education, with <1% entering post-secondary (university)</p> <p>(UNDP 2016, http://www.eurasia.undp.org/content/rbec/en/home/ourwork/sustainable-development/development-planning-and-inclusive-sustainable-growth/roma-in-central-and-southeast-europe/roma-data.html </p>	<p>Not accepted.</p> <p>The phrase ‘not fully integrated’ and the rest of the paragraph would seem to reflect the facts cited.</p>

2.2 Comments on Section 2.3 Protection

<p>2.3.1 The 2015-2020 National Action Plan for the Integration of Roma and Egyptians was adopted on 23 December 2015.</p>	<p>Accepted.</p>
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2.3 Comments on Section 5 Legal Framework

Suggest update with the latest opinion from the EC 2016 report on Albania (available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf)

“The legal framework for the protection of human rights is broadly in line with European standards and Albania has ratified most international human rights conventions. However, enforcement of human rights remains to be strengthened. Shortcomings particularly affect the following areas: Despite the efforts made, enforcement of property rights has yet to be ensured and the processes of property registration, restitution and compensation need to be completed. Living conditions for Roma and Egyptians need to be improved. Social exclusion and discrimination need to be tackled through better policy implementation and better inter-institutional cooperation. Additional efforts are needed to develop a track record of anti-discrimination cases. Institutional mechanisms to protect the rights of the child and to tackle gender-based and domestic violence remain poor. The legislation on juvenile justice has yet to be brought in line with international standards. Services for victims of domestic violence need to improve in quality, quantity, accessibility and geographical coverage.” (p21)

“As regards respect for and protection of minorities, some steps were taken to improve the legal framework. The Ministry of Foreign Affairs established a working group to draft a comprehensive law for the protection of minorities. A broad consultation process took place involving independent institutions, minorities’ associations, civil society and international organisations. The working group should now swiftly complete its work and finalize the drafting process of the law that should aim to ensure equal access to rights for persons from all minorities. Albania has still not adopted the European Charter for regional and minority languages. The role and the capacity of the State Committee on Minorities remained limited and need to be reinforced. Overall, inter-ethnic relations remained good.” (p68)

Accepted.

This report was published after the CPIN was issued, so we will include relevant content in the update.

2.4 Comments on Section 6 Treatment of Minority Groups

Suggest update with the latest opinion from the EC 2016 report on Albania (available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf)

“Roma and Egyptians continued to face very difficult conditions and frequent discrimination, particularly on access to education, employment, housing, health and civil registration. The 2016-20 action plan for their integration was adopted in December. The national budget will finance 55 % of the actions, while the remaining part is to be provided by donors. The third EU-Albania seminar on the inclusion of Roma and Egyptian communities, held in April, resulted in operational conclusions, which set the main priorities for the next two years. Living conditions remained poor, with a substantial part of Roma households lacking access to piped water. The 2016-2025 national housing strategy was adopted. It aims to improve the institutional, legal and regulatory framework for middle and low income households, including Roma. Roma children living or working on the street remained a concern despite efforts to reduce this phenomenon by taking street children and their families under protection. Child marriage remained a worrying practice, involving around 2.9 % of Roma children in the 15-18 age group. Civil registration improved, but further efforts are needed, particularly to ease the transfer of registration between municipalities and of children born abroad. Lack of registration often prevents access to social support. The inclusion of Roma children in the education system continued improving, but remains the lowest in the region. School segregation is a matter of serious concern. The electronic data collection system “Romalb” is partially functional and in-service training is necessary to ensure that it is used by all local government units. As a result of the dialogue held by the Tirana municipality with the 72 families affected by the planned eviction in the Bregu i Lumit area, the eviction was stopped and efforts were made to find alternative housing solutions. This was a clear progress in the handling of evictions compared to the previous case at the Tirana artificial lake, where some 44 families were evicted in October 2015 without proper dialogue with the families concerned. Albania has yet to develop guidelines on evictions in line with international standards and train local and national institutions on procedures to be followed before, during and after evictions.” (p68)

Accepted.

This report was published after the CPIN was issued, so we will include relevant content in the update.

2.5 Additional sources/Recent information

Suggest inclusion of information from US State Department [Bureau of Democracy, Human Rights and Labor](#) Country Reports on Human Rights Practices for 2016, available at

[Albania](#)

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265388>

“Marginalization and abuse of the Romani and Balkan-Egyptian communities were serious problems... There were reports of employment discrimination based on gender, disability, sexual orientation or gender identity, nationality, and ethnicity.”

“There were no reports of discrimination in birth registration, but onerous residency and documentation requirements for registration made it more difficult for the many Romani and Balkan-Egyptian parents who lacked legally documented places of residence to register their children or to access government services dependent on registration....According to the domestic branch of the NGO Association for the Social Support of Youth (ARSIS), children born to internal migrants or those returning from abroad, especially from Greece, frequently had no birth certificates or other legal documents and consequently were unable to attend school or have access to services. This was particularly a problem for Romani families, in which couples often married young and failed to register the births of their children.”

“Although the legal minimum age for marriage is 18, authorities did not enforce the law. Underage marriages occurred mostly in rural areas and within Romani communities. According to the 2015 *Early Marriages in Albania* study of the Observatory of Children, approximately 3 percent of children between the ages of 15 and 18 were married. The study also noted that 9 percent of Romani children between the ages of 13 and 18 were married. ARSIS claimed that, in certain Romani communities, girls as young as seven and boys as young as nine were considered married.”

Accepted.

As above, we will include relevant content in the update.

2.6 Additional sources/Recent information

Minority Rights, Online

<http://minorityrights.org/country/albania/>

“Three minorities are officially recognized in Albania as national minorities – Greeks, Macedonians and Montenegrins. Roma and Vlachs/Aromanians are recognized as linguistic (sometimes called cultural) minorities. Both linguistic and national minorities are recognized under the Framework Convention for the Protection of National Minorities (FCNM) in Albania. Some members of the Roma and Vlach/Aromanian minorities would like to be considered national rather than linguistic minorities. Egyptians are not recognized as either a national or a linguistic minority – although they would like their status to be acknowledged as such.”

Accepted.

As above, we will include relevant content in the update.

2.7 Additional sources/Recent information

Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices for 2016 Albania

<https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/>

“National/Racial/Ethnic Minorities

There were allegations of significant discrimination against members of the Romani and Balkan-Egyptian communities, including in housing, employment, health care, and education. Some schools resisted accepting Romani and Balkan-Egyptian students, particularly if they appeared to be poor. Many mixed schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students.

Romani rights NGOs criticized the lack of legal safeguards against eviction and demolition of Romani camps included in the law on property legalization. Evictions and demolitions continued during the year and affected many Romani families. The government operated alternative housing programs for evicted families including Roma, but these programs were generally unsustainable without significant NGO and external donor support.

The law provides official minority status for both national and ethnolinguistic groups. The government defined Greeks, Macedonians, and Montenegrins as national groups; Greeks constituted the largest of these. The law defined Aromanians

Accepted.

As above, we will include relevant content in the update.

<p>(Vlachs) and Roma as ethnolinguistic minority groups.</p> <p>The ethnic Greek minority complained about the government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones" or to use Greek in official documents and on public signs in ethnic Greek areas. Public education was not available in the Romani, Serbo-Croatian, or Vlach languages."</p> <p>Discrimination in employment and occupation occurred with respect to gender, disability, sexual orientation and gender identity, nationality, and ethnicity."</p>	
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2.8 Additional sources/Recent information

<p>2016 Commission Report on Albania (2016/2312(INI), 3 February 2017</p> <p>Available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2017-0023+0+DOC+XML+V0//EN</p> <p>"20. Recalls, among the key priorities, the need to reinforce the protection of human rights, minority rights and anti-discrimination policies, including by strengthening their enforcement; urges the competent authorities to continue improving the climate of inclusion and tolerance for all minorities in the country in line with European minority protection standards, including by enhancing the role of the State Committee on Minorities; welcomes the initial steps aimed at improving the legal framework for the protection of minorities, and calls on Albania to adopt the framework law on the protection of minorities and to ratify the European Charter for Regional and Minority Languages; notes the broad consultation process involving independent institutions, minorities associations and civil society; underlines the need to improve living conditions for Roma, Egyptians and other ethnic minorities; calls for continued efforts in improving their access to employment and all public and social services, education, health, social housing and legal aid; is concerned that, despite improvements, the inclusion of Roma children in the education system remains the lowest in the region;"</p> <p>"21. Commends the efforts of the Ombudsman's office to improve the human rights legislation, especially in the framework of the reform of the judiciary; welcomes active promotion of the rights of vulnerable groups and the principles of human dignity, freedom, equality and the rule of law; regrets that</p>	<p>Accepted.</p> <p>As above, we will include relevant content in the update.</p>
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<p>the work of the Ombudsman's office continued to be limited by lack of funding and personnel at his central and local offices; calls for enhancement of the authority, autonomy, efficiency and resources of his office;”</p> <p>“24. Notes that further efforts are needed to protect the rights of all minorities in Albania, through the full implementation of the relevant legislation; recommends that the rights of people with Bulgarian ethnicity in the Prespa, Golo Brdo and Gora regions be enshrined in law and ensured in practice.”</p>	
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2.9 Additional sources/Recent information

<p>European Asylum Support Office</p> <p>Albania Country Focus, November 2016, Section 5.3.1 p34, EASO Country of Origin Information Report,</p> <p>http://www.punetejashtme.gov.al/files/userfiles/Broshure_MPJ-M_OKB-_20_5_2014_%5BR%5D.pdf</p> <p>“The Commissioner for Protection against Discrimination (CPD) handles an increasing number of discrimination complaints; in 2015, 288 cases and 180 inquiries. The CPD also conducts awareness-raising activities, training and education, and promotes media coverage ‘as a tool in the fight against discrimination’ (169).</p> <p>Roma and Egyptians are the minority groups with the poorest living conditions, facing discrimination and severe poverty, lack of education and a lot of forced child labour. They face severe discrimination in the education, health care, employment and housing sectors Many Roma and Egyptian children are living on the streets (171).</p> <p>The EC Communication 2016 reported: ‘Living conditions for Roma and Egyptians need to be improved. Additional efforts are needed to develop a track record of anti-discrimination cases’ (172).</p> <p>1. “calls for enhancing the authority, autonomy, efficiency and resources of human rights structures, including the office of the Ombudsman; commends the National Council for European Integration on its initiatives to enhance the capacities of the public administration and civil society in monitoring the implementation of accession-related reforms; stresses the need to safeguard the independence of regulatory and oversight bodies;”</p>	<p>Accepted.</p> <p>As above, we will include relevant content in the update.</p>
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2.10 Additional sources/Recent information

Article “Albania, highly committed to protection and promotion of minority rights,” 28 February 2017, Foreign Minister Ditmir Bushati
<https://www.ata.gov.al/en/bushati-albania-highly-committed-to-protection-and-promotion-of-minority-rights/>

“Albania has always attached special attention to the protection and respect of the rights of minorities. We are now working to prepare and adopt a new, updated framework law on minorities, in conformity with the European Framework Convention on National Minorities and the best international standards.”

Accepted.

As above, we will include relevant content in the update.

2.11 Additional sources/Recent information

ALBANIA CANDIDATE FOR THE UNITED NATIONS HUMAN RIGHTS COUNCIL 2015-2017

[http://www.punetegashtme.gov.al/files/userfiles/Broshure_MPJ-M OKB- 20 5 2014 \[R\].pdf](http://www.punetegashtme.gov.al/files/userfiles/Broshure_MPJ-M_OKB-20_5_2014_[R].pdf)

Mr. Ditmir Bushati Minister of Foreign Affairs of the Republic Albania says “The Republic of Albania is a party to all core United Nations and regional human rights treaties and instruments, which are directly transposed into the Albanian legislation, and have superiority over national laws, which are not compatible with them.”

Accepted.

We will include this in the update.

2.12 Additional sources/Recent information

Hysenaj v Albania (third-party intervention, pending) 22 August 2016,
(<http://www.errc.org/article/hysenaj-v-albania-third-party-intervention-pending/4511>)

“**Facts** The applicant is a Romani woman whose house was set on fire. The authorities did not inform her about the criminal proceedings against the perpetrators, and as a result she was unable to lodge a civil claim against them.”

Accepted.

We will include this in the update.

2.13 Additional sources/Recent information

Roma Decade

Decade of Roma Inclusion Secretariat, *Roma Inclusion Index 2015*. Available at: <http://www.romadecade.org/news/roma-inclusion-index-2015/9810>.

“ANTI-DISCRIMINATION - There is no reliable data on hate crime and many cases go unreported.”

Accepted.

We will include this in the update.

2.14 Additional sources/Recent information

<p>ERRC, European Roma Rights Centre</p> <p>(http://www.errc.org/cms/upload/file/ec-submission-on-roma-inclusion-in-the-western-balkans-july-2016.pdf)</p> <p>“<i>Roma Inclusion Index 2015</i> reports that on every education indicator, girls are doing worse than boys, very few Roma are completing primary or secondary education, and segregation is worsening.”</p>	<p>Accepted.</p> <p>We will include this in the update.</p>
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2.15 Additional sources/Recent information

<p>Amnesty</p> <p>Amnesty International, Annual Report Albania 2015/16. Available at: https://www.amnesty.org/en/countries/europe-and-central-asia/albania/report-albania/.</p> <p>“As Amnesty noted in its 2015/16 report on Albania, the situation is aggravated by the fact that many Roma and Egyptians, as well as young people leaving social care, failed to meet the income threshold required to access social housing. Many Roma have been unable to regularize their homes under the 2014 law on the legalisation of property, which allowed “illegal constructions” to be demolished. In July 2015, seventy mainly Romani families’ houses were demolished in Selita, Tirana, during a forced eviction in advance of road construction. “</p>	<p>Accepted.</p> <p>However the more recent Amnesty International Report 2016/17 (published in February 2017) will be used instead in respect of the housing situation.</p>
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2.16 Additional sources/Recent information

<p>Discrimination Against Roma in Albanian Children’s Home - 7 July 2016 http://www.errc.org/article/discrimination-against-roma-in-albanian-childrens-home/4495</p> <p>“If you are one of the children institutionalised in the care home for children in Shkodra, you are probably Roma or Egyptian. More than half the children there belong to these minority groups, which make up only a fraction of Albania’s overall population. To be a Romani or Egyptian child in state care means a childhood apart from your family with little to no chance of returning home. It also means being exposed to a higher risk of abuse.”</p>	<p>Accepted.</p> <p>We will include this in the update, although it is very specific to one particular facility.</p>
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3 Review of CPIN Albania SOGI

3 Review of Section 2.3a “Treatment By the State”

<p>Comment on 2.3.4 “In the years since IM was determined, the Albanian government has passed some of the most progressive LGBT laws in the region and its public officials have demonstrated a willingness and ability to partner with LGBT activists to pass reforms. Anti-discrimination laws in Albania expressly protect LGBT persons and make hate crimes a criminal offence”</p> <p>Balanced perspective, making progress, however implementation & recourse to law is inadequate in</p> <ul style="list-style-type: none"> - discrimination - state recognition for positive rights lacking - e.g. same-sex laws for marriage, cohabitation, property, equality of access to public services and benefits (http://www.lgbti-era.org/countries/albania) - https://www.hrw.org/news/2017/02/08/albanian-courts-asked-recognize-same-sex-partnerships 	<p>Partly accepted.</p> <p>The sources suggested will be included in relevant part(s) of the country information section of the CPIN.</p> <p>The assessment made in the guidance section will be based on the totality of the relevant country information applied against the relevant policy/legal test(s).</p>
<p>Comment: I recommend that it should be noted that rights and protections in Albania are not equal across the LGBTIQ+ community either at the level of the Constitution or operationally within State Policy.</p>	<p>Accepted.</p>
<p>Additional Information</p> <p>The EC “welcomes the parliamentary resolution on the protection of rights and freedoms of persons belonging to the LGBTI community; notes that the second Tirana Pride event was held without major incidents in June 2015; recommends that provisions discriminating against transgender and intersex persons be removed from existing legislation; calls on the competent authorities to continue improving the climate as regards the inclusion of and tolerance for all minorities in the country, including by enhancing the role of the State Committee on Minorities;” http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0134+0+DOC+XML+V0//EN&language=EN - (Para 17)</p>	<p>Partly accepted.</p> <p>The call for discrimination against transgender and intersex people to be removed from legislation is already covered in para 4.32; and the May 2015 Tirana Pride celebration in para 6.4.1 – 6.4.2.</p>

<p>Additional Information</p> <p>Co-President of the Intergroup on LGBTI Rights and Rapporteur for Kosovo, commented: “While I am very glad to see that many governments of accession states are improving the legal situation for their LGBTI citizens, we cannot set aside that some countries are going back or standing still, rather than moving forward. Regrettably, implementation is lagging behind in all countries - LGBTI rights in the Western Balkans and Turkey, 12 November 2015</p> <p>http://www.lgbt-ep.eu/press-releases/new-eu-accession-reports-lgbti-rights-in-the-western-balkans-and-turkey/</p>	<p>Not accepted.</p> <p>This is a relatively old quote and it is unclear that is referring to Albania.</p>
<p>Comment on 2.3.5 “There are no longer reports that the Albanian police ill-treat known members of LGBT associations.”</p> <p>Begs the question, since when? Also, this is contradicted by the reference to incidents at LGBT events in the same paragraph.</p> <p>Nevertheless, there have been reports...</p> <p>Cases of harassment of trans-people by police officials have been reported to the Commissioner for Protection from Discrimination (ILGA-EUROPE, 2014).</p> <p>In a post on ‘Historia ime’ on January 2016, lesbian and activist Xheni Karaj details her and her transgender friend’s first hand experience of ‘terror from the state police’: ‘Me, my colleagues, Anxhela, or Us “the different” (<i>sic</i>), know terror very well because we experience it all the time, in our families, schools, hospitals, jobs, societies, etc. But today, the representatives of our state, the ones that should protect us, treated us as terrorists, as the most dangerous kind of terrorists. Those people should have provided for Anxhela the safety, the safety to walk freely in the streets of a country that insists in being a European one. Those people terrorized her, for being inside a car...So what started as a normal day of work, became a beautiful trip to the past and future, and all of a sudden it turned into a nightmare...That left me with a bitter taste full of scepticism for our state, or our society’.</p> <p>(http://historia-ime.com/2016/01/20/terror-from-the-police-of-state-to-the-lesbian-and-transgender-terrorists/.)</p> <p>In 2013, ECRI was informed of an attack on two transgender</p>	<p>Accepted.</p> <p>The answer to “since when” is: since the handing down of the (now withdrawn) caselaw “MK”. However, we will amend the wording in the updated version to make it clearer.</p> <p>Guidance on the treatment of other LGBT persons by non-state actors is covered elsewhere in the CPIN.</p> <p>Not accepted.</p> <p>These reported incidents took place 3-4 years ago and do not represent the current and improved environment.</p>

<p>persons with a glass bottle and other sharp objects.</p> <p>The police refused to consider an attack with tear gas on LGBT activists on 17 May 2013 as a hate crime, on the ground that no participant had been physically injured. Two out of five attackers were arrested and prosecuted (Astraea Western Balkans Landscape 2015). The CPD reported that some LGBT persons have faced harassment by the police when asking for protection or help.</p> <p>In July 2013 two gay men, 18 and 22 years old were approached by two men at their table in a bar, were threatened and had their mobile phones stolen. The young men went to the police to make their complaint but instead of investigating the police mocked the victims.</p> <p>In October 2013, two lesbian girls were refused service and were attacked by a waiter at a fast-food restaurant in Tirana. The girls reported the incident to the LGBTI NGOs and the Commissioner for Protection from Discrimination.</p> <p>In November 2013, a gay couple reported attacks and threats by family members of the couple who opposed their union and sexual orientation. The case was also referred to the police that failed to follow it up. One Police Officer was put under investigation by the Internal Police Service for potential discrimination against the couple. According to NGO's, such hate crime and the resulting feeling of insecurity are an important reason for the reluctance of LGBT persons in Albania to reveal their sexual orientation and gender identity.</p>	
<p>Comment on 2.3.5 “The collaborative spirit generated by the extensive discussions between the government and LGBT activists has drawn praise from LGBT organisations.”</p> <p>Is this also the Civil society view?</p> <p>LGBTI organisations have welcomed initiatives by governments (current and previous) to make their rights enshrined in law. However, initial euphoria of such agenda, that usually contributes to pre-election agenda, has led to disappointment as regards the rights of LGBTIQ in Albania, most recently following the discussion on proposed amendments to the constitution, the latter already covered in the CID. (http://www.kohajone.com/2016/10/01/kristi-pinderi-i-zhgenjyer-nga-rama-dua-martesar-gay/)</p>	<p>The quotation was taken from ILGA-Europe, which we consider to be a reliable equal rights organisation.</p> <p>The source provided is in Albanian, and Google Translate did not yield an understandable translation.</p>
<p>Comment on 2.3.5 “On several occasions there have been minor incidents at public LGBT events, however protection and cooperation with the police has been reported as very</p>	<p>The source of this information is the LGBTI Equal Rights Association for Western Balkans and Turkey. Albania. 28 April</p>

<p>positive.”</p> <p>Reported by who? What about negative reporting?</p> <p>see comment on 2.3.5 above</p>	<p>2016 as set out in para 6.4.3 of the country information.</p> <p>We would welcome any information on any recent negative reporting that the reviewer has been able to identify.</p>
<p>Comment on 2.3.5 “Awareness events have been attended by high-ranking government officials and supporters.”</p> <p>Awareness however does not equal implementation.</p>	<p>Accepted.</p> <p>However, attendance by high-ranking government officials nevertheless demonstrates government support.</p>
<p>Comment on 2.3.6 Societal Treatment “Despite the law and the government’s formal support for LGBT rights, Albania remains a conservative society in which homophobic attitudes persist – particularly in northern areas of the country.”</p> <p>This makes the issue of homo-or trans-phobia appear to be localised to the north. Perhaps least prevalent in the centre of the capital Tirane, but it remains an issue throughout the country.</p>	<p>Not accepted.</p> <p>We state that homophobia is more prevalent in the north of the country, but do not deny that it exists elsewhere.</p>

3.1 Comments on Section 2.4 “Protection”

<p>Comment on 2.4.3 “The Commissioner for Protection from Discrimination (CPD) has reported having registered complaints from LGBT persons and organizations and has issued sanctions. There are similarly effective avenues for submitting a complaint against police for misconduct.”</p> <p>Powers of CPD and People’s Advocate are known to be rather limited in enforcing sanctions. PA can only recommend.</p>	<p>Not accepted.</p> <p>Information available online suggests that the CPD may impose fines; see, for example http://www.equineteurope.org/CommissionerforProtectionfromDiscrimination</p>
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2.3 Review of Section 2.5 on “Internal Relocation”

<p>Comment on 2.5.2 Where the person’s fear is of persecution or serious harm at the hands of non-state actors – including rogue state agents – internal relocation is likely to be an option to escape such risk. (pg 7)</p> <p>There is no supporting evidence in this CIG or other official source that internal relocation is an option that can guarantee</p>	<p>“Internal relocation” is a concept in refugee law which is relevant where a person is at real risk from non-state actors. It will be dependant on the person’s particular circumstances, as is set out in the guidance.</p>
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<p>safety to the person. There are no shelters for protection from persecution.</p> <p>Also, such statement furthermore may imply safety if concealing of a person's sexual identity.</p>	<p>Specific shelters for LGBT persons <u>do</u> exist as set out in the country information (see section 7.2).</p>
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3.2 Review of Section 3 Policy Summary

<p>Comment on 3.1.2 “Albania is a conservative society where homophobic attitudes persist, but in general the level of discrimination is not such that it will reach the level of being persecutory or otherwise inhuman or degrading treatment.”</p> <p>Suggestion: “Albania is Europe's Most Homophobic Country, Survey Says Data from a new survey released to Balkan Insight by the Open Society Foundation, OSFA, reveal that the vast majority of Albanians are conservative and disapprove of the gay and lesbian lifestyle”</p> <p>http://www.balkaninsight.com/en/article/albania-is-the-most-homophobic-country-in-europe-survey-says#sthash.I7wHn6id.dpuf</p>	<p>Not accepted.</p> <p>We believe that we should summarise our policy in our own words in a way which is most relevant to our caseworkers.</p>
<p>Comment on 3.1.5 “Additionally or alternatively a person could relocate to less conservative areas of the country where they would not face such difficulties even without concealing their sexual orientation.”</p> <p>This part could benefit from information on the ground of where are the more favourable places that can support such statement, and what would be the implications on each case examined on its merit.</p>	<p>As above.</p>

3.3 Review of Section 4 “Legal Framework”

Review of Section 4.1: Context

<p>Suggestion for section 4.1.1</p> <p>“In June 2014, the European Council granted Albania candidate status. The Stabilisation and Association Agreement (SAA) has been in force since April 2009 and Albania has implemented smoothly its obligations. Regular political and</p>	<p>Accepted.</p>
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<p>economic dialogue between the EU and Albania has continued through the relevant structures under the SAA. The government engaged in EU-related reforms and continued to make progress in meeting the objectives set out in the five key priorities for the opening of accession negotiations.”</p> <p>https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf</p> <p>Additional efforts are needed to develop a track record of anti-discrimination cases. Institutional mechanisms to protect the rights of the child and to tackle gender-based violence remain poor.</p> <p>‘Given that Albania does not provide legal protection for LGBT people, the latter are forced to flee and seek asylum in Western countries’ (Peoples Advocate, May 2016. http://www.avokatipopullit.gov.al/en/content/17052016-people’s-advocate-international-day-against-homophobia-and-transphobia</p>	
<p>Section 4.1.2 Hate speech</p> <p>Hate speech is pronounced in online and broadcast media, which is of course unregulated. ProLGBT and ‘Historia Ime’ (www.historia-ime.com) monitored seven online versions of mainstream media (daily newspapers and news agencies) in the period October- December 2015. From a total of 750 articles monitored, 208 included hate and discriminatory speech against women, LGBT persons and the Roma Community. Gay males and transgender people are most often targeted for hate speech.</p> <p>Public figures have sometimes made homophobic public statements. The CPD states that ‘often debates over LGBT rights in the media have been highlighted with ‘hate speech’. Vice, 12/2015- https://www.youtube.com/watch?v=kbdNh6p8Rko</p> <p>Roma/Egyptian communities, LGBT and people with disabilities experience prejudice and discriminatory behaviour from public institutions and the general public. In 2014 the Commissioner for Protection from Discrimination reported an increase in the number of cases.’</p> <p>https://www.civilrightsdefenders.org/country-reports/human-rights-in-albania/</p> <p>ECRI (2015) notes the lack of reliable data on hate speech in</p>	<p>Accepted.</p>

Albania. “The police and prosecution service have registered cases but consider that they lack accurate information”.

Despite positive developments concerns around intolerant public speech remain, says the Council of Europe’s anti-racism commission. (European Commission against Racism and Intolerance (ECRI), Strasbourg, 9 June 2015). ‘There is no problem of real understanding between the different groups of the Albanian population, but concerns remain, such as hate speech by politicians, lack of sustainability...’ said ECRI’s Chair, Christian Ahlund.

There is no official data on hate crime towards LGBT persons.

In the 2015 progress report, the government was urged to structurally collect data on hate crime. No progress was made concerning this action point, although the Action Plan adopted in May 2016 provides concrete steps to be undertaken in order to establish a national data collection source for hate motivated crimes and incidents and hate speech.

This reflects among others low institutional capacities, procedural deficiencies and lack of prioritisation of LGBTI rights.

If ‘we can’t manage what isn’t measured’, it is clear that in the absence of data there can be no rigorous basis for policy making or implementation on LGBTI issues.

One of the LGBTI rights activists and former CoE worker who assisted the GoA on drafting the NAP, Vincent van Gerven Oei has been critical of the current developments on the rights of LGBTI community in Albania. On a recent analysis dated May 2016, he notes that: “1) Rama promised to pass the partnership law as part of his election campaign in 2013; 2) Rama said law was personally blocked by former Minister of Justice Nasip Naço; 3) former Minister of Social Welfare and Youth and current Mayor of Tirana Erion Veliaj still claimed it was passed; 4) the law was never discussed again; 5) all other amendments to the Criminal Code, Asylum Law, or Labor Law were never even considered; 6) overall, any other concrete support from the government as regards LGBT rights has been about *zero*’.

He then states: ‘Let it be clear: there is no legal framework in Albania whatsoever that allows any queer couple to be legally recognized. Discrimination at schools and in the workplace is widely spread. Homophobia and transphobia are openly practiced in the media without any problem. The extant anti-discrimination legal framework only exists in words and

litigation is exceedingly rare. I mean, how can we expect online hate speech to be prosecuted, when most probably every single politician I mentioned earlier will walk away with little or no prison time?’ <i>The unofficial view of Tirana 2016.</i> http://www.berfrois.com/2016/05/vincent-w-j-van-gerven-oei-minimal-divergence/	
<p><i>Victimization and Hate motivated crime against LGBTI</i></p> <p>The scale and extent of reported and unreported hate motivated crime is unknown.</p> <p>Police capacities and procedures do not permit the collection, disaggregation or publication of crime data to a meaningful level.</p> <p>Albania does not report reliable information and statistics on hate crimes to international partners such as ODIHR http://hatecrime.osce.org/albania</p> <p>The most reliable data comes from reported incidents to LGBTI NGOs.</p> <p>It’s not that there aren’t ..they are just not being measured.</p>	<p>Accepted.</p> <p>We will reflect this in the update.</p>
Suggestion for 4.1.3 Addition: “ECRI recommended that Albania needed to step up the implementation of its action plan.”	Accepted.
<p>Comment: An issue with the index is that it places Albania above countries that are more obviously socially tolerant and progressive, such as Greece and Italy. This is a result of its focus, but should alert us to the need to take into account the perceptions of LGBTI persons in Albania, social/public attitudes towards LGBTI people and social reality of discrimination as also evidenced in the video documentary testimonies. http://www.ilga-europe.org/sites/default/files/Attachments/side_a_rainbow_europe_map_2016_a3_small.pdf</p> <p>Equally, we should however remain mindful that the ranking is based purely on a national legal and policy human rights assessment. As such, it does not incorporate important issues of securing rights, access to justice or policy implementation, all of which might be severely impacted or constrained by cultural values, political will, funding, institutional capacities and other issues.</p>	<p>It is accepted that all the facets mentioned must of course be taken into account, but we believe that the index does nevertheless provide a valuable benchmark.</p> <p>The nature of the index is fully explained in para 4.1.3 of the CPIN.</p>
4.1.4 Suggestion to incorporate additional information from the report, as levels of harassment and violence were quantified in the survey instrument: “76% of the LGBTI	Accepted. This information will be included in the ‘Societal violence’ section.

<p>people surveyed in Albania had been verbally harassed or abused because of their sexual orientation or gender identity ” and “ 32% of the LGBTI people surveyed in Albania had suffered physical violence because of their sexual orientation or gender identity.” ILGA- Annual Review 2016, p. 30, available at</p> <p>http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf</p>	
<p>4.2.1. Constitution:</p> <p>During summer 2016, a debate took place on proposed changes to some articles on the constitution, as part of the justice reform initiative.</p> <p>Changes proposed included: Article 18. Point 2: “No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry” to be amended to include “sexual orientation and gender identity”.</p> <p>This proposal was however declined in July 2016 by the special commission on the justice reform. This news was welcomed by some political leaders as a ‘stop to gay marriage’.</p>	<p>Accepted.</p>
<p>Access to justice remains inequitable and problematic. There are significant barriers in access to justice (5th ECRI REPORT ON ALBANIA) and a burden of proof in discrimination cases, whereby courts apply the general rule according to which it is up to the plaintiff to prove that discrimination has taken place. International experts have recently expressed their concerns about the enduring ineffectiveness of the free legal aid system.</p> <p>Civil society informed ECRI that persons in need of legal aid are not able to present the required detailed application documents to the SCLA (State commission for legal aid); the SCLA only deals with a small number of cases per year; and its budget would be too low to hire lawyers for all persons in need.</p> <p>Furthermore, according to Article 15.1 LLA, the SCLA shall evaluate several rather open criteria before awarding free legal aid such as the value of the claim, the merits of the legal arguments, the probability of success and the complexity of the case.</p>	<p>Accepted.</p>

<p>As a result, legal aid is mostly provided by NGOs and few discrimination cases have been brought before the courts. The CPD confirmed that victims of discrimination do not obtain legal aid and that only some NGOs provide legal aid.</p>	
<p>EU opinion November 2016 on hate speech: Legislative environment: Overall, the constitution and other relevant laws are in line with international human rights law, guaranteeing individual liberties including the right to privacy, freedom of expression and sanctions against incitement of hatred. Defamation remains a criminal offence, although prison sentences are not allowed. However, journalists are at risk of potentially large fines and damages. The rules on hate speech are in line with international standards. There were three cases of hate speech registered by police and prosecution in the reporting period. Five complaints on hate speech were submitted to the Commissioner for the protection against Discrimination on the grounds of sexual orientation.</p> <p>On non-discrimination, the Commissioner for Protection against Discrimination (CPD) handled a slightly decreased number of cases, while it increased the amount of actions it brought of its own initiative. Its participation in judicial processes doubled compared to 2014. In the reporting period, the CPD issued 11 sanctions.</p> <p>On hate crimes, the state police appointed a dedicated focal point. However, the number of reported cases remained insignificant and no judicial prosecution has yet been initiated. Data collection on hate crime continued to be lacking. The CPD dealt with hate speech cases targeting the LGBTI community and in two cases decided to fine the perpetrators. The CPD continued to organise awareness campaigns and training activities. Anti-discrimination case-law needs to be further developed and its implementation improved.</p> <p>Discrimination: There is low awareness of LGBTI rights within the LGBTI community itself and the general public. Bullying is prevalent in schools and many LGBT people face social isolation especially if they live outside of Tirana' (https://www.civilrightsdefenders.org/country-reports/human-rights-in-albania/)</p> <p>An opinion poll carried out by US-based National Democratic Institute (NDI), revealed that 65% of LGBTI people surveyed in Albania have been personally discriminated against because of their sexual orientation or gender identity. The survey also found out that 42% of the general public would try to find a cure if they found out their son or daughter were homosexual.</p>	<p>Partly accepted.</p> <p>The NDI data is already included in the 'Polls and surveys' section.</p>

58% said they would not vote for a political party that championed the rights of LGBTI people.(http://www.lgbti-era.org/countries/albania)	
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3.4 Review of Section 5 “Treatment by, and attitudes of, state authorities”

<p>Suggestion: 5.1 National Action Plans “On the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, a 2016-2020 action plan on rights of LGBTI persons was adopted in May (2015)” EC Progress Report on Albania 2016.</p> <p>On NAP - the GoA on its own has neither the institutional nor the financial capacities to guarantee successful implementation of the NAP, as it plans to cover only 37% of the costs related to the NAP. Its success will depend on Albanian Government willingness to build successful cooperation with international donors. (previous strategies have been affected by weak institutional cooperation, low of capacities, and lack of funding and as a result have been reduced to ticking boxes for political discourse rather than bringing lasting change. In ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2015 Albania was criticised for failing to implement its national action plan for LGBTI equality. ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2015</p> <p>http://www.ilga-europe.org/sites/default/files/01_full_annual_review_updated.pdf</p> <p>“GoA failed to maintain promises made to LGBTI community during the 2013 election, and the LGBTI movement in Albania failed to stay true to their cause and represent their community concerns. ‘We only have to follow the money to understand why the LGBTI organisations did not stand with those who resist power instead of pandering to its fickleness and moral bankruptcy”.</p> <p>http://www.berfrois.com/2016/05/vincent-w-j-van-gerven-oei-minimal-divergence/</p>	<p>Partly accepted.</p> <p>The ILGA source will be included in the update.</p> <p>However, the second source (‘Berfrois’) appears to be an opinion piece that offers little in the way of substantive detail, and so would carry less weight than other sources. We therefore do not intend to include this.</p>
<p>EU Opinion 2016: On the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, a 2016-2020 action plan on rights of LGBTI persons was adopted in May 2016. Sexual orientation and gender identity are now protected grounds from discrimination in the labour code.</p> <p>The shelter for LGBTI people, which is almost entirely donor-supported, continued to provide services to members of the community in need.</p> <p>Public awareness and social acceptance remained low, particularly in rural areas. Amendments to the family code to introduce the concept of cohabitation of same-sex couples have not yet been adopted.</p>	<p>Accepted.</p>

<p>Suggestions on 5.2 Education</p> <p>Ten members of the community reported 38 incidents of discrimination in schools. None of these incidents were reported to the authorities. Bullying in schools remains a major problem for young LGBTI people. Two of these 10 young LGBTI people have left school, due to discrimination and bullying from peers and teachers. The remaining eight LGBTI people were hiding their sexual orientation or gender identity in order to stay in school, but they expressed concern that if they came out at school their peers would bully them and subject them to physical and psychological violence.</p> <p>http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf</p>	<p>Accepted.</p>
<p>Comment on 5.3 Employment – The NAP 2015-2020 third priority is improvement of access of LGBTI people to employment services, education, opportunities.</p> <p>Alliance LGBT has found discrimination in the labour market, as well as public services including healthcare, education and housing:</p> <p><i>Labour Market</i></p> <p>Despite explicit legal protection from discrimination in the workplace in Albania, 93% of LGBTI people surveyed in 2006 indicated that they were not out at work and that acceptance of LGBTI people in the workplace was low (Astraea Western Balkans Landscape 2015).</p> <p>Forty-three cases of discrimination in workplaces and/or discrimination in job recruitment and selection were reported to Aleanca LGBT. These are cases of LGBTI people having difficulties in finding work because of stigma and prejudice, experiencing sexual harassment based on sexual orientation and gender identity during job interviews, or being fired because the employer has found out about the employee's sexual orientation or gender identity. Only one case was reported to the authorities.</p> <p>LGBTI community members are discriminated against in work environments and in other cases not hired because of their sexual inclinations. (People's Advocate)</p> <p>(http://www.avokatipopullit.gov.al/en/content/17052016-people's-advocate-international-day-against-homophobia-and-transphobia)</p> <p>In Albania Labour laws prohibit employment discrimination because of race, skin colour, gender, age, physical or mental disability, political beliefs, nationality, religion, family, and social origin. Discrimination in employment and occupation occurred with respect to gender, presence of a disability, sexual orientation and gender identity, nationality, and ethnicity.</p> <p>(USSD, 2015)</p>	<p>Accepted.</p> <p>h The information is valuable and we will reflect it in the update.</p>

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

A study conducted by GISH (Grupi per integrim shoqeror - The Group for social Integration) in 2006 reveals that “as regards the employment of LGBT persons, the hiding of the sexual orientation can be explained with an inner fear of potential loss of the job, the discriminatory treatment in the working environment or difficulties with finding a new employment”.

In 2010 the Danish Institute noted that LGBT individuals are not open about their sexual orientation or gender identity in the workplace, out of fear of being fired or facing discrimination. It is unclear how prevalent this fear is following the non-discrimination law, as data on the topic still needs to be collected.

Comment on 5.4 Health : ‘The Law for Protection from Discrimination offer protection also in the field of health’: the law does not offer protection unless its application is achieved. And application of law remains an issue as and so does access to justice.

Health Care: Awareness among health practitioners on the specific needs of LGBT people is low, barriers and discrimination of LGBT people in the health care system, as well as violence and abuse against LGBT individuals occurs. Alliance LGBT has had thirteen cases of discrimination with regards to accessing health care. In one case a member of the community was not able to access necessary health services without being accompanied by a representative from Alliance LGBT. In another case a gay man reported that he had never accessed the healthcare system because everyone knew his sexual orientation in the city where he lived. In the other cases, LGBTI people reported being discriminated against and that they felt that the doctors prejudged them.

There has been an increasing trend on the number of people suffering from mental ill-health in Albania, in particular since 2011, which includes LGBTI individuals. Dr Reli, from the University Hospital Center states that reasons for this concerning trend alongside the usual socio-economic difficulties include also ‘the inability to lead a normal life...parent’s divorce and conflicts, as well as abuse and trauma from a young age’.

(Shqiptarja, May 27, 2016. Rritet numri i Shqiptareve te prekur nga semundjet mendore. <http://shqiptarja.com/shendetesi/2712/rritet-numri-i-shqiptar-ve-t--prekur-nga-s-mundjet-mendore-atje-ku-askush-nuk-do-t--jet--mysafir-358212.html>)

Partly accepted.

We can include this, but need either an English translation or to cite the reviewer as the source (if indirectly).

3.5 Comment on Section 6

<p>6.1 Social perceptions:</p> <p>Activist Xheni Karaj, states that ‘most people coming to the shelter had tried to kill themselves at least once ...because of the stigma, the shaming brought on to their families’ because of being gay, ‘so it’s a question of honour’.</p> <p>The documentary “Struggle of being gay in Albania” highlights testimonies from young people in the shelter who have been forced to leave their families because of their sexuality. Vice, 2015 https://www.youtube.com/watch?v=kbdNh6p8RKO.</p> <p>The owner of a nightclub for LGBTI Artan Karolli states that ‘most people frequenting the club are young and their families don’t know about their sexuality, so they have to come here in secret’. Vice, 2015.</p> <p>Activist Kristi Pinderi stated that his own ‘brother has not accepted my homosexuality and we don’t speak to each other’. Shqiptarja, May 18, 2016 http://shqiptarja.com/sociale/2750/kristi-pinderi-per-veshtiresite-e-komunitetit-lgbt-s--39-flas-me-tim-vella-356868.html. His mother has been the only person supporting him albeit as she states ‘she wished she had done that earlier (Vice, 2015).</p> <p>In another case Historia Ime reports: ‘Dennis, 21 years old, did not have an easy life with his family in a city in the south of Albania. One afternoon, his father took a kitchen knife and followed him around the home, threatening him because he couldn’t stand anymore his son’s sexual orientation. Denis managed to get refuge in the bathroom and waited there in panic for the help of his older brother. His brother housed him in a friend’s house that night and in the morning he accompanied him to Tirana’. http://historia-ime.com/2015/03/28/training-of-police-officers-on-lgbti-issues/</p>	<p>Accepted.</p>
<p>The situation for the LGBT community is precarious with reports of LGBT people been held against their will by family members, simply because of their sexuality. LGBT organisations are also working with the police to train officers on issues affecting the LGBT community. May 2015 https://www.civilrightsdefenders.org/country-reports/human-rights-in-albania/)</p> <p>The right to private life and family life is generally respected. Problems persist however for LGBT people, especially those with low income as they are more dependent on family goodwill (ibid.)</p> <p>According to the People’s Advocate, in Albania, intersex persons are numerous but are kept hidden by their families.</p>	<p>Partly accepted.</p> <p>We will review this source more closely given that it appears to make quite bold assertions with little qualification or explanation as to how those conclusions are reached.</p>
<p>Comment on 6.2 Polls and surveys: An opinion poll in 2015</p>	<p>Accepted.</p>

<p>carried out by the US-based National Democratic Institute (NDI), revealed that 76% of the LGBTI people surveyed in Albania felt that Pride parades that have taken place have improved the position of the LGBTI community in society http://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf</p> <p>Harassment impacts daily life, with 76% of LGBTI persons in Albania experiencing verbal abuse or intimidation because of their sexual orientation or gender identity (National Democratic Institute survey) (ibid.). 32% of LGBTI people surveyed in Albania had suffered physical violence because of their sexual orientation or gender identity.</p> <p>A documentary about struggles of being gay in Albania, published in December 2015 considers Albania as ‘the most homophobic country in Europe...In such a poor country, we realised that the only people that could stand up for LGBTI rights were the activists’. The public outing at Big Brother show 2010 of a young man from Lezha (north of Albania) was met with angry protests ‘Kick Klodi out’ from boys and young men: ‘He is not from Lezha, he is not Albanian, he doesn’t have Albanian blood’ (ibid.). ‘I get a lot of abuse in the street with people swearing at me’ (Vice, 2015).</p> <p>ProLGBT and ‘Historia Ime’ monitored seven online versions of mainstream media (daily newspapers and news agencies) in the period October- December 2015. From a total of 750 articles monitored, 208 included hate and discriminatory speech against women, LGBT persons and the Roma Community. Gay males and transgender people are most often targeted for hate speech. (www.historia-ime.com)</p> <p>Social attitudes are very hard among the older generations, but surprisingly nearly as much among the young. A 2011 survey on perceptions of Albanian youth concluded that “Albanian youth are generally tolerant and more open to different social groups, but they have a strong prejudice against homosexuals (they are homophobic).” Specifically 50.6% would not like to live near a homosexual and 39.5% were ‘not interested’. Male respondents showed higher levels of antipathy (67%) than females (46%). Respondents from rural areas showed higher levels of antipathy (58%) than Tirana (45%). Only 8.6% of all respondents would welcome a homosexual neighbour.</p> <ul style="list-style-type: none"> ● Monitoring of social media shows that public figures, albeit at young age, make homophobic statements about gay <ul style="list-style-type: none"> ○ http://www.gazetadita.al/sherr-mes-kristi-pinderit-dhe-eneda-tarifes/ ● and marriage 	<p>We will include the relevant material that is in English in the update.</p>
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<p>○ http://www.panorama.com.al/ermal-mamaqi-kunder-martesave-gay-si-do-ua-shpjegojme-femijeve/</p> <p>In general, reports from community members to Aleanca indicate that people who experience violence in public are usually young gay men aged 17 to 35 years.</p> <p>Almost all violence in public is targeted towards men who are more stereotypically gay and towards trans people. Contribution from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, updated June 1 2016. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf</p>	
<p>Comment on 6.3 Societal violence: Violence against the LGBT community is a present phenomenon according to the People's Advocate, with members of the community in many cases facing violence in domestic and public environments. (The People's Advocate on the International Day Against Homophobia and Transphobia, Tirana, 17 May 2016).</p> <p>Reports from the Commissioner for the Protection from Discrimination (CPD), the EU and civil society have highlighted regular incidents of homo/transphobic violence since 2011.</p> <p>In 2011, the NGO Pink Embassy reported to the OSCE one arson attack against a house inhabited by five transgender people and an assault against a transgender person resulting in serious injury.</p> <p>In 2012, the OSCE received reports of a group attack on 14 May with explosives used against participants in the first ever Pride event in Tirana. Fortunately it did not result in serious harm and the subsequent public debate led to amendments in the Constitutional Code. In the same year the NGO Pink Embassy reported three cases of physical assault, including one by a group. Civil society and the CPD also refer to several cases of violence against young LGBT people by members of their family.</p> <p>PINK Embassy and 'Historia ime' reported several individual cases of violence and discrimination throughout the year 2014, including instances where LGBTI people were removed from their familial home, left family home because of fear of being killed by family members had their resources cut by unsupportive family members, or were sexually abused. Some victims sought to leave Albania. http://historia-ime.com/2015/03/28/training-of-police-officers-on-lgbti-issues/</p>	<p>Recent sources accepted. The relevance of the older sources is questionable given the reported improvements in recent years.</p>
<p>'The most flagrant violence against LGBTI occurs in ... family!...and the biggest challenge is to address the domestic violence. The violence against LGBTI is unreported because unfortunately, the most part of it is exercised directly by family members. The family is presumed to be the most safe, and yet it can</p>	<p>Accepted.</p>

<p>be the most violent place for many of the members of our community’. Historia ime, 2016.</p> <p>The threat of violence against LGBTI people within families is as concerning to activists as public abuse. In 2013, ILGA-Europe recorded three cases of intra-familial violence directed against LGBTI people in Albania, though rates are likely much higher because they are seldom reported. An activist with the LGBTI organization Pink Embassy/LGBT Pro states that even if a family accepts a family member’s orientation or identity, it tends to “not want the issues to be known outside the family walls.” (Astraea Western Balkans Landscape 2015).</p> <p>Domestic violence: Domestic violence remains an issue for the LGBTI community. Cases of domestic violence are very common. In 2015, 15 cases of domestic violence were reported to Aleanca, mostly involving psychological violence from parents who felt that their child might be gay or lesbian. In six cases, members of the community reported that they had experienced physical violence because their family had found out they were LGBT. Aleanca has supported victims of such violence, either through providing psychological support or by providing shelter at STREHA. In several cases, Aleanca also collaborated with other NGOs that operate in Albania.</p>	
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3.6 Comment on Section 7

<p>Information to Section 7.2. Shelters</p> <p>i.</p> <p>“STREHA” is for LGBT youth who are homeless, victims of domestic violence, or at risk of violence.http://strehalgbt.al/sq/rreth-qendres-streha/</p> <p>The project was achieved through a common pilot project with the initial support of USAID.</p> <p>It was officially acknowledged by the state as a national service and received the official license for the service it offers. http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf</p> <p>The Shelter has been operating as an independent entity from Alliance LGBT and Pro LGBT since November 2015. The decision to become independent was made for the sake of sustainability and to ensure the continuity and consolidation of shelter services for the LGBT community.</p> <p>The Shelter has a capacity of 8 beds, employs 12 staff members, and offers aid and services for homeless LGBTI youth, including services to help with reintegration into their family home or transition to independent living in society. Between December 2014</p>	<p>Partly accepted. ILGA source accepted but the ‘Berfrois’ contributor appears to offer his private opinion; therefore we will not include this</p> <p>It is accepted that the location of the shelter may be widely known, and that it cannot guarantee 100% safety. Nevertheless, it provides a place to stay for those who meet the criteria and need accommodation.</p>
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<p>and November 2015, 45 LGBTI persons requested services at the Shelter. 18 individuals were housed for a total of 1460 nights.</p> <p>However, there appear to be significant funding concerns that might impact the project's sustainability going forward. To address this, there are calls for STREHA to become a beneficiary from state budget. The precarious nature of funding and sustainability for the shelter are revealed in an online exchange between two LGBTI activists following this year's Pride activities (May 2016): 'I also objected to the gala fundraiser last year, but I also had no better idea of how to save the shelter'.</p> <p>http://www.berfrois.com/2016/05/vincent-w-j-van-gerven-oei-minimal-divergence/</p> <p>It needs to be clear that the shelter offers limited accommodation. It is not intended and can not provide safe refuge for LGBTI people in fear of persecution, unless they are kept indoors on self-isolation. The location of the shelter is known to the public.</p>	
<p>Housing: In recent years there has been a rise in the number of LGBT youth who have problems with housing. This is a result of a few factors: coming out to the family and in some cases this resulting in being kicked out of the family house, harsh living conditions in discriminatory and aggressive communities (especially in small cities), inability to find a job, or inability to rent a house as a result of discrimination because on sexual orientation or gender identity.</p> <p>"Another problem encountered in cases of LGBTI people is the lack of housing when they are forced to leave their families due to violence and rejection." (People's Advocate)</p> <p>http://www.avokatipopullit.gov.al/en/content/17052016-people-s-advocate-international-day-against-homophobia-and-transphobia</p> <p>NGOs reported an increase in families evicting LGBTI persons from their homes. NGOs Aleanca and ProLGBT opened the first shelter for evicted LGBTI persons in 2014, with capacity to accommodate eight individuals. (USSD, 2015)</p> <p>http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper</p> <p>Lack of family support can also diminish the chances of successful return and reintegration. (NB. Over 25% of Albania's population lives in extreme poverty. The country's unemployment rate is 13%; for young people, the rate is twice as high.)</p>	<p>Accepted.</p>
<p>Other information relevant to CIG: The general level of police equipment and logistics remains an issue of concern according to the EC 2015 Progress Report on Albania.</p> <p>"The poor capacity of judicial police and prosecutors to detect and</p>	<p>Accepted.</p> <p>However this information is more relevant for inclusion in the 'Background' CPIN</p>

<p>investigate complex criminal cases means they are limited to simple investigations ending in arrests in the act, so there is no comprehensive approach to investigations and prosecutions. The law enforcement authorities are highly centralised, resulting in poor standards of investigation in remote areas of the country. Capacity to use special investigative means is limited. Formal and lengthy procedures to obtain even basic information during investigations cause significant delays and jeopardise the secrecy of the process. The police and prosecution services lack adequate resources to fight organised crime.”</p> <p>“Police collect and process crime statistics manually, which is cumbersome and undermines data reliability. The budget of the DNA sector of the Forensic Directorate, despite the recent increase, is insufficient to cover the costs of DNA collection, thus limiting DNA profiling capacity.”</p>	<p>for Albania, rather than in this.</p>
<p>Given its recency, the Law on Protection from Discrimination still requires to be fully implemented by state institutions and private entities while public awareness continue to remain low.</p> <p>Roma/Egyptian communities, LGBT and people with disabilities experience prejudice and discriminatory behaviour from public institutions and the general public.</p> <p>In 2014 the Commissioner for Protection from Discrimination reported an increase in the number of cases. https://www.civilrightsdefenders.org/country-reports/human-rights-in-albania/</p> <p>The main equality bodies have limited powers and capacities beyond situation monitoring and making recommendations:</p> <p>As part of the Law for Protection from Discrimination a Commissioner is appointed and serves for a five-year term and submits an annual report. Parts of the Commissioner’s competencies are: to examine complaints, take polls in connection with discrimination, publish reports, make recommendations and meet with civil society. LGBTI organizations have complained about the poor performance of the office and the lack of substantial work on LGBT rights.</p> <p>Albania has also an Ombudsman that is required to address human rights, including LGBT rights, reporting on the situation of LGBTI people, recommending legislative changes, and monitoring the situation and treatment of LGBTI people by public institutions. The powers of the office of PA are limited to recommendations that are not always taken on board.</p> <p>Few victims report acts of discrimination based on sexual orientation or gender identity, due to fear of reprisal or lack of trust</p>	<p>Partly accepted.</p> <p>We will only include information in the CPIN with the appropriate source.</p>

in public officials. <http://www.lgbti-era.org/countries/albania>

‘Widespread corruption and impunity is a contributory factor to the country’s poor human rights record. Various studies have shown that the general public viewed most public institutions, especially the justice sector, as corrupt or extremely corrupt. Reform of the judiciary will be essential to ensuring human rights and freedoms are upheld’. <https://www.civilrightsdefenders.org/country-reports/human-rights-in-albania/>

In its fifth report on Albania, the European Commission against Racism and Intolerance (ECRI) recommended that police consult civil society regularly on hate crimes and investigate these crimes thoroughly, fully considering bias motivation.

From 2014 on, ProLGBT (in 2015 together with Aleanca) has been training police officers in Tirana; all chiefs of all six police stations in Tirana and 20 to 30 policemen and policewomen per police station, plus 30 police from the elite forces The Eagles. The organisations believe that the police in Tirana have become more professional, but there is no data available on the situation outside Tirana. The signs are mixed: there is great sporadic collaboration in some southern municipalities, but also a report of a transphobic incident with the police in Shkodra, a northern city in early 2016. Police officers there harassed a group of LGBTI activists, and one transgender woman in particular.

In general the impression of police collaboration is positive, but it is important that newly trained police officers also receive LGBT awareness training in their education. Also, it remains doubtful that the police have proper internal protocols to deal with hate crimes, even though hate crimes are now addressed by the Penal Code. (Contribution from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania’s Report 2016, updated June 1 2016). http://www.ilga-europe.org/sites/default/files/enlargement_review_albania_2016.pdf

While some of the police force have benefited from training on LGBTI issues, this has not been on a national level and has consisted of awareness and sensitivity training. While this foundational training is wholly necessary, there is also great need for LGBTI rights to be more adequately reflected in the Police Code as well as operational procedures.

Violent attacks are underreported in Albania in part due to police abuse or ridicule. This situation will not be addressed until capacities are strengthened in terms of complaint and grievance mechanisms and state actors are made more accountable.

The failings of state actors and agencies to secure rights and

enforce justice are well documented.

“Police did not always enforce the law equally. Personal associations, political or criminal connections, poor infrastructure, lack of equipment, or inadequate supervision often influenced enforcement of laws. Low salaries, poor motivation and leadership, and a lack of diversity in the workforce contributed to continued corruption and unprofessional behaviour”.

http://www.ecoi.net/local_link/322464/448239_en.html

Cases provide clear evidence of poor policing (even by national standards), corruption, discrimination and malfeasance, with little to no recourse for the victim:

ECRI (2015) encourages the People’s Advocate to address issues of structural discrimination by public authorities, notably in the areas of social services and policing.

According to the Commissioner’s Annual Report for 2013 “members of the LGBT community are increasingly victims of hate based incidents (in public places and within the family). Cases of harassment of trans-people by police officials have been reported to the Commissioner for Protection from Discrimination (ILGA-EUROPE, 2014).

For more on chronology of reported abuse see comments on 2.3.5.

From EU progress report on Albania, 2016: The legal framework for the protection of **human rights** is broadly in line with European standards. Albania has ratified most international human rights conventions. However, enforcement of human rights protection mechanisms remains to be strengthened. As regards freedom of expression, Albania has some level of preparation / is moderately prepared. The overall environment is conducive to the freedom of expression, but better implementation of the legislation is needed.

4 Review of responses to COI requests

1-1. COI request 1– Gorani ethnic groups, 03/16-066

<p>Can you provide information whether people who are of Gorani ethnicity are discriminated against in Albania by both the authorities and the general public?</p>	
<p>European Parliament resolution of 15 February 2017 on the 2016 Commission Report on Albania (2016/2312(INI)) http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0036+0+DOC+XML+V0//EN&language=EN</p> <p>20. Recalls, among the key priorities, the need to reinforce the protection of human rights, minority rights and anti-discrimination policies, including by strengthening their enforcement; urges the competent authorities to continue improving the climate of inclusion and tolerance for all minorities in the country in line with European minority protection standards, including by enhancing the role of the State Committee on Minorities; welcomes the initial steps aimed at improving the legal framework for the protection of minorities, and calls on Albania to adopt the framework law on the protection of minorities and to ratify the European Charter for Regional and Minority Languages; notes the broad consultation process involving independent institutions, minorities associations and civil society; underlines the need to improve living conditions for Roma, Egyptians and other ethnic minorities; calls for concrete actions such as the civic registration (birth certificates and IDs) of Roma and Egyptians, calls for continued efforts in improving their access to employment and all public and social services, education, health, social housing and legal aid; is concerned that, despite improvements, the inclusion of Roma children in the education system remains the lowest in the region;</p> <p>24. Notes that further efforts are needed to protect the rights of all minorities in Albania, through the full implementation of the relevant legislation; recommends that the rights of people with Bulgarian ethnicity in the Prespa, Golo Brdo and Gora regions be enshrined in law and ensured in practice.</p> <p>Media reportage</p>	<p>Accepted.</p> <p>Since this COI request was answered, we have produced the CPIN on ethnic minority groups. We will therefore update the CPIN and remove this COIR.</p>

Gorani not officially recognised as a minority group

The **European Parliament** is calling for the first time on **Albania** to recognize the Bulgarian community living in the country as a minority, EPP/GERB MEP **Andrey Kovatchev** has said.

In a press statement, Kovatchev cites a draft report prepared by the Parliament that recommends for "the rights of people of ethnic Bulgarian origin in the areas of Prespa, Golo Bardo and Gora to be included into the legislation and safeguarded in practice."

Kovatchev's estimates, which roughly coincide with unofficial ones from different Bulgarian sources, suggest "between 50 000 and 10 000" ethnic Bulgarians live in Albania.

Other recommendations include a call on authorities to speed up the construction of the Tirana Skopje motorway as part of **Corridor VIII**, which is "in the interest of Bulgaria," Kovatchev notes.

The report will be put to a vote during the **European Parliament's** plenary in Strasbourg this month.

Albania now recognizes Greek, Macedonian, and Montenegrin minorities.

In the Gora region in particular, some historians have referred to the cross-border Slavic-speaking groups living there as "Gorani", whose identity is a matter of disputes between Albanians, Kosovars, Macedonians and Bulgarians - but also among the Gorani themselves.

EU Parliament 'Calls on Albania to Recognize Bulgarian Minority'

<http://www.novinite.com/articles/178691/EU+Parliament+'Calls+on+Albania+to+Recognize+Bulgarian+Minority'>

The **European Parliament** has called on **Albania** to make sure the rights of all minorities - and specifically ethnic Bulgarians - are safeguarded and legally enshrined.

In its 2016 report on **Albania**, [formally adopted on Wednesday](#), the EP "notes that further efforts are needed to protect the rights of all minorities in **Albania**, through the full implementation of the relevant legislation."

The Parliament also "recommends that the rights of people with Bulgarian ethnicity in the Prespa, Golo Brdo and Gora regions be enshrined in law and ensured in practice."

There are different estimates about how many Albanian nationals are of Bulgarian descent, but various sources put the

number between 50 000 and 100 000.

Albania now recognizes Greek, Macedonian, and Montenegrin minorities.

In the Gora region in particular, some historians have referred to the cross-border Slavic-speaking groups living there as "**Gorani**", whose identity is a matter of disputes between Albanians, Kosovars, Macedonians and Bulgarians - but also among the **Gorani** themselves.

Bobi Bobev, a former Bulgarian Ambassador to Tirana, has told the Bulgarian National Radio that there are between 30 000 and 40 000 ethnic Bulgarians in the areas in question, according to the latest estimates.

But he has also pointed to the fact that "this population is torn in its feelings between **Bulgaria** and Macedonia."

"In the comments that followed, I see the erroneous claim that everything depends on our position, on our policy. The problem is domestic for the Republic of **Albania**, it is up to them to decide."

Macedonian media [have reacted to the EP's claims](http://www.novinite.com/articles/178920/EP+Calls+on+Albania+to+Recognize+Bulgarian+Minority).

<http://www.novinite.com/articles/178920/EP+Calls+on+Albania+to+Recognize+Bulgarian+Minority>

EP Ruling on Bulgarians in Albania Sparks Negative Reaction from Macedonian Media

A **European Parliament** document [calling on Albania to recognize a Bulgarian minority](#) and legally enshrine its rights has prompted a harsh response in Macedonian media.

Macedonian news website Dnevnik.mk has described the EP move as "surprising".

Other media outlets pick up on the story saying the **European Parliament** states "there are Bulgarians" in **Gora**, Mala Prespa and Golo Brdo.

They also cite negative reactions from the Greens-European Free Alliance group, which has 51 seats in the EP and whose MEPs note the only minority living in the areas in question is "the Macedonian minorities, which is officially recognized in Prespa, but not in Golo Brdo."

"**Gora** is home to the Muslim community of **Gorani**," Mkd.mk quotes EFA representatives as saying.

"No international organization, human rights groups, local organization, has raised demands about the rights of a "Bulgarian minority", merely because such a minority exists

<p>only in the rights of Bulgarian officials in Sofia and, evidently, also in the European Parliament."</p> <p>They accuse Bulgaria of following an agenda that aims to deny the existence of the Macedonian nation. State-run news agency MIA notes:</p> <p>"Earlier, the Bulgarian MEPs claimed that "100 000 Bulgarians live in Albania who do not have all the rights of a recognized minority." In other words, they want - and succeeded - to put forward the thesis that the Macedonian minority in the three places indicated is actually a Bulgarian one."</p> <p>http://www.novinite.com/articles/178921/EP+Ruling+on+Bulgarians+in+%3Cb%3EAlbania%3C/b%3E+Sparks+Negative+Reaction+from+Macedonian+Media</p> <p>"The bilingual community has called the Gora region home for centuries. However, in the last two decades the community has been tempted by offers of citizenships from neighboring states. In the early Nineties, Serbia tried to claim the Gorani as a Serbian minority, partly because they also live in Kosovo, which Serbia was then fighting to retain. Macedonia also offered the Gorani citizenship. The Bulgarians were next. But their offer triggered a much bigger migration."</p> <p>http://www.balkaninsight.com/en/article/albania-s-gora-minority-takes-bulgarian-route-to-eu-04-18-2016 https://tribunalsdecisions.service.gov.uk/utiac/38647</p>	
<p>COI request 2 – LGBT, Minors, shelters 02/15-128</p>	
<p>1. What facilities/shelters are available in Albania which cater for LGB minors?</p> <p>2. Are there any outside Tirana?</p> <p>3. Are there sufficient beds that someone could immediately enter such a shelter upon return to Albania?</p> <p>4. What assurances do they give that LGB children in shelters which are not specifically for LGB individuals are adequately protected and catered for?</p> <p>Comment:</p> <p>1. The LGB Shelter is for youth 18-25, not minors.</p> <p>a. This is stated in its purposes to "offer aid and services for homeless LGBTI youth, including services to help with reintegration into their</p>	<p>Accepted.</p> <p>Since this COI request was answered, we have produced the CPIN on sexual orientation and gender identity and sought to incorporate this information in that.</p> <p>We will therefore update the CPIN, subject to finding suitable sources for the information, and remove this COIR.</p>

<p>family home or transition to independent living in society.”</p> <p>b. Unaccompanied minors would fall under the state Orphan legislation.</p> <p>2. There are no LGBT shelters outside Tirana.</p> <p>3. Immediate shelter is highly contingent on two major factors:</p> <p>a. Application processing: whether approached directly or through referral, emergency accommodation is subject to prior application by email according to the shelters internal protocols and checks.</p> <p>b. Availability: Accommodation is subject to availability at any time.</p> <p>i. Given that, the shelter seems to run at a high level of utilization.</p> <p>ii. Regarding sufficiency of beds: ‘Streha’ based in Tirana, has capacity of 8 beds, employs 12 staff members.</p> <p>iii. Between December 2014 and November 2015, 45 LGBTI persons requested services at the Shelter. 18 individuals were housed for a total of 1460 nights.</p> <p>4. LGB children in shelters (presumably VoT or VoDV) which are not specifically for LGB individuals would not receive any additional protections than typically provided.</p>	
COI request 3– Imprisoned minors 07/15-027	
Can you provide information about the Albanian Judicial System, specifically about whether a minor convicted of an offence would be imprisoned?	
<p>1. Additional sources to consider from People’s Advocate reports on prisons; Civil Rights Defenders; Albanian Helsinki Committee; EU Albania progress report, November 2016 comments on political, and judicial assessment of the country.</p> <p>2. There is prison facility for minors aged 14-18 (source: general directorate of prisons). http://www.dpbsh.gov.al/newweb/</p>	Accepted.
COI request 4 – Single women & children, 10/15-009	
Can you provide information regarding honour killings/ illegitimate children/ safety for single mothers with children out of wedlock in Albania.	

<p>Generally the response could benefit from including more sources, academic, organisation reports and media monitoring.</p> <p>Honor killings have not been sufficiently addressed in the response. There is a vast field of information and evidence on the current situation as regards honor killings. The application of Kanun has shown a divergence from the literature interpretation of it, adding the risks to the individual. These risks and evidence of the application of Kanun including honor killing of women and even children, require particular attention when responding to such requests.</p> <p>Equally - the second part of the question on illegitimate children has not been sufficiently answered. It needs to address information as regards the wider impacts - social and economic- on the mother and the child.</p> <p>The third part of the question on safety for single mothers with children out of wedlock - needs to address societal attitudes, prejudice and discrimination, and wider impact on the vulnerability of a single mother. The answer would benefit from also addressing issues such as state support (benefits), access to services, and state protection.</p>	<p>Noted.</p> <p>We acknowledge that further information is available, but time constraints limit what we can provide when responding to COI Requests.</p> <p>We did also provide additional sources for the decision-maker to access further information.</p>
COI request 5 – TG 07/15-002	
Online news articles appear to indicate TG was arrested in May 2013 for the murder of RL - previously AH was arrested. Is there any further information about TG's arrest e.g. was he formally charged, sentenced for this?	
<p>The following media reports in Albanian are found:</p> <p>arrested - 07/06/2015 http://www.oranews.tv/vendi/forca-t-speciale-arrestojne-taulant-xhinin-ne-2014-qelloi-mbi-policine/</p> <p>case reopened- 30/06/2015 http://www.newsbomb.al/aktualitet/item/14991-tentoi-te-vriste-kater-police-dergohet-per-gjykim-taulant-gjini</p>	<p>Thank you for the suggestions. However, this was a very person-specific request and the additional sources are in Albanian. Therefore we do not intend to update the response.</p>
COI request 6 – Education, health care, welfare overview 02/15-041(rev)	
A general overview of education facilities, health care and welfare facilities available to a child on return to Albania?	
<p>The response does not contain enough information to give a real picture of the country situation at the time of the response (March 2016) as regards education, health care and welfare facilities towards children. This topic necessitates a thorough review of the situation (socio-economic), the current government policies, services available and access to services</p>	<p>Noted.</p> <p>We acknowledge that further information is available, but time constraints limit what we can provide when responding to COI Requests.</p>

as regards education, health care and welfare.. The response is incomplete, does not address serious issues that affect a child upon return to Albania. There is plenty of information and statistics available to include in formulating the answer on this topic, publications from human rights organisations, local children's NGOs, research papers and publications, as well as Government reports and strategies as regards each of the specific issues asked in the question.	
COI request 7– Political Affiliation, 01/17-015	
<p>I am dealing with a case whereby a subject claimed asylum and was granted refugee status in 2000. The subject in question is Albanian and based his fear of persecution on his links to the Democratic Party. Would you be able to provide some information to confirm that in 2005, the Democratic Party came to power in Albania?</p> <p>The subject returned to Albania in 2006 when he was still classed as a refugee. Is there any information to suggest the person had a fear of return in 2006 because his party were in power?</p>	
This is a backdated information. The DP came to power in 2005. DP was in power in 2006. It is not clear from the request whether fear of persecution was by other political forces (opposition), or by non-state individual actors.	Accepted. We are taking steps to require decision makers to be more specific when making COI requests.
COI request 8– Security forces, 03/16-007	
Can we find out the name of the head of police/police director for the Kukes region of Albania?	
Backdated information. The response reflects reporting from two different dates (2010 and 2013). These are appointed positions and are subject to frequent turnover of staff/appointees. It is not clear the date for which the information is requested.	It is accepted that it was not clear for which date the information was needed. However, it was stated in the response that limited information could be found in the time available.
COI request 9 – Trafficking, 03/15-068	
<p>Is there any further information available on his arrest (MB) / him e.g. whether he was sentenced, is still in prison, whether further information about his offences has come to light?</p> <p>No other info was found online.</p>	Noted.

5 Information about the Reviewer

Dr. Enkeleida Tahiraj, MA (Sussex), PhD (York)

Visiting Senior Fellow, LSEE, The London School of Economics

Provided country expertise on COI issues on Albania since 2004 and is author of Routledge Europa yearly review on Albania since 2007 including human rights, socio-economic development and rule of law. Has been Senior consultant for international organisations including the United Nations and the European Commission, as well as various EU governments. Directed Alex Nash Program in Albanian Studies at University College London. Was adviser on Human Rights, Social Policy & Employment for the EU Delegation in Albania, including peer reviews on monitoring of rights protection and yearly contributions on EU Progress report. Lead the drafting of the Albanian Strategy for Social Inclusion and Social Protection 2013-2020; authored two UNDP and UN Women studies on attitudes and behavioral change to reduce GBV in Albania. Authored Commentary on 2012 Albania Country of Origin (COI) and Operational Guidance Note (OGN), for the UK Independent Chief Inspector of Borders and Immigration (2013). Was visiting scholar at University of California San Diego and Penn State University, USA. Lectured and researched at University College London (UCL) and the London School of Economics. Has presented internationally and published extensively on rights and vulnerable groups in Albania and SEE. Other research includes rights based policies in the EU countries.

Annex B

Review of the Home Office Country of Origin Information (COI) on Bangladesh: Minority Religious Groups (March 2016); and Political Opponents (February 2015); and 10 responses to COI requests.

Prepared for the Independent Advisory Group on Country Information (IAGCI)

[Joseph Allchin, is a journalist and writer]⁹
[February 2017]

⁹ Joseph Allchin is a journalist who has covered Bangladesh for the Financial Times, the Economist and others. He has consulted on the human rights situation in the country for Amnesty International and the political and economic situations for Control Risks and the Eurasia Group. He is writing a book on the challenge of Islamist militancy and extremism in Bangladesh. He has prepared this report in his private capacity.

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1 Introduction

1.1 Instructions

The aim of this review is to provide an assessment of the March 2016 COI Report on Bangladesh Minority Religious Groups and the February 2015 COI Report on Bangladesh Political opponents, and draw attention to any points of concern that may affect the report's quality, as a resource for those involved in the asylum determination process. The specific objectives of this commentary are as follows:

- To assess the extent to which information from source documents has been appropriately and accurately reflected in the COI Report.
- To identify additional sources detailing the current human rights situation and threats faced by religious minorities in the country.
- To note and correct any specific errors or omissions.
- To make recommendations for general improvements regarding, for example, its coverage or its overall approach.
- To offer areas of nuance that could be added to assist the relevant authorities in the UK.

The reviewer has attempted to review each point made in the report through careful analysis of the statements or positions made or taken. When sourced material and or comment appeared to be contentious, these were flagged and discussed. These are ordered as per the report itself.

The points have been approached with considerable cross-checking and reading on contentious points and episodes of the country's recent political history. The report has not assessed structure to a large extent and has instead primarily focused on content. In terms of structure the relative brevity of the respective reports helped to keep them manageable and easy to navigate.

1.2 Methodology

To make an assessment of the above criteria, the COI report text was crosschecked with many of the sources it referenced and further reliable, freely available sources on Bangladesh were identified. The report was read and checked for errors, inconsistencies, problems with referencing, while the user friendliness was considered.

2 March 2016 COI Report on Bangladesh Minority Religious Groups

2.1 Summary of Review

The narrow set of religious groups focused on by the report neglects some of the more regularly persecuted groups. For instance, the report neglects to focus on atheists, as a religious minority who are arguably one of the most persecuted group in the country, many of whom have sought asylum in European countries, as a result. The exact size of this group is not known, because of the level of repression felt in the country, however it is a particular target of non-state actors, and given little protection by the state. Further, Sufi Muslims are not covered or considered a minority religious group by this report. This Muslim sect is widespread and followed by large numbers. It has periodically come under attack in Bangladesh, as it has in nearby Pakistan. It should consequently be viewed as distinct religious minority.

There are a few sources for which the links are broken and or are less than reliable. However, on the whole the sources used are reliable and relatively objective. In reviewing the text additional easy to access/free sources of information are offered that add further, up to date information, analysis and reporting.

The review finds that the report goes somewhat towards and makes commendable effort to adequately convey the complexity of identity politics, legal and non-state repression and access to justice in Bangladesh.

There are major incidents including the attacks on the Santal minority that paint an important and worrying picture of official action against minority religious groups.

The difference in style between the Country Information section and the previous two sections is unhelpful. The Country Information section is comprised solely of quotations from other sources or institutions, which while providing important background is a little bit divorced from the previous two sections. For the country information section it would be useful to have more original analysis and contemporary reference. While the Buddhist section of the country information section focuses too narrowly on one incident in 2012.

<p><u>Main Suggestions relating to the CPIN:</u></p> <ol style="list-style-type: none"> 1. Include a focus on more religious groups beyond the four focused on – for instance on Sufi Muslims and atheists. 2. Correct faulty links. 3. Improve coverage to look at issues with more nuance. In particular coverage of the level of protection missed the very real nature of state actors in repression of minority groups. 4. Those points should necessitate more sources and a simply broader look at the country. 5. Broaden out the Country Information section to include more up to date examples and also to include further examples or cases in the Buddhist section. 	<p>Please see our responses to the specific points below.</p>
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2.2 Understanding of the themes addressed in the CIG Reports

The report in general conveys and understands the multifaceted nature of threats faced by those religious minorities that the report focuses on. However, as noted this should have been broadened out to include other minority groups. This reduces the field and understanding of the picture of repression faced by minority religious groups in Bangladesh.

2.3 Quality and balance of sources

In general, what is the quality and balance of the sources used? Are they generally of high quality and relevant to the time period covered by the CIG Report?

In general the quality of sources is very good. There is a clear balance, with solid local NGOs, such as Ain o Salish Kendro and Odhikar mixed with official government sources and respectable foreign NGOs. These are balanced and at least a broad consensus is achieved through the variety of groups used, which helps to cover bases and angles. The UN sources are particularly valuable as they represent both international expertise and on the ground access and commitment.

There were however links that did not work. The reviewer did not check every single link, but many were clicked on. Of note, the Chittagong University Law report links in 5.5.4 and 5.5.5, and the Hindu American Foundation links in 6.2.1 and 6.2.8 all did not work.

The Chittagong University report is a shame because it is encouraging to see reference to local academia that would have nuanced analysis and multifaceted first hand experience. The Hindu Foundation link is used to cite a pretty weighty and important suggestion so it would be recommended to make sure that a suitable replacement is found or that link is fixed.

Individual paragraphs being considered should be quoted in full, or if very long, in as much detail as is needed to be understood. The reviewer's assessment of the cited material should be clearly identified, and if an amendment is recommended the source of the suggested information should be provided in a full citation.

It may be useful to comment on the Structure (the organisation of the section, where it appears in the report) and the Content (whether a finding is accurate, up to date, balanced, and complete) of individual sections separately.]

2.4 1: Introduction

	Home Office Response
<p>1.1.2 “For the purposes of this guidance, ‘minority religious group’ means Hindus, Buddhists, Christians and the Ahmadiyya.”</p> <p>A firm recommendation: the Muslim Sufi¹⁰ minority in the country is possibly larger than the minority groups addressed in the report. Practisers, followers and preachers of this form of worship and derivations of it, have come under attack. Followers of derivations¹¹ such as followers of Lalon Shah have been branded apostates¹², which opens them up to being targeted by orthodox Sunni Muslim extremists and is widely considered to be an offence punishable with death according to Sharia law and orthodox Islamic interpretation. While Shias¹³ have also been attacked they exist in much smaller numbers than Sufis. Atheists meanwhile have been persistently targeted and murdered. In one case the deceased, Ananta Bijoy Das¹⁴ had been refused a Swedish visa shortly prior to his killing. The numbers of atheists in Bangladesh are not known. However, they are particularly targeted and receive less protection or support than any other group in the country. These individuals are highly likely to, and have in the past, sought asylum in European countries.</p>	<p>Partly accepted:</p> <p>(a) Information on Sufis and Shias will be included in the next version. The inclusion of other faiths will also be considered, based on user need.</p> <p>(b) We have considered how best to cover Atheists and have taken the view it would be more appropriate to do so in a separate CPIN or COI Response, because (i) Some of the information in the Guidance section and certain COI sections (e.g. family law) does not directly apply to atheists; (ii) Whereas other religious groups are indentifiable by their practices/rituals and attendance at prayer services, etc, atheists are not; (iii) the situation of an atheist or secularist is partly dependant on whether or not they choose to express their beliefs or opinions publicly, such as in internet blogs.</p>

¹⁰ Sufis attacked in Bangladesh: <https://www.nytimes.com/2016/05/08/world/asia/sufi-muslim-leader-killed-in-latest-hacking-attack-in-bangladesh.html>

¹¹ Recent attacks on Sufi adherents: <http://timesofindia.indiatimes.com/world/south-asia/Three-Sufi-Muslims-injured-in-Bangladesh-machete-attack/articleshow/53250640.cms>

¹² Followers of Lalon Shah branded apostates: <http://bdnews24.com/bangladesh/2016/12/14/netrakona-leaflet-brands-lalon-followers-as-apostates>

¹³ Shias attacked in Bangladesh: <http://www.bbc.com/news/world-asia-34942476>

¹⁴ Atheist attacked denied Swedish visa: https://www.washingtonpost.com/news/worldviews/wp/2015/05/13/slain-bangladeshi-blogger-may-be-alive-if-sweden-had-given-him-a-visa/?utm_term=.8182dd7c88c3

2.5 2: Credibility

<p>2.2.1 “Bangladesh is a secular, pluralistic parliamentary democracy; the constitution and other laws protect religious freedom and ensure equal status and equal rights in the practice of the Hindu, Buddhist, Christian and other religions. This is generally respected by the government and there is no indication that the state actively engages in persecuting people on account of their religion.” Comment: previous governments have inserted explicitly Islamic notions into the constitution giving the country a state religion. To date, despite nominal secular credentials of the government and the ruling Awami League party, draconian legislation has been routinely used to punish critics of the majority Sunni religion. As such objective application of the law is entirely absent, and only those of the majority religion enjoy protection of their so-called religious sentiments – the vague terminology that is used in Bangladeshi law. Such discriminatory application of law is routinely used to attack religious minority communities, whereby often false¹⁵ accusations will be levelled that a member of a minority religious community has offended Sunni Islam with an online post. The law is seldom used to protect those without religious affiliation, or even of religious minorities, for example atheists, who can be said to suffer persistent and systematic discrimination. Law enforcement officers have refused to investigate the high profile murder of American citizen, Hindu-born atheist writer Avijit Roy, according to senior intelligence officials from Bangladesh National Security Intelligence and the Directorate General of Forces Intelligence¹⁶.</p>	<p>Partly accepted: In preparing the next update we will examine to what extent this information is corroborated in other sources. There does not appear to be anything in the cited New York Times article, for example, to support the view that ‘...draconian legislation has been routinely used to punish critics of the majority Sunni religion. As such objective application of the law is entirely absent...’</p>
<p>2.3.1 “Instances of societal discrimination, harassment, intimidation and occasional violence against religious minority communities persist although many government and civil society leaders claim these acts have political or economic motivations and should not be attributed wholly to religious beliefs or affiliations.” Comment: the discriminatory application of the law is used as an excuse to commit acts of violence as a pretext for acts of theft or appropriation especially against minority Hindus. However all minority religious groups are targeted simply because of their status. Atheists suffer the least protection, recognition</p>	<p>Accepted Paragraph 2.3.1 would be accurate if amended to read ‘these acts <u>sometimes</u> have political or economic motivations’ and ‘should not <u>always</u> be attributed wholly to religious beliefs or affiliations.’</p>

¹⁵ False accusations of ‘harming religious sentiments:

https://www.nytimes.com/2016/11/16/opinion/attacks-on-hindus-in-bangladesh.html?_r=0

¹⁶ Reviewers interview, 9 February 2017, Dhaka.

or official sympathy.	
<p>2.3.4 “religious minorities are to be found throughout the country and the evidence does not support a finding that in general there is a real risk of persecution, serious harm, or other breach of fundamental human rights to members of the Hindu, Buddhist, Christian and Ahmadiyya minorities. However, each case must be assessed on its individual merits.” Comment: The proportion of the Bangladeshi population who come from a minority religious community has declined steadily. Economist Dr Abul Barakhat from Dhaka University and others note¹⁷ a continued and systemic eradication of minority populations. While the overall population of Bangladesh continues to grow. This would suggest there is a general, sustained breach of the rights of minorities throughout the country. While acts of real persecution are regular and often committed for economic purposes, they are also committed for purely ideological reasons, as with the case of alleged forced conversions of children from the Chittagong Hill Tracts¹⁸ suggests.</p>	<p>Noted.</p> <p>The decline of the Hindu community over time is noted in paragraph 6.2.1. But note that the article in the Dhaka Tribune of November 2016 does not necessarily indicate that Hindus continued to emigrate at the same rate after 2012; it does state that ‘Barkat found that the exodus mostly took place during military governments.’</p> <p>The forced conversion of children by Muslim ‘radicals’ in the CHT is dealt with in section 5.4 of the CPIN; the Dhaka Tribune article is a useful additional source – and this also notes that ‘police have rescued 72 children from this crime ring.’</p>
<p>2.4.1 “Whilst there is a functioning criminal justice system.” Comment: this statement is highly debateable. The International Crisis Group, in one of the more thorough, freely available reports/pieces of research on the topic, titled their section on the criminal justice system, ‘The Dysfunctional Criminal Justice System¹⁹’. They found that the system was deeply politicised and deeply under or poorly resourced. They find that only one third of prisoners in the prison system have been convicted or tried. These failings are related and symbiotic. They create a system where most Bangladeshis are not served by the criminal justice system and this would be especially so for minority religious groups. Access to justice will be directly related to power and influence.</p>	<p>Partly accepted.</p> <p>The reader is referred to the CPIN on ‘Background information, including actors of protection, and internal relocation’, which details the inefficiency and corruption present in the criminal justice system. Nevertheless, the criminal justice system is functioning – for example, there are cases in which the attackers of ‘atheist’ bloggers have been tried, convicted and sentenced.</p>

¹⁷ Decline in minority populations: <http://www.dhakatribune.com/bangladesh/2016/11/20/abul-barkat-632-hindus-left-country-day/>

¹⁸ Forced conversion of children from the Chittagong Hill Tracts:

<http://www.dhakatribune.com/bangladesh/nation/2017/01/04/indigenous-children-forced-conversion/>

¹⁹ ICG on dysfunctional criminal justice system: <https://d2071andvip0wj.cloudfront.net/277-political-conflict-extremism-and-criminal-justice-in-bangladesh.pdf>

<p>2.4.3 “Effective state protection is in general available for members of religious minority groups.” Comment: In recent months members of religious minority communities, rather than experiencing state protection, have come under attack from the state security forces. The Hindu Santal minority group in the north of Bangladesh, for instance, was violently expelled from land, and footage appears to show police setting fire to homes and property²⁰. This fits into a broader pattern of severe insecurity for religious minorities and other vulnerable populations. Moreover, this footage and issue is firm proof of accusations, regularly levelled at the police and security forces by activists and members of minority communities alike, that the security forces are actively involved in the persecution of minority communities. Police effectively serve powerful vested political or economic elites and interests.</p>	<p>Partly accepted. The CPIN, in paragraph 2.4.2 and section 7, provides details of certain police failures and incidents of misconduct in relation to minority religious groups. But as the US Department of State noted in 2015, for example, ‘The government continued to provide law enforcement personnel at religious sites, festivals, and events considered targets for violence. The government also provided additional security at the Hindu festival of Durga Puja, Christmas, Easter, the Buddhist festival of Buddha Purnima, and the Bengali New Year or Pohela Boishakh.’ http://www.refworld.org/docid/57add8a415.html</p>
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²⁰ Police set fire to Santal homes: <http://www.newagebd.net/article/4680/cops-set-fire-to-santal-houses-al-jazeera>

2.7 3: Policy Summary

<p>3.1.1 “In general religious minorities are able to practise their faith freely, attend places of worship and participate in religious activities.” Comment: atheists and other dissenting religious communities are systematically denied their right to express their religious sentiments. The authorities have jailed outspoken dissenters, including those who have been attacked by non-state actors, for example Asif Mohiuddin²¹. Reporters Without Borders, a French freedom of expression group, note that the government has a committee to hunt atheists expressing themselves online. Meanwhile the country’s Information and Communication Technology (ICT) law, and in particular its article 57 is extremely vaguely worded and includes harming religious sentiment as a crime. A specific Digital Security Act, of which freedom of speech activists have also been highly critical, should soon replace the ICT law, which was originally brought in in 2006, but which has been periodically enhanced by the current government. In the new law, the vaguely defined act of harming religious sentiments will potentially result in two-years in jail²². In practice, the use of this law is reserved largely for the majority Sunni Muslim community, while minority atheists are essentially denied all rights to express their religious views. Furthermore, this researcher has never known a member of the orthodox Sunni Muslim community to be prosecuted for “harming religious sentiments” of another religious group or minority, despite frequent bellicose statements from hard-line groups concerning the beliefs of other individuals groups.</p>	<p>Noted. The sentence quoted remains correct. We are currently preparing a CPIN on freedom of the press and of expression in Bangladesh and will examine the application of the Communication Technology law, for example. We disagree with the suggestion that “In the new law [Digital Security Act], the vaguely defined act of harming religious sentiments will potentially result in two-years in jail. In practice, the use of this law is reserved largely for the majority Sunni Muslim community...”, because this new law has not yet been enacted.</p>
<p>3.1.2 “The state does not appear to engage in, or sanction a policy of persecution in regard to religious minorities, although individuals affiliated with political parties, ruling and opposition alike, sometimes instigated violence against members of religious minorities for political purposes.” Firm suggestion: the</p>	<p>Partly accepted. This sentence in the CPIN is accurate. The US State Department’s 2016 Human Rights Report, which was published on 3 March, gave the</p>

²¹ Asif Mohiuddin jailed: <https://rsf.org/en/news/blogger-asif-mohiuddin-arrested-over-blasphemous-blog-posts>

²² Digital Security act two years in jail for “harming religious sentiment”: <https://cpj.org/2016/08/proposed-cyber-security-bill-threatens-media-freed.php>

<p>state does not protect atheists or other minorities and their rights with the same vigour as it does the majority community. The vague wordings of laws and their very subjective use are examples. The Committee to Protect Journalists, an American freedom of expression organisation, ranked Bangladesh near the top of its “Impunity Index” in 2015. This was because of the impunity with which non-state actors from the majority community can operate when targeting members of minority religious communities²³. By contrast (as noted in comment on 3.1.1) harming religious sentiments, in practice often equates to anything that questions or deviates from the Sunni Muslim faith, can result in two years in jail according to a new digital security act (which is yet to be fully passed, at the time of writing). The on-going (at the time of writing) case of Shamsuzoha Manik²⁴, a publisher, highlights the dual threats of official, or legal persecution for expressing opinions on religious matters, and that of non-state actors.</p> <p>In the source quoted by the report meanwhile, it is noted that “indigenous peoples living in the CHT region – mostly following Buddhism and Christianity – constituted the vast majority [of the population at independence], the numerical relationship between indigenous and Bengali populations has by now become more or less even.” This notes the United Nation’s special rapporteur on freedom of religion, “was not least as a result of Government-induced population transfer in the past.”²⁵ The government has still not ratified, after 20-years, a treaty signed with indigenous peoples in the region that prevented this phenomenon. Instead the government heavily restricts access and has built new military bases in the region despite a pledge to demilitarise. Important to note the fraught political situation in the Chittagong Hill Tracts.</p>	<p>following example: ‘On October 30 [2016], 150-200 people vandalized 200 homes and at least five temples in the eastern Bangladesh subdistrict of Nasirnagar, reportedly injuring 150 people and setting fire to eight shops. The attack followed a Facebook post by a local resident showing a doctored photo with a Hindu deity pasted over the Kaaba in Mecca. A National Human Rights Commission fact-finding mission to the district reported on November 2 that the attacks were deliberate and aimed at driving out Hindus so as to grab their land. The Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) asserted that the local administration and the local Member of Parliament were responsible for failing to prevent the attacks. A police investigation found that a feud between ruling party members precipitated the attacks. Government officials, students, Hindu organizations, and others condemned the attacks, although there was disagreement on the cause. Police detained approximately 100 people, including the owner of the internet café where the photo was uploaded; many had tenuous links to the incident.</p>
<p>3.1.6 “Internal relocation to another area of Bangladesh</p>	<p>Not accepted.</p>

²³ Bangladesh near top of CPJ impunity index: <https://cpj.org/reports/2015/10/impunity-index-getting-away-with-murder.php#index>

²⁴ On-going case of Shamsuzoha Manik: <https://pen.org/february-featured-case-violence-censorship-bangladesh-book-fair/>

²⁵ Population change in the CHT: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16399&LangID=E>

<p>is likely to be an option, but will depend on the nature and origin of the threat as well as the personal circumstances of the person, and providing that it would not be unduly harsh to expect them to do so.”</p> <p>Suggestion: The nature of the threat against those deemed to have offended religious sentiments of the majority community, is not geographic²⁶ or localised within Bangladesh (indeed non-state actors have made threats to British-Bangladeshis) unlike other minorities, who could potentially seek refuge in a different part of the country, to escape persecution. The nature of the threat against writers, bloggers and academics, has emanated from online comment and as such attackers have often come from different parts of the country to perpetrate attacks. For instance, assailants from Chittagong, which is 100s of kilometres away, murdered Washiqur Rahman²⁷ in the capital Dhaka. Non-state actors have threatened that “they will be killed wherever they can be found in the Almighty’s world.”</p> <p>The heightened and more organised terrorist threat from non-state actors or terrorist groups, that some individuals face contrasts with more localised threats. This is especially so with those attacks, which, by contrast, centre on land disputes or those that are simply cover for theft.</p>	<p>This sentence specifies: ‘...but will depend on the nature and origin of the threat as well as the personal circumstances of the person.’</p>
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2.8 5: Legal Position

<p>5.5.4 “The Chittagong University Journal of Law, Vol. XIII, 2008, in an article, Interreligious Marriage in Bangladesh: An Analysis of the Existing Legal Framework” – Comment: link appears to not work.</p>	<p>Accepted. We will fix/update this.</p>
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2.9 6: Religiously Motivated Violence and Discrimination

<p>6.2.8 “The Hindu American Foundation, in a report, Diminishing Hindu Population in Bangladesh from the Perspective of Ethnic Cleansing: A Conscious Unawareness?, dated 16 January 2015, noted that:” Comment – this link unfortunately did not work.</p>	<p>Accepted. We will fix/update this.</p>
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²⁶ Threat to bloggers not local: <https://www.theguardian.com/world/2015/sep/23/militant-group-publishes-hit-list-of-bloggers-activists-and-writers>

²⁷ Washiqur Rahman killer from Chittagong: <http://en.prothom-alo.com/bangladesh/news/112775/5-%E2%80%98militants%E2%80%99-indicted-in-blogger-Babu-killing>

<p>6.3.5 “UCA News reported on 29 September 2015 that justice remained elusive for victims of the 2012 anti-Buddhist incident. The report stated: ‘The lack of justice three years after the violence is "upsetting and regrettable," says David Gonsalves, a member of the Justice and Peace Commission in Chittagong Diocese [...]" In most cases of attacks on minorities, politics and communal forces are involved and they wield considerable power. If Buddhists don't get justice, we fear this might repeat to some other place, or other minorities," he says.’ ‘[...] There are allegations that some perpetrators and attackers have threatened victims and witnesses to keep them from testifying in court.” – Suggestion: it is good that the Ramu incident of 2012 is highlighted and discussed. However, this seems to be the only theme discussed under this heading for Buddhists. It is important to note that many of Bangladesh’s Buddhists reside in the Chittagong Hill Tracts where systematic land theft and discrimination is currently on going²⁸. Freedom of movement is extremely restricted. It seems therefore that more on this region and situation should be included here. It may otherwise be misleading for those reviewing the case of a claimant who did not have anything to do with this incident.</p>	<p>Partly accepted. It is usually not clear, for example, whether a land theft incident was religiously-motivated. Or whether the failure of the police to apprehend the perpetrators was due to the religion or ethnicity of the victims.</p>
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²⁸ Chittagong Hill Tracts: <http://www.chtcommission.org/asa130052013en.pdf>

3 February 2015 COI Report on Bangladesh Opposition to the Government

3.1 Summary of Review

Summary of the most important findings, listed for each CIG Report reviewed, separately.

The report captures a degree of the fraught nature of Bangladeshi politics and that both state and non-state actors are involved in violent activities, this is to be commended. However, as is to be expected the situation in Bangladesh has changed considerably. This review will attempt to indicate ways in which things have changed and note pressing areas that should be taken into consideration. This however can only be based on the material made available in the report.

The report uses a limited number of well-known sources. Most of these are reliable and sound. However, some of them are not and this report seeks to address areas where the sources used are questionable. Alternative sources are recommended that would compliment those already used. In some instances specific assertions are challenged because the reviewer found assertions to be of questionable veracity. In other instances the general reliability of the source is questionable.

A summary of recommendations should be provided.

<u>Main Suggestions relating to the CPIN:</u>	
1. Sources should be reviewed. A greater number of sources and those with a greater presence, resources in the country and greater impartiality should be used. This is not always a straightforward proposition in Bangladesh.	Accepted, as noted under 2.4.1 below.
2. It is important to appreciate the changes that have occurred in Bangladesh since this report was written and published. This includes a heightened threat from Islamist non-state actors.	This CPIN is due to be updated soon.
3. The notion of opposing government should be considered in a broader fashion, whereby opposition to powerful institutions or individuals who are able to capture or influence state power is a more nuanced and effective way of viewing threats and power in Bangladesh.	Partly accepted: As noted below, we feel that certain of the issues suggested for inclusion are not within the scope of this CPIN.

3.2 Understanding of the themes addressed in the CIG Reports

The report addresses the dual nature of threats in Bangladesh – those of state and non-state actors. Since most of the sources that are used were written, the nature of threats and the political environment has changed. While political violence has reduced there is a continual threat from Islamist violence. This has emerged in a drastic new form largely since the reporting was done. This changes things in several

ways. It has not reduced extra judicial killings or judicially dubious arrests. Large numbers of individuals have been arrested in association with this upsurge in terrorism. The government has also arguably, attempted to mitigate this situation with increasing pandering to extremist groups. There are also suggestions that individuals have been arrested in association with terrorism purely on the basis of political affiliation. This produces a unique and particularly pernicious threat, that of being targeted by non-state actors as well as being persecuted by the government and or the security forces.

It should also be appreciated that another election is on the horizon and scheduled for early 2019. This will most likely result in an uptick in political violence in 2018 and possibly major strife. Strife is usually met by the government with actions that result in human rights abuses, owing both to a lack of resources to maintain law and order through legal means and the exacerbated necessity for Bangladeshi politicians to cling on to power. This will be a particular issue if a political settlement on the elections and their terms is not reached by the two major parties.

3.3 Quality and balance of sources

In general, what is the quality and balance of the sources used? Are they generally of high quality and relevant to the time period covered by the CIG Report?

The majority of sources, particularly those from official sources are relatively sound, thorough and well informed. However, one of the sources used is of questionable partiality to an extent that may be likely compromise their output and it is the opinion of the reviewer, that as a result this source should not be used. The Asian Human Rights Commission's output on Bangladesh is consistently questionable and omits particular cases and issues on the basis of their personnel's political persuasion and or affiliation. Such polarised coverage is common and indicative of a deeply fractured civil society in which there is precious little neutral or objective space and is a continual challenge that those covering Bangladesh should be aware of.

The number of sources used is also quite limited and the report authors should consider looking at more sources. A few have been suggested in the process of reviewing specific points therein. It should be noted as well that while the US State Department and other government sources are quoted it is a concern that many of the points in section 2 are supported by citations from organisations that are quoting or citing each other. For instance, Freedom House cites Odhikar who is also cited in this report. The State Department similarly cites Odhikar. The Asian Human Rights Commission further cites Odhikhar. Odhikar whatever the flaws or merits with this organisation it is of concern that one organisation should be the source of so many different pieces of information. When reporting on Bangladesh one should consider the very polarised nature of Bangladeshi politics and therefore having multiple sources and perspective is important in most situations. This preponderance of sources or 'echo chamber' effect it results in, is common and in the final product of

this report is not wholly decisive, however this should be considered. It may be advisable to refer to the government's own Foreign and Commonwealth Office (FCO) or specifically the British High Commission output or advice. The FCO have a far larger presence and capacity in the country than some of the sources used and, in this reviewer's experience, have considerable analytical capacity and expertise. Rights organisations while most often providing some of the best analyses, they often have a particular incentive, correctly or not, and therefore may provide a myopic perspective on an issue. The BHC by contrast may have a more multifaceted take on many of these issues.

Individual paragraphs being considered should be quoted in full, or if very long, in as much detail as is needed to be understood. The reviewer's assessment of the cited material should be clearly identified, and if an amendment is recommended the source of the suggested information should be provided in a full citation.

3.4 Consideration of Issues

<p>1.3.10 "Whilst the there is a functioning criminal justice system" – this point is highly debateable for many of the reasons listed in the report. The International Crisis Group, in one of the more thorough, freely available reports/pieces of research on the topic, titled their section on the criminal justice system, 'The Dysfunctional Criminal Justice System'²⁹. They found that the system was deeply politicised and deeply under or poorly resourced. They find that only one third of prisoners in the prison system have been convicted or tried. These failings are related and symbiotic. They create a system where most Bangladeshis are not served by the criminal justice system and this would be especially so for minority religious groups and those who are not influential or wealthy. Access to justice will be directly related to power and influence.</p>	<p>Partly accepted. The reader is directed to the CPIN on Bangladesh: Background information including actors of protection and internal relocation, which contains detailed information on inefficiency and corruption in the criminal justice system. This sentence remains correct in stating that Bangladesh has a functioning criminal justice system.</p>
<p>1.3.11 "Perceived political opponents whose fear is of serious harm at the hands of the state on account of their political opinion or activities and who have come to the attention of the authorities would be unable to avail themselves of protection from the authorities" – Comment: it is important here to make a distinction based on the power and influence of the individual in question. Politically powerful and</p>	<p>Noted.</p>

²⁹ ICG on dysfunctional criminal justice system: <https://d2071andvip0wj.cloudfront.net/277-political-conflict-extremism-and-criminal-justice-in-bangladesh.pdf>

<p>therefore wealthy individuals of any political stripe usually enjoy a degree of impunity before the law and within the criminal justice system. The standard of treatment is usually determined by the influence an individual possesses. Individuals for instance can usually pay for separate accommodation, with added luxuries thrown in. This was applied to major political detainees from the BNP. Furthermore, few people are likely to be harassed or persecuted purely because of political opinion, however moves to even a small degree which relate to political activities, can have large effects, especially if that individual is not from an established grouping or holds established position or rank.</p>	
<p>1.3.12 “In cases based on fear of ill-treatment by members of opposing political parties or in fear of opposing factions within their own party, it is unlikely that effective protection would be available from the governing authorities” – Comment: this is correct and it should be noted that Bangladesh has no functional witness protection program.</p>	<p>Noted.</p>
<p>1.3.15 “In cases based on fear of ill-treatment by members of opposing political parties or in fear of opposing factions within their own party, the threat is likely to be localised and relocation to another area of Bangladesh may be viable depending on the nature of the threat from non state agents and the individual circumstances of the person, as long as it would not be unduly harsh to expect them to do so. Women, especially single women with no support network, are likely to be vulnerable and may be subjected to destitution.” Comment: the threat from politically motivated violence is often not localised and police forces are unable to provide protection even to individuals supposedly of a favourable political disposition to the government. As noted earlier, the wealth and status of the individual will play a large part in determining the safety and level of protection he or she is afforded. A case in point would be that of Mustafa Howlader, who was a prosecution witness at the International Crimes Tribunal (ICT), who testified against a leading member of the opposition Jamaat e Islami party and was subsequently murdered in his home³⁰. As with the regular criminal justice system, the ICT has no witness protection program and witnesses faced extreme pressure from both sides.</p>	<p>Not accepted. The vast majority of political activists (except students) are known and recognised only within the area in which they live. And the sentence states, ‘...may be viable depending on the nature of the threat from non state agents and the individual circumstances of the person.’</p>

³⁰ Prosecution witness murdered: <https://www.hrw.org/news/2013/12/23/bangladesh-investigate-killing-witness>

3.5 Information

<p>2.1.4 “The Bangladesh NGO Odhikar...the Foreign Donations (Voluntary Activities) Regulation Act, 2014 to control NGOs, including human rights organisations. This law, as it stands, will violate freedom of expression and association; and will control human rights and voluntary organisations; which is contrary to the Constitution of Bangladesh and the UN Declaration for Human Rights Defenders.” – Comment: It is important to note the growing restrictions placed on organisations or groups which are not active in party politics, or connected to party political organisations. This is particularly so of unions and worker organisations that have found themselves particularly targeted since strikes in the industry at the end of 2016 and whose legitimate protests have often been suppressed and or conflated with completely unrelated political actions. Laws such as the NGO foreign donations act (2016) are used to control and pressure and reduce dissent from worker organisations or unions in the influential garments industry³¹. Rights groups, including Amnesty International, have criticised the vagueness of language used in this act³². It is common that rights groups and commentators become fixated only on the threats associated with party politics because those individuals have the capacity and support network to lobby for their rights. This often over-shadows abuses against individuals or organisations that are not party political and do not represent wealthy or powerful individuals.</p>	<p>Noted. But not necessarily within the scope of this CPIN.</p>
<p>2.1.5 “Freedom House stated in its Freedom on the Net 2014 – Bangladesh report, covering the period May 2013 – May 2014, that: ‘In June 2013 Bangladesh saw its first sentence under the 2006 ICT [Information and Communication Technology] Act, which prescribed harsh sentences for ill-defined categories of online expression” – Comment: while the ICT Act has had and continues to have a pernicious effect on rights and freedom of expression in Bangladesh, it is important to note that the government will most likely shortly replace this law with a specific Digital Security Act (2016). While this provides some scope for clarifying legal positions on relevant issues there are</p>	<p>Noted. We will comment further on the Digital Security Bill if/when it is enacted.</p>

³¹ Restrictions placed on labour unions etc: <http://bdnews24.com/business/2017/02/24/ngos-unregistered-trade-unions-barred-in-rmg-industry-state-minister>

³² Amnesty International criticises foreign donations act: <http://bdnews24.com/bangladesh/2016/10/18/amnesty-international-urges-bangladesh-to-repeal-foreign-donations-regulation-law>

sections that have alarmed rights groups. Most notably and worryingly the new law threatens potential life sentences for “spreading false information” about the Prime Minister’s father, independence leader, Sheikh Mujibur Rahman ³³ . While the law persists with vague positions on “harming religious sentiments” a holdover from the ICT law and which is singularly used to muzzle critics of the majority faith.	
2.2.2 “Rallies were permitted by the government and they occurred regularly” – Comment: it is again important to note that peaceful, non-party political assemblies, often by less powerful civil society organisations are often a target of the authorities or non-state actors or both, for example gay rights activists were arrested for trying to hold a pride event and the following week two of them were murdered ³⁴ . Meanwhile non-party political groups have also been violently prevented from protesting environmental issues ³⁵ . The authorities have been known to forcefully disperse said protests. These assemblies/protests are notably more peaceful than party-political protests but are often met with a disproportionate or heavy-handed official response. At least four people were killed, for instance, in a single local level protest against a power plant near the second city of Chittagong, last year ³⁶ .	Noted. However, LGBT or environmental issues rallies are not relevant to this CPIN.
2.4.1 “Freedom House reported in its Freedom in the World 2014 – Bangladesh report, covering 2013 events, that: ‘The level of political violence in Bangladesh remains relatively high, and increased in the lead-up to national elections planned for January 2014; the human rights group Odhikar registered more than 500 deaths and more than 24,000 people injured as a result of inter- or intraparty clashes during 2013, a substantial uptick from the previous year. ‘Harassment of the opposition was widespread in 2013, ranging from charges filed against senior BNP members...” – Comment: it is important to note here that the sources used by this report are quoting one another and therefore reflects a limited pool of sources used. It may also be important to note that Odhikar are not necessarily	Accepted. We will refer to the original source of the information.

³³ Committee to Protect Journalists on Digital Security Act 2016: <https://cpj.org/2016/08/proposed-cyber-security-bill-threatens-media-freed.php>

³⁴ Pen America on Xulhaz Mannan murder and prevention of gay pride event: <https://pen.org/advocacy-case/xulhaz-mannan/>

³⁵ Police violence against environmental protesters: <http://www.dhakatribune.com/bangladesh/2016/10/18/police-foil-rampal-protesters-march-towards-indian-high-commission/>

³⁶ Deaths in Banshkali power plant protests: <http://www.bbc.com/news/world-asia-35967762>

entirely objective. Namely, members of the organisation have partaken in party politics, ³⁷ this may cloud the impartiality of their output. However, their content is thorough and they put out regular coverage. It would be good as a result to have consulted more sources on some points. In general, cross-pollination of sources is a problem when reporting on Bangladesh. Restrictive government policies towards rights groups, NGOs and the media exacerbates this tendency, this limits the number of sources and objective voices that are available. The foreign donations act is a case in point for how groups are restricted.	
2.4.7 “all former detainees with whom Amnesty International has spoken in recent years have testified to being tortured or otherwise ill-treated when remanded in police custody” – Comment: this sounds somewhat like hyperbole or limited sample size/research, or both.	Accepted. We will try to corroborate this with other sources, or else remove it.
2.4.11 “More than two-dozen people have lost their lives; six of them died due to fire bombing of public transport. Many of the attacks are taking place in front of the police; however, the police are not arresting the perpetrators in all such incidents. There have been instances where local people have caught members of the ruling party's student and youth wings in possession of “petrol bombs”; the police have ended up releasing them without pressing any charges.” Comment: Asian Human Rights Commission is not an objective or impartial source. While police undoubtedly are guilty of sub standard law enforcement, and engaged in widespread extra-judicial killings, AHRC lacks balance and on the ground capacity. This statement is poorly sourced and as a result questionable. The title of the document containing the phrase, “drive against citizens” is further proof. This episode was an example of opposition actions against public infrastructure and caused the deaths of innocent bystanders. Consider using a different source.	Accepted. We no longer rely on AHRC as a source.
2.71 “The protesters demanded that convicted war criminals receive the death penalty. Violent clashes between the two factions erupted when the tribunal handed down a death sentence to JI vice president Delwar Hossain Sayedee in late February,” Comment- this quote is inaccurate. Opposition protesters clashed with police resulting in casualties after the sentencing of Mr Sayedee. While ‘Shabagh’ protesters never clashed with opposition supporters. This was a peaceful	Accepted. We will review this information and update if it remains relevant for inclusion.

³⁷ Adilur Rahman Khan deputy attorney general during BNP rule:
<https://www.frontlinedefenders.org/en/case/ongoing-harassment-adilur-rahman-khan>

<p>protest. Alleged Islamists murdered a number of Shabagh protest organisers, but these were not clashes – rather targeted ideological killings.</p>	
<p>2.8.4 “Odhikar reported that ‘incidents of attacks on journalists occur during the time of gathering news/information or due to publishing reports. It has been alleged that in most cases, leaders and activists of the ruling party were involved in such incidents” – Comment: this is an over simplification, certainly now and probably when it was written as well, the assertion is also poorly attributed by the source. Writers, journalists and bloggers who are violently assaulted are often targeted by Islamists, often with present or past affiliation with opposition parties and in particular Jamaat’s student wing, Islami Chatra Shibir, for instance bloggers Ahmed Rajib Haider³⁸³⁹ or Niladri Chatterjee⁴⁰ were both allegedly murdered by members or former members of Shibir. Religious sensibilities are a prominent reason for writers and journalists to self-censor and or are killed. Of note is the publisher of the country’s only LGBT magazine who was murdered by Islamists⁴¹. This trend has continued and grown since the publication of this report, and those of the sources used.</p> <p>It is also worth noting that prominent journalist Nazmul Huda,⁴² was arrested and detained arbitrarily for covering garment worker protests. This is indicative of nuance missed out of reporting by some sources, that covering powerful people and their misdeeds, be they Islamists, government ministers or wealthy business people is likely to incur violent reprisal, official or otherwise. The level of influence that a person or institution (when the subject of coverage) has will determine the red-line for what journalists will or will not self censor and which stories will or will not result in violent reprisal. For instance, as noted earlier covering the Prime Minister and or her father can and has resulted in stiff sentences (and will under the new Digital Security Act). The Sunni Muslim religion likewise is a red-line, if a journalist or blogger covers or discusses it,</p>	<p>Accepted. We are currently preparing a CPIN on journalists and internet bloggers and will cover this issue more thoroughly there.</p>

³⁸ Rajib Haider murder accused links to Shibir: <http://www.thedailystar.net/news-detail-271147>

³⁹ Rajib Haider killers alleged links to Shibir: <https://cpj.org/killed/2013/ahmed-rajib-haider-1.php>

⁴⁰ Niladri Chatterjee murderers members of Shibir: <http://www.aljazeera.com/news/2015/11/bangladesh-arrests-men-murder-blogger-151118140032685.html>

⁴¹ Murder of LGBT magazine editor: <https://www.theguardian.com/world/2016/apr/25/editor-bangladesh-first-lgbt-magazine-killed-reports-say-roopbaan>

⁴² Journalist arrested for covering garment worker unrest: <https://thewire.in/104737/bangladesh-garment-workers-minimum-wage/>

<p>those who target them do so with a degree of impunity, those who wield the majority religion are conferred with power. Similarly members of the economic elite are able to rely on favourable treatment from the police, because of wealth, status and connections.</p> <p>Meanwhile it is also worth noting the use of the intelligence agencies to stifle press, most famously in the case of the Director General of Forces Intelligence (DGFI) ambushing the editor of the largest English language daily, the Daily Star, Mahfuz Anam, on live TV. This lead to serious legal harassment of the individual and the intelligence organisation allegedly made threats⁴³ to entities advertising in that publication and its vernacular sister paper, the Daily Prothom Alo⁴⁴. Pen America, CPJ, Reporters Without Borders and Article 19 report on freedom of expression issues in Bangladesh and would help compliment sources cited.</p>	
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⁴³ Deutsche Welle on threats to advertisers: <http://www.dw.com/en/bangladesh-blocks-media-ads-curbs-press-freedom/a-18816842>

⁴⁴ Pen America on threats to journalists: https://pen.org/wp-content/uploads/2017/02/writers-at-risk_pen-international-global-case-list-jan-june-2016.pdf

4 Review of responses to COI requests

1-10. COI request – [Money lenders] [01/15-203]

Summary – 1 or 2 sentences

The request asked for information and the legal situation regarding loan sharks.	
This response appears to be balanced and factually accurate. However, the response is short and likely to be unreflective of the reality on the ground regarding loan sharks and their retributive behaviour. This most likely represents a dearth of information regarding this situation and also reflects the great informality of Bangladesh.	Accepted. As stated by the reviewer, there is a limited information on this subject.
It would be recommended that in instances such as this the Home Office refer to more academic sources.	Ideally yes, however, time constraints limit the time for gathering information for COI Requests.

2. COI request – [LGBTI – Treatment of] [01/16-048]

The request asked for information on whether the claimant who was from the LGBTI community could safely relocate within Bangladesh.	
The response was most likely factually accurate but consisted solely of copy and paste from sources. Most of these did not address the specific question about whether the individual would be safe to relocate to another part of Bangladesh. In the reviewers opinion as a result, the response does not answer the question.	Accepted. We have since published a CPIN on 'Bangladesh: Sexual orientation and gender identity', and that covers the issue in more detail. We will remove this COI Request.
It would be recommended that the Home Office refer to the opinions of the FCO and or the nature of the threat faced by outspoken LGBT individuals in Bangladesh and in particular those who have been targeted and murdered after having been tracked.	Partly accepted. Generally we only seek advice from the FCO when unable to find other sources of information. The CPIN 'Bangladesh: Sexual orientation and gender identity' addresses the reviewers points.

3. COI request – [Bangladesh Khelafat Majlish party] [01/16-040]

The request asked for information on the status Khelafat Majlish party.	
The response appeared to be mostly factually accurate. The use of sources is reasonable. The status of the party is hinted at, as is the likelihood that the party or its members may have reason to be persecuted. It also conveys the fact that the party may have ceased to be operational because of the actions of the party leaders themselves.	Thank you.
It would be recommended that the Home Office refer to further sources to elaborate on the points already made in this answer.	Partly accepted. There were few up to date, reliable sources available at the time of writing.

4.) COI request – [Biharis – Treatment of] [03/16-065]

The request asked for information on the citizenship status and treatment of the Bihari minority in Bangladesh.	
The response appeared to be mostly factually accurate. The use of sources is reasonable and balanced although at least one hyperlink provided did not work. The status of the minority is covered by the quotes provided. The use of journalistic and official sources contributed to spelling out the status of the minority and the challenges and persecution they face in Bangladesh. Points 5 and 6 are almost entirely redundant with 6 possessing a broken link and 5 being unrelated to the question. However on the whole the quotes provided answer the questions.	Partly accepted. It is likely the point made at paragraph 5 related to the possibility of internal relocation.
It would be recommended that the Home Office check all their answers to firstly make sure that hyperlinks and secondly when providing only copy and paste segments from sources to check that they relate to the specific questions.	Partly accepted. The hyperlinks will have been working correctly at the time CPIT responded to this enquiry.

5.) COI request – [Illegitimate children – Treatment of] [04/15-096]

The request asked for information on the citizenship status and treatment of the children born out of wedlock and their mothers.	
The response appeared to be generally factually accurate and included a wide range of well-respected sources. The use or reference to United Nations agencies that have an active presence in the country, like UNICEF is reassuring and goes a long way to answering the specific queries. The use of the Canadian response is however questionable. While their first hand work to enquire about their case is indeed thorough, it may be unrelated to the questions that are being asked of the Home Office in this instance. The	

inquiry of their Canadian counterparts specifically relates to an ethnic minority who have distinct religious and social practices from the majority of the population.	
It would be recommended that the Home Office are careful that their answers are relevant to the claimant's community.	Partly accepted. Whilst we agree that the Canadian response is, for the most part, aimed a specific minority, the information provided on single/divorced/widowed women appears to be general and thus provides some background on the difficulties lone women might face. We agree, however, that this may not be entirely relevant to the question asked.

6.) COI request – [Nationality – Establishing status] [06/16-002]

The request asked for information on whether a Bihari individual can attain citizenship in Bangladesh or Pakistan and also whether he can return without facing persecution.	
It is commendable that the response utilised the expertise of their colleagues at the British High Commission in Dhaka. This assisted in adding clarity and detail to the status of the new citizenship law and how this pertains to the individual and community in question. However the answer fails to deal with the issue of persecution and whether the claimant can return to Bangladesh without the threat of persecution. This is quite clearly a crucial issue, which is dealt with in a previous claim. Further, it must be added that the BHC should be able to elucidate on this issue.	
It would be recommended that the Home Office provide information on the persecution of the Bihari community in Dhaka, which has been accessed in other circumstances. A search of news websites will provide an indication of the prevalence of persecution for this community. It would also be recommended to ask the BHC in Dhaka to comment on the issue of persecution, especially given their thorough answer on the legal issues.	Accepted. We accept this is a complex issue that requires a fuller response. We do not aim to provide an assessment of risk in COI Responses but rather COI that will allow a decision maker to make that assessment themselves. However, we accept that such information was not provided in this case.

7.) COI request – [Bangladesh Communist Party (BMP)] [05/15-048]

The request asked for information on whether a Communist Party Member and an atheist would face persecution in Bangladesh.	
The answer is brief and lacking in context pertaining to the threat faced by Communist or leftist organisations. There is not a great deal available on this, but it may have been helpful to note that the Communist Party of Bangladesh's offices were burnt down by a mob of Islamists in May 2013 ⁴⁵ . It may also have been important to note that active terror organisations have been known to hunt down leftists at the behest of mainstream political parties ⁴⁶ ⁴⁷ . The response correctly points to the prevalence of targeted killings of atheists in recent years.	
It is recommended that the Home Office use a greater variety of sources. Particularly for verifying and checking recent political history. While the Guardian is respected (and free) it does not have a particularly detailed coverage of Bangladesh.	Accepted. Thank you for sight of these additional sources, which will be taken into consideration for future responses.

8.) COI request – [Gender reassignment)] [07/15-047]

The request asked for information on whether an individual who is transitioning to a different gender would be able to receive Bangladeshi identity documents with their new identity on returning to Bangladesh.	
The answer is relatively complete and goes some way to answering the question as to whether the claimant would be able to receive new identity documents or recognition. It is commendable as well that an indication of the levels of social stigma and persecution that the community is subject to are also included, giving essential context and nuance to the situation and struggle for recognition that the transgender community faces in Bangladesh.	Thank you for the positive comments. The CPIN 'Bangladesh: Sexual orientation and gender identity' also covers the situation for transgender persons.

9.) COI request – [Persons born in Chitmahal area)] [09/15-066]

The request asked for information on individuals who was born in border enclaves which were for a long time been subject to cartographic/geographic anomalies and somewhat excluded from the norms of either country being	
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⁴⁵ Communist Party office attacked by Islamists: <https://www.hrw.org/report/2013/08/01/blood-streets/use-excessive-force-during-bangladesh-protests>

⁴⁶ Press report including information of Islamists targeting leftist organisations: <http://www.nybooks.com/daily/2016/07/08/standoff-in-bangladesh-islamist-violence-july-first-attack/>

⁴⁷ ICG on JMB fighting/attacking leftists: <https://www.crisisgroup.org/asia/south-asia/bangladesh/threat-jamaat-ul-mujahideen-bangladesh>

islands of the neighbouring country's territory within the neighbouring country.	
The question is broad and the answer reflects this and is therefore lengthy, covering a relatively broad swathe of issues related to Indo-Bangladesh border enclaves. The sources are perhaps not always the most reliable, respected, or known, but they seem to provide consummate detail and be sufficient for the background requested here. However there is perhaps a lack of up-to date information regarding the then current shift, which occurred some six weeks prior to the request ⁴⁸ .	
It would therefore be recommended that more up-to date material be used as the answer would not have enlightened the questioner about the implications of the then very recent land-swap deal that the respective governments undertook.	Accepted. Thank you for the additional source of information.

10.) COI request – [Awami League)] [11/15-030]

The request asked for information on whether members of the ruling Awami League party are likely to face torture harassment etc.	
The question reads almost like a trick question and the response reflects this. However there were very contemporary cases of senior members of the party experiencing persecution. Most notably Minister Latif Siddique who was jailed months prior to the request. He was jailed on extremely flimsy ground for mere comments made whilst on an official trip to New York ⁴⁹ . Meanwhile intra-party violence is common in Bangladesh and this search term should have been deployed to explore this area. Intra party violence is particularly common as student factions and personal rivalries over status and or resources end in violence ⁵⁰ . Members of the Awami League are also often targets of reprisals by opposition parties or Islamists, a particularly vicious attack on a strike breaking convoy occurred in 2013 ⁵¹ .	Noted. Thank you for sight of these additional sources, which will be taken into consideration for future responses.
It is surprising that the Home Office were unable to find anything with which to answer this question. Political contest is fractious and violent by nature because there are	Accepted. Odhikar, for example, provides detailed information on inter-

⁴⁸ Indo-Bangladesh enclave swap: <https://www.pri.org/stories/2015-08-03/india-and-bangladesh-exchange-hundreds-border-enclaves-and-50000-people>

⁴⁹ Awami League minister sent to jail: <http://www.thedailystar.net/latif-siddique-sent-to-jail-on-surrender-51993>

⁵⁰ Awami League intra party violence: <http://en.prothom-alo.com/bangladesh/news/64165/Govt-in-dilemma-over-Chhatra-League-and-Jubo>

⁵¹ Fatikchhari convoy attack: <http://bdnews24.com/bangladesh/2013/04/11/3-die-in-fatikchhari-clashes>

two or more sides and Bangladesh is no different. The two years prior to this request have been violent and deadly and it is surprising as result that they could have found nothing of relevance beyond background. It is a concern that such a lack of nuance exists. Greater referral to domestic news sources is recommended to move beyond the very binary narrative posited by many foreign sources.	party and intra-party violence. (And the Decision Maker should have been asked to word their enquiry more precisely.)
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5 Information about the Reviewer

Joseph Allchin is a journalist and writer, who has covered Bangladesh for the Financial Times, the Economist and others. He has consulted on the human rights situation in the country for Amnesty International and the political and economic situations for Control Risks and the Eurasia Group. He is writing a book on the challenge of Islamist militancy and extremism in Bangladesh. Joseph has covered the most recent elections in 2014, the violence leading up to them and their aftermath. He has further covered the International Crimes Tribunal and the rise of Islamist militancy, extremism and terrorism in the country.

Annex C

Review of the November 2016 UK Home Office Country Information on Egypt

Prepared for the Independent Advisory Group on Country Information (IAGCI)

Dr. Dalia Malek*

February 2017

*Dalia Malek is an expert in international human rights law and international refugee law. Her previous work experience includes holding various roles at the United Nations High Commissioner for Refugees in Egypt and Turkey, as well as working as a legal advisor at Africa and Middle East Refugee Assistance in Egypt. She has a PhD in Law from King's College London, and her dissertation included fieldwork in Egypt. She has taught at King's College London as well as at the American University in Cairo's Centre for Migration and Refugee Studies. She also holds a Master's degree in International Human Rights Law and a Graduate Diploma in Forced Migration and Refugee Studies from the American University in Cairo. Her Bachelor's degree in English and Linguistics is from the University of California at Berkeley. She has written this report in a personal, rather than institutional, capacity.

Contents

- 1) [Review of country policy and information note on Christians](#)
- 2) [Review of country policy and information note on the Muslim Brotherhood](#)
- 3) [Review of a selection of country of origin information responses](#)

1) Review of country information and policy note on Christians

1 Introduction

1.1 This review assesses the UK Home Office Country and Policy and Information Note (CPIN) on Egypt: Christians, dated 21 November 2016 in accordance with instructions from the Independent Advisory Group on Country Information (IAGCI). The instructions are as follows:

- (i) Assessing the extent to which information from source documents has been appropriately and accurately reflected in the CIG Reports.
- (ii) Identifying additional sources detailing the current human rights situation in the country with respect to main grounds for asylum claims (which are noted in each CIG Report).
- (iii) Noting and correcting any specific errors or omissions of fact.
- (iv) Making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach.

Additionally, the instructions include the following guidelines:

- (i) 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.
- (ii) The review should focus exclusively on the country of origin information contained within the document, and not pass judgement on the policy guidance provided.
- (iii) When suggesting amendments, rather than 'tracking changes' on the original CIG report, a list of suggested changes should be provided as part of a stand-alone review paper, and each report should be reviewed separately.
- (iv) Any suggestions for additional information (or corrections to information in the document) must be referenced to a source document for the Home Office to be able to use it (preferably Open Source). The Home Office may use

foreign language source documents, but only if the information is considered essential and is not available in English language source.

1.2 Methodology

The Review is based on analysis of the *UK Home Office Country Policy and Information Note on Egypt: Christians, November 2016* (CPIN) and the sources cited therein. It also examines Information Requests (IRs). This involved cross-checking all of the sources cited against the original sources to ensure consistency of content and style. The analysis is also based on assessing the accuracy, range, and reliability of sources and relevance of information, as well as recommending additional sources of information not previously used in the CPIN. The Review additionally addresses format and structure, as well as style and organisation.

The CPIN on Christians in Egypt is up-to-date as of 21 November 2016, and so this Review is limited to information available prior to and as of this date.

Per the instructions, this Review does not attempt to address, analyse, or influence matters of policy. This Review has been written by the reviewer in her capacity as an independent consultant, and thus no views are to be imputed to any other person or organisation.

1.3 Summary of Review

1.3.1 Strengths and weaknesses

Bearing in mind the difficulty of obtaining reliable information on Egypt, particularly during and after the period of transitional governments following the 2011 uprising, as well the challenges of carrying out human rights-related research in Egypt, the strengths of the CPIN on Christians in Egypt lie in its use of relevant, up-to-date, and reliable sources. It includes a balance of views, even on controversial issues, that are for the most part accessible to the public.

Its weaknesses include inconsistency of style and citing quotations, which I discuss further below. In addition to this, two major events affecting Egyptian Christians have not been discussed in this CPIN. Only one of these events, namely what is often known as the Maspero Massacre, took place prior to the cut-off date of 21 November 2016 for this CPIN. This omission, which I discuss further below, should be addressed to provide a more accurate view of the situation for Christians in Egypt. The other major event, the bombing of El Botroseya Chapel adjacent to Saint Mark's Cathedral in Cairo, which took place in December 2016 (after the CPIN's cut-off date of 21 November 2016), is not within the required reporting period for this CPIN, but it is expected that Egyptian Christians will largely reference this event and it will affect their view of security for Christians in Cairo. For this reason, this cannot be considered a weakness but I include a discussion of its importance below for the sake of

consideration as to how this event might date assertions made about this topic, as well as general security for Christians in the capital city, in this CPIN.

Home Office (HO): Thank for you the generally positive comments, we will comment on the specific points below.

1.3.2 Structure, style, and organisation

Notes on style:

The UK Home Office appears to use the British/European style of writing dates (date first, then month, then year), and when cited sources include dates, especially when they are written in the American style (month first, then date, then year) they are sometimes changed to suit this style. Occasionally in places where the year was not indicated in the source, the year has been added. In some cases, when the year was added it was included in brackets to indicate that it was not in the original source (for example, in the second sentence quoted in 6.5.11), and other times it was not. For consistency, I have taken note of the sections where the year was added without including brackets in case this is the preferred style.

Similarly, some American spellings that appeared in some sources have been changed in this CPIN to British spellings, but this is not consistent throughout the CPIN. For consistency, I have also noted where American spellings were not changed to British spellings in quoted reports.

HO Response – Our house style is to quote sources ‘warts and all’. We will only alter quotes where the text is unclear, factually inaccurate or – on rare occasions – offensive or derogatory. In such cases we will usually provide an explanatory comment, correction or alternative word or phrase, in square brackets.

We do not generally correct US English spellings, typos or poor grammar unless these result in the narrative being unclear.

Therefore the majority of the reviewer’s proposed corrections of US English or typos introduced by sources have been rejected because they do not affect the meaning or accuracy of the narrative.

Citations:

Among the various sources cited, this CPIN relies heavily on the Australian Government’s DFAT Thematic Report on Egyptian Copts 2015, which is not available online but there is a note saying a copy can be provided on request. I received a copy of this report and in several instances found that the quotations did not match the wording found in the original source. It is unclear whether multiple versions of this

report may have been consulted. It is my impression that some of the wording has been changed in order to make excerpts more concise; if this is the case, then these changes should be reflected outside of the quotation marks as I have indicated below where relevant.

HO – As the reviewer has correctly surmised, there is more than one DFAT report. In fact there are 3 reports: 2 of the same date (a thematic report on Christians and a general country report on Egypt, both dated 24 November 2015), and an earlier country report dated October 2014. Both the country reports also include material on Christians.

The anomalies identified by the reviewer are not as a result of selective quoting or attempt to alter the text; but, regrettably, our lack of precision when referencing these reports. The quotes themselves are accurate; the references are, on occasion, not. However, we note that there is no substantive difference in the content of these quotes which is likely to have had a material impact on our overall policy guidance.

In the updated CPIN we will correct the references, generally favouring the thematic report given its focus on Christians, which will be released after the IAGCI meeting.

Additionally, in block quotes, it is sometimes indicated that a sentence will have come from later in the selection with ellipses, but this is not consistent throughout the document. I have noted where this has taken place for consistency.

1.3.3 Additional themes and events

Maspero Massacre

This CPIN has omitted to include the significant event commonly known as the Maspero Massacre, which took place on 9 October 2011. On this day, a peaceful Coptic protest took place outside of the Maspero state television headquarters in Downtown Cairo. The protest was in reaction to the burning of Mar Girgis Church in Marinab, Edfu on 30 September 2011. Military soldiers approached the predominantly Christian protest while wielding batons, while other soldiers fired guns into the air. Two armoured vehicles hurtled toward the protesters at a high speed, crushing several people, while a soldier on top of one of the vehicles shot at protesters. One protester who was interviewed by Human Rights Watch heard a soldier shouting anti-Christian statements, 'I won't let any of you live, Christians, sons of dogs.'⁵² The number of people who were killed differs depending on the source, but according to Human Rights Watch, 'At the insistence of human rights lawyers working with the families of victims, forensic medical doctors from the health ministry conducted 24 autopsies on 10 October [2011], concluding in their preliminary reports

⁵² <https://www.hrw.org/news/2011/10/25/egypt-dont-cover-military-killing-copt-protesters>

that eight of the people had died of bullet wounds, two from blows to the head, and 13 from injuries and fractures caused by the vehicles.⁵³ Following this event, the Maspero Youth Union was formed,⁵⁴ among other Coptic activist groups.⁵⁵ Because this incident was carried out by the Egyptian military, some Copts do not support current religious leaders' alliances with Al Sisi's government (see the discussion under 7.1.11).

Bombing of El Botroseya Chapel, St. Mark's Cathedral, Cairo

This CPIN is up-to-date as of 21 November 2016; however, it is worth noting that on 11 December 2016, a bomb exploded in El Botroseya Chapel, next to St. Mark's Coptic Orthodox Cathedral in Cairo, killing 24 people, mostly women, and wounding several others. No one took responsibility for the attack, but President Al Sisi named Shafik Mahmoud Mohamed Mostafa as a suicide bomber.⁵⁶ Additionally, there is a tendency throughout this CPIN to represent Copts as largely supportive of Al Sisi's government; as discussed in the section on the Maspero Massacre above, as well as the discussion of Coptic activists under 7.1.11, many Copts have lost faith in the current government, and the bombing of El Botroseya Chapel further reflects this. According to Deutsche Welle, Viktor Salama, a Professor of Political Science at Cairo University, "Islamists say that they want Copts to pay the price for their support and for the overthrow of the Muslim Brotherhood from power in 2013 [...] This blast is like a slap in the face of the government [...] The church is of course a gathering place for Christians, but at the same time it's an Egyptian institution that just got blown up quite easily by 12 kilos of explosives." Deutsche Welle continues to say that "The church bombing also revealed weaknesses in the Egyptian police force. Salama believes that such attacks could end the close relationship between El-Sissi and the Copts, if the Egyptian president failed to provide security."⁵⁷ Although this event surpasses the temporal scope of this report, because of its significance as one of the deadliest attacks on Christians in Egypt in years, it affects the way Christians relay their experience with persecution, as well as all references to general safety for Christians in the capital city.

Egyptian Currency

This CPIN generally quotes reports that make reference to fines and fees that must be paid and their equivalents in US dollars and Australian dollars. It should be noted that Egyptian currency has recently devalued at a rapid rate, which changes frequently, and so what is written as an equivalent will no longer be considered accurate.⁵⁸

⁵³ <https://www.hrw.org/news/2011/10/25/egypt-dont-cover-military-killing-copt-protesters>

⁵⁴ <http://www.atlanticcouncil.org/blogs/menasource/where-is-egypt-s-maspero-youth-union-now>

⁵⁵ http://www.mei.edu/content/article/decline-coptic-activism-egypt#_ftn5

⁵⁶ <http://www.bbc.com/news/world-middle-east-38287761>

⁵⁷ <http://www.dw.com/en/christians-in-egypt-doubt-el-sissi-regime-after-cathedral-attack/a-36751577>

⁵⁸ <http://www.businessinsider.com/egypt-unpegs-the-egyptian-pound-from-us-dollar-2016-11>

HO Response – Thank you. We will consider how we can address this as a general disclaimer: that currency fluctuates and references to dollars, pounds, are only accurate at the time of publication.

IAHCI reviewer's main comments	Home Office response
1. Adjust citations to avoid selective quoting and for accuracy/consistency of style.	See comments above. We will amend the incorrect referencing to the DFAT reports and any stylistic inconsistencies which we have agreed to in the specific comments below.
2. Include additional sources as noted below to further balance the sources cited.	Accepted.
3. Add missing events like the Maspero Massacre, the stance of Coptic activists toward Pope Tawadros II and his support of El Sisi's government, etc	Accepted.
4. Include information on certain cultural notes such as traditions that increase the visibility of Christians in Egypt, the ability for Christians and particularly unmarried women to relocate inside Egypt, etc.	Accepted.

1.4 Understanding of the themes addressed in the CPINs

The quality and balance of the CPIN on Christians in Egypt occasionally reflect prevalent legal usage and academic understandings of the themes under consideration. However, some sources cited on the same topic contradict one another, and in those instances I have indicated where these contradictions take place, as well as analysis of their views.

1.5 Quality and balance of sources

With rare exceptions, the CPIN on Christians in Egypt maintains satisfactory quality and balance of sources. Its greatest strength is in its representation of a wide range of reliable sources that adequately capture up-to-date views on the themes discussed. The very few sources that provide less than complete views are on the whole reliable, but in some parts occasionally reflect a lack of familiarity with the day-to-day culture in Egypt that would inform their understanding of the themes in question. Such

sources should not be disregarded, but rather supplemented with additional information as I have provided where relevant in further detail below.

Policy Guidance

Per the instructions, this Report will not comment on matters of policy, and so sections 1 – 3.1.4 will not be addressed.

4 Christians: background

4.1 Terminology

4.1.1 This is well-sourced and does not require further comment.

4.2 Day-to-Day life

4.2.1 – In addition to what is mentioned here, many Egyptian Christians wear other articles that visibly identify them as Christian. Paragraph 2.16 in the DFAT Thematic Report should be included here because by only citing 2.15, the statement that “Copts dress in the same modest fashion relative to other Egyptians” implies that Copts simply blend in, without taking note of the visibility of these symbols that differentiate Christians from Muslims. None of these symbols are requirements, but rather expressions of identity, pride, or resistance.

As mentioned in 2.16 of the DFAT Thematic Report, it is common, mainly among Coptic Orthodox Christians, to have a small tattoo of a cross (a symmetrical cross or cross fleury) either on the wrist or the back of the hand (between the thumb and forefinger).⁵⁹ These small cross tattoos are considered traditional for Coptic Orthodox Christians and it is not uncommon for children to receive them at a young age. These tattoos are less common among Protestants/Evangelicals, but older generations of Protestants/Evangelicals may have them. Less common, but still present among older Orthodox Copts from rural areas, is to have a cross tattooed to the forehead. Some Christians may have larger religious or other tattoos on other parts of the body, but this is more connected with fashion than the traditional small cross on the wrist or hand, which can sometimes be obtained in church premises themselves. Because Islam forbids tattooing, with a few exceptions it is rare for Egyptian Muslims to have tattoos, and such religious cross tattoos are normally exclusive to Christians.

According to The Washington Times, ‘In March 2013, dozens of Coptic Christians were tortured inside a detention center run by a powerful militia in Benghazi. The men, who were suspected of proselytising, were rounded up in a market by gunmen who checked their right wrists for tattoos of crosses, a common mark worn by many Egyptian Christians.’⁶⁰

⁵⁹ <http://www.dw.com/en/a-tattoo-artist-on-the-streets-of-cairo/a-18527812>

⁶⁰ <http://www.washingtontimes.com/news/2015/jan/3/least-20-christians-kidnapped-gunmen-libya/>

In addition to the tattoos mentioned in 2.16 of the DFAT Thematic Report, it is common for Christians to wear a necklace or chain with a cross pendant; while men or women of any age may wear them, they are particularly prevalent among older generations of women.

Christians in Egypt may also display religious symbols on their vehicles, such as a cross hanging from the rearview mirror or other symbols on bumper stickers or decals.

Regarding the DFAT Report's statement in 2.15 that 'Copts tend to have identifiable names,' this is only true in some cases. Some Egyptian names are identifiably biblical or commonly used among Christians, some names are distinctly Muslim, and other names are 'neutral' Egyptian or Arabic names that can be used by members of either religion. It is also occasionally the case that Egyptian Christians will take English or French names that are not necessarily religious or biblical, but are identifiably used by Christians. Sometimes if a first name does not associate an individual with his or her religion, the father's name might do so, or the grandfather's, great-grandfather's, and so forth.

In the final paragraph quoted on the topic of national identification cards, it is unclear what the DFAT Thematic report means by 'members of other Christian groups', which seems to imply that the word 'Copt' is not being used to encompass all Egyptian Christians. As noted below in 4.3.2, it might be that the DFAT report is accepting the usage of the term that implies that 'Coptic' only applies to Orthodox Christians, and so '[non-Orthodox]' might be added to the quote to clarify this (however, the meaning appears to be used interchangeably throughout this report to mean either 'Orthodox' or 'Christian').

HO response – accepted.

We will add the additional DFAT paragraph and clarify references to Christian and Coptic where we are able. We'd welcome any additional public sources on features that identify Christians.

4.2.2 – The statement that 'Copts were largely supportive of long-time Egyptian President Hosni Mubarak, who they perceived as a protector because of his crackdown' contradicts the citation from the Australian Government's DFAT Report from 2015 that is quoted in 4.2.1 as saying 'Copts do not necessarily agree on political representatives or policies,' the latter being a more accurate assertion. Copts held a significant presence in the 2011 protests that led to the eventual ouster of Hosni Mubarak,⁶¹ and while some Copts did support him, it is difficult to generalise that they all viewed him as protecting Christians.

⁶¹ <http://www.bbc.com/news/world-middle-east-12407793>

HO Response – Accepted. We will remove the Wall Street Journal since it adds little to the section as well as being less nuanced than the DFAT information.

4.3 Demography

4.3.1 A general idea to note is that a popular sentiment among Christians is believing that their number is underreported by the government. It is difficult to find accurate numbers, especially since the societal lack of acceptance of conversions may mean those numbers are not included in surveys. Some Christians believe that this underreporting is to deny the idea that conversion from Islam to Christianity occurs, as well as to limit the numbers of Christians in Parliament.

4.3.2 – The DFAT Report’s reference to ‘non-Coptic Christians’ is not clear given that the Coptic Network Encyclopedia is quoted in section 4.1.1 as saying that the use of the word ‘Coptic’ ‘describes Egyptian Christians,’ suggesting that it is an umbrella term that refers to all Egyptian Christians, while “the common understanding is of the Orthodox, due to their status as the oldest church.” It might be that the DFAT report is accepting this common usage of the term, and so “[non-Orthodox]” might be added to the quote to clarify this.

HO Response – Accepted. We will clarify the references to non-Coptic Christians.

4.3.3 – 4.3.5 No further comment needed.

5 Legal rights

5.1 Constitution

5.1.1 – It is not mentioned in this quote that Article 2 of the 2014 Constitution also declares that “Islam is the religion of the State.” This is mentioned later in 5.3.3 in a quote from the US Department of State, International Religious Freedom Report 2015, which says “The constitution specifies Islam as the state religion and the principles of Sharia as the primary source of legislation” but it does not indicate that this is found in Article 2. It is clearer to indicate this here, and to quote the 2014 Constitution directly.⁶²

HO Response - Accepted

At the end of the first paragraph, the ‘...’ is not necessary and should be deleted.

⁶² <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>

In the second paragraph, the word 'January' has been omitted from the phrase 'January 2014 Constitution' as it appears in the original source, and it should be added or replaced with '...'

HO Response - Accepted

5.1.2 – 5.1.5 No further comment needed.

5.2 Blasphemy laws

5.2.1 – The word 'jeopardize' should be spelled 'jeopardise' for consistency.

HO Response – Not accepted. 'Jeopardise' is contained within a quote from a US State Department report, thus reflecting the standard American spelling. Our house style is not to alter the spelling or grammar of quotes although we may add clarifications or corrections of fact in square brackets as appropriate.

5.2.2 – This block quote should be further contextualised because the reference to the sentencing of Fatima Naoot and Islam al-Beheiry does not specify that they are Muslim, and while this reflects increasing blasphemy cases during the reporting period, it does not reflect action taken against Christians.

HO Response – Accepted

5.3 Conversion and proselytising laws

5.3.1 – The footnote states that this quote came from paragraphs 3.10 to 3.13, but in the copy of the DFAT Thematic Report that I received, this came from 3.20.

HO Response – Accepted. The source should read DFAT, 'Country Information Report: Egypt', 24 November 2015", which we will correct.

5.3.2 – In the first paragraph, in the third sentence there is an omission of some words that should be re-entered. It states that '...and the state's view of the religious identify of any children,' and following this 'born to the convert' has been omitted and should be added here. Following this, an open parenthesis before the word 'Egyptian' should be removed. In the final sentence of the first paragraph, in the word 'parents'" the possessive apostrophe should be removed to read 'parents.' The em-dash following the word 'parents' should be removed here. An open parenthesis should be added before the word 'or' so that it reads '(or their Muslim parent, in the case of a mixed marriage).'

HO Response – Partly accepted. In fact the quote is correct but originates from the DFAT report on Egypt, not the thematic report on Christians.

We will include the slightly more detailed report from the thematic report.

In the second paragraph in the first sentence, the word 'Self-identified' has been omitted from the sentence that reads 'Self-identified Christians designated as "Muslim" on their identity cards...' This word should be added as it appears in the original source because it adds clarity to the meaning of the sentence. These individuals may identify as Christian but have 'Muslim' written on their identification cards, so this is an important distinction to make.

HO Response – Partly accepted. See above: this is an accurate quote but from the DFAT country report on Egypt, not the thematic report on Christians.

We will revise the quote and refer to the thematic report.

In the last paragraph of this quote, a '...' should be added before the last sentence, after the word 'conversion' in the penultimate sentence and before the word 'There' in the last sentence.

HO Response – Accepted

The footnote says that this selection came from paragraphs 3.10 to 3.13, but in the copy of the DFAT Thematic Report that I received, it is found in 3.21 and 3.23.

HO Response – Partly accepted. As above, the reference should have read DFAT, 'Country Information Report: Egypt', 24 November 2015".

We will revise the quote and refer to the thematic report.

5.3.3 – In the first sentence of the first paragraph, the word 'recognize' should be spelled 'recognise' for consistency. In the second sentence of the first paragraph, the word 'proselytize' appears twice and should be changed both times to 'proselytise' for consistency.

In the first and second sentences in the second paragraph, the word 'proselytize' should be spelled 'proselytise' for consistency. In the last sentence in this quote, the word 'proselytizing' should be changed to 'proselytising' for consistency.

HO Response – Not accepted. See explanation above on the retention of original spellings / grammar in quoted text.

5.3.4 – The first sentence quoted here, in the original source, is attributed to an MOI decree pursuant to a court order. This has been omitted in the CPIN and replaced with ‘...’ The phrase ‘according to an MOI decree pursuant to a court order’ should be added there as it appears in the original source because it is important to clarify for readers that this comes from a Ministry of Interior decree rather than from reports of individuals’ experiences.

HO Response - Accepted

With that said, an additional source provides further details on the conversion of Christians who have converted to Islam and back to Christianity mentions a court case that ruled that 12 Christian converts to Islam would have their conversion back to Christianity officially recognised, which overturned ‘a lower court ruling which said the state need not recognise conversions from Islam because of a religious ban.’⁶³ This source continues to say that the lawyer who represented these 12 Christians said that the case ‘could open the door for hundreds of other Copts who want to revert to their original faith from Islam.’ This substantiates the general statements found in the US Department of State International Religious Freedom Report 2015 Egypt that is quoted here, while also underscoring the difficulty of the legal process that was resistant toward allowing the reversions.

5.4 Anti-discrimination laws

5.4.1 No further comment needed.

5.5 Personal status laws

5.5.1 – This selection is attributed to paragraphs 3.6 and 3.7. However in the copy of the DFAT Thematic Report that I received, the first sentence in this quote comes from section 3.24. The second sentence comes from section 3.27, but the wording in the CPIN should be changed to match the original source, which states ‘Christians married to Muslims, and married Christian couples who belong to different denominations, are subject to the same personal status rules as Muslims. These personal status rules (derived from sharia) are contained in legislation adopted by Parliament or Presidential decrees.’ The remainder of the quote cannot be found in the copy of the report that I received.

HO Response – Partly accepted. See above. The quote is from the DFAT Country Information Report Egypt, 24 November 2015, but was incorrectly reference to the thematic report.

We will revise the quote and refer to the thematic report in the update of the CPIN.

⁶³ http://news.bbc.co.uk/2/hi/middle_east/7237152.stm

5.5.2 – This quote could not be found in the copy of the DFAT Thematic Report that I received.

HO Response – The quote is from the DFAT Country Information Report Egypt, 24 November 2015, but was incorrectly reference to the thematic report. We will correct the reference in the update of the CPIN.

5.6 Construction and renovation of churches laws

5.6.1 – In the phrase introducing the quote, the year ‘2016’ should be added to read ‘The 2016 USCIRF report noted...’

HO Response – Accepted. We will provide clarification of the period covered by the USCIRF report (it was published in April 2016, so in fact largely covers events in 2015).

5.6.2 – 5.6.4 No further comment needed.

6 State attitude and treatment

6.1 Political situation

6.1.1 – In the first sentence, the changes to the quote have incorrect plural agreement. It should be changed from ‘been victims’ to ‘been a victim.’

In the last sentence, the word ‘marginalized’ should be spelled ‘marginalised’ for consistency.

HO Response – Not accepted.

Our house style is not to correct grammatical / spelling errors in quotes, unless the meaning is unclear. However we will provide a qualifying ‘sic’ in square brackets to indicate the error.

6.1.2 No further comment needed.

6.2 Prosecution for blasphemy and defamation

6.2.1 – In the last sentence, the words ‘there was a sharp increase in new blasphemy cases’ have been added and they do not appear in the original source, which says ‘there were at least 21 new blasphemy cases’. This should either be changed to match the original or ‘[there was a sharp increase in]’ should be included in brackets.

HO Response – Partly accepted.

We will correct this. We will also add square brackets for the period of

the report, which we have introduced, and include the specific page reference (p94) for the quote which is absent from the footnote.

The quote should be, as of 6 March 2017 (it is possible the text may have been revised by the USCIRF):

‘Blasphemy cases have increased since 2011, and this trend continued during the reporting period. While the majority of charges are leveled against Sunni Muslims, most of those sentenced by a court to prison terms for blasphemy have been Christians, Shi’a Muslims, and atheists, largely based on flawed trials. According to Egyptian human rights groups, there were at least 21 new blasphemy cases between the beginning of 2015 and the end of the reporting period, a sharp increase when compared to the previous year.’

6.2.2 – In the CPIN, the last two sentences have been split up and appear as one sentence with a semicolon in the original source. It should read ‘In December 2015, the teacher was sentenced to three years in prison in a separate trial and was expelled from his village; appeals for both cases are ongoing’ rather than the last portion after the semicolon being its own separate sentence.

HO Response – Accepted. We will correct this.

6.2.3 No further comment needed.

6.2.4 – In the second sentence, ‘[sic]’ should be added after the word ‘has’ due to the irregular grammar in the original source.

6.2.5 No further comment needed.

6.2.6 – At the beginning of the sentence, ‘[In 2015, the]’ should appear in brackets. The ‘...’ at the end of the quotation is unnecessary and should be deleted.

6.2.7 – In the last sentence of the first paragraph, the date ‘February [2016]’ should include the year in brackets.

The second paragraph should start with ‘...’

The third paragraph should start with ‘...’

HO Response – Accepted. We will amend this.

6.3 Converts to Christianity

6.3.1 – The first word in the first sentence should be ‘Only’ as it appears in the original source.

HO Response - Accepted

In the second sentence, the word 'recognize' should be spelled 'recognise' for consistency.

HO – Not accepted. See comments above re: house style and quotations.

6.3.2 – This section would be clearer if the case of Mohammad Hegazy is recounted chronologically because as it is, it starts with events that took place in 2013, and then the next paragraph discusses significant events from 2007.

The quote in this section that begins with 'Bishoy Armia Boulous, a convert from Islam to Christianity previously known as Mohamed Hegazy...' is incorrectly attributed to the US Department of State, International Religious Freedom Report 2015. It comes from the US Department of State, International Religious Freedom Report 2014 that is also cited just above this paragraph (page 9).⁶⁴

HO Response – Accepted. We will correct this.

The following quoted paragraph that starts with 'According to a human rights advocate, Boulous' re-arrest and continued detention...' is correctly attributed to the 2015 Report. However, the quote should end with the sentence 'The administrative court ruled in favour of the MOI.' The next sentence which begins with 'Authorities subsequently held Boulous in pre-trial detention illegally' is not quoted word-for-word from the text, and therefore should not be included within the quotation marks. The information in this sentence comes earlier in the paragraph that is being quoted, and it is provided out of order here. The full quote from this source is as follows:

'Prosecutors did not file charges against Bishoy Armia Boulous, a convert from Islam to Christianity previously known as Mohamed Hegazy, but repeatedly ordered his continued pretrial detention based on accusations that he denigrated Islam in a symposium in 2009. According to his lawyer, Boulous was being held illegally, having exceeded the maximum pretrial detention period of six months. Boulous was initially sentenced to five years in prison in 2013 for "illegally filming demonstrations to stir international public opinion against Egypt." In December 2014, the appellate court accepted Boulous' appeal of his sentence on the illegal filming charge and reduced it to one year. During the appeal process, Boulous was released by order of the appellate court in July 2014 pending a decision on the appeal. Upon his release, police immediately rearrested Boulous based on accusations of denigration of Islam in 2009. On May 12, the press carried a statement by Boulous' lawyer that he had been physically beaten and verbally abused by prison officials because of his conversion to Christianity. The lawyer also told press that Boulous was denied a Bible and

⁶⁴ <https://www.state.gov/documents/organization/238664.pdf>, p. 9

prescription glasses. According to a human rights advocate, Boulous' re-arrest and continued detention were due to his conversion to Christianity. Boulous was previously known for suing the Ministry of Interior (MOI) in 2007 for not allowing him to change his legal religious identity from Muslim to Christian. The administrative court ruled in favor of the MOI.'

In addition to these changes, additional sources provide further insight into Mohammad Hegazy's case that indicate the extent to which the government was involved in monitoring and persecuting him.

Prior to Mohammad Hegazy's attempt to have his conversion officially recognised, he left Islam at the age of 16 and 'began to suffer persecution almost immediately, and in 2002 he was jailed and tortured by the Egyptian internal police, then known as the State Security Investigations services (SSI).'

⁶⁵

Mohammad Hegazy, who for a period referred to himself as Bishoy Armia Boulous—a Coptic name—was the first Egyptian to attempt to have his conversion from Islam to Christianity officially recognised. It is important to note that Judge Mohammad Husseini told the administrative court that Hegazy 'can believe whatever he wants in his heart, but on paper he can't convert,' legally rejecting his attempt to change his religion.⁶⁶ According to Gamal Eid, head of the Arab Network for Human Rights Information (ANHRI), 'The judge didn't listen to our defense, and we didn't even have a chance to talk before the court,'⁶⁷ suggesting that it was not a fair process.

On 2 December 2013, Egyptian authorities arrested and detained Hegazy at a café at the Agricultural Association in Minya, and accused him of working for The Way TV, a Coptic Christian-owned, US-based television channel that broadcasts into Egypt via satellite. The government claimed that Hegazy was contributing to a 'false image that there was violence against Christians in Egypt.'⁶⁸ According to a statement by 18 human rights groups, 'the charges against Hegazy were clearly related to his religious conversion. Mr. Hegazy's detention, treatment, and prosecution blatantly violates Egypt's recently established constitution, which clearly states that "freedom of belief is absolute."' Additionally, *Morning Star News* reported that 'Internal documents from the MOI obtained by Morning Star News showed that during the time of his arrest, the ministry was employing at least one informant to follow Hegazy'.

⁶⁵ <http://morningstarnews.org/2016/08/key-figure-in-fight-for-religious-freedom-in-egypt-freed-declares-return-to-islam/>

⁶⁶ <http://www.christianpost.com/news/egypt-rules-christian-convert-must-remain-legally-muslim-31064/>

⁶⁷ <http://www.christianpost.com/news/egypt-rules-christian-convert-must-remain-legally-muslim-31064/>

⁶⁸ <http://morningstarnews.org/2016/08/key-figure-in-fight-for-religious-freedom-in-egypt-freed-declares-return-to-islam/>

There is also an update that took place in 2016 relating to Mohammad Hegazy's initial attempt at conversion in 2007, which should also be discussed chronologically for clarity. On 30 July 2016, Hegazy declared in a YouTube video recorded on the previous day that he was returning to Islam. Hegazy's attorney Karam Ghobrial told *Morning Star News* that 'he thinks that Hegazy made his confession of faith because he is a terrified and broken man. He noted Hegazy seemed stilted in the video, and that the statement he made seemed scripted. "I personally think that he recorded this video to get out."' ⁶⁹ It continues, 'All through his ordeal, Ghobrial said, his captors offered him freedom if he would convert back to Islam.'

HO Response – Accepted. We will revise the text to make clear that it is not a quote and provide additional information on Mr Hegazy.

6.3.3 – In the third sentence, the word 'memorizing' should be spelled 'memorising' for consistency.

HO Response – Not accepted. See explanation above re: house style and quotations.

6.3.4 – No further comment needed.

6.3.5 – In the first sentence, the phrase 'leaving many converts and atheists not sure of their religious identity' should be changed to 'leaving many converts and atheists in limbo over their religious identity' to match the original source.

HO Response – Accepted. Alternatively we will add square brackets to frame the 't' to indicate we are adding the missing letter to make the wording clear.

6.3.6 – 6.3.7 – No further comment needed.

6.3.8 – In the second sentence in this section that begins with "Her father," the word "father" is repeated an extra time and should be removed.

HO Response – Accepted. We will delete this.

6.4 Building and renovation of churches

6.4.1 No further comment needed.

6.4.2 – In the second quoted sentence that starts with 'On 30 August 2016,' the year 2016 is not included in the quote and so it should appear in brackets as '[2016].'

⁶⁹ <http://morningstarnews.org/2016/08/key-figure-in-fight-for-religious-freedom-in-egypt-freed-declares-return-to-islam/>

6.4.3 – There should be a ‘...’ before the word ‘Angry’ in the first sentence.

In the first sentence, the word ‘that’ should be removed as it is not in the original source.

6.4.4 – No further comment needed.

6.4.5 – The first letter of the worst word should be capitalised so it reads ‘Homes.’

6.4.6 – The ‘...’ at the end of the first paragraph is unnecessary and should be deleted.

HO Response – Accepted. We will delete this.

6.4.7 – No further comment needed.

6.4.8 – As mentioned in the note in the Introduction under 1.3 in the Additional themes and events section, this quote will be considered dated as of December 2016, and while this fits the November 2016 cut-off date of this CPIN, it is likely that Copts would disagree in light of the events in Cairo that took place in December 2016.

HO Response – Accepted. We will include reference to the bombing of El Botroseya Chapel adjacent to Saint Mark’s Cathedral in Cairo.

It remains unclear whether other aspects of the USSD’s analysis are incorrect, which will depend on available information.

6.4.9 – The ‘...’ at the beginning of the second paragraph is not necessary.

HO Response – Accepted. We will delete this.

6.5 State protection

6.5.1 This selection should begin with ‘...’ since it starts in the middle of the sentence in the original source.

6.5.2 – The ‘...’ at the beginning of the second paragraph is unnecessary and should be deleted.

HO Response – Accepted. We will delete this.

6.5.3 The quote from the DFAT Thematic Report that says ‘DFAT assesses that on a day-to-day basis in urban areas, the state has a capacity and willingness to provide protection to Copts, and generally does so. Copts facing harassment are able to go to a local police station for protection in those areas.’ This slightly contradicts the quote in the following section 6.5.4 by the Refugee Board of Canada that says ‘According to

the Assistant Professor, there have been complaints by Copts that the police are slow to respond, and “cannot be relied upon to protect Copts in situations of targeted violence” [...] The Assistant Professor indicated that, “[m]ostly, the perpetrators do not get prosecuted because the government opts for conciliation meetings and the charges are dropped or not pursued.”

Generally speaking, Egyptians do not trust the police to consistently protect them. According to Human Rights Watch in *Egypt: Prosecution Undermines Anti-Corruption Efforts*, ‘Another study by Transparency International found that two out of three Egyptians believe the parliament, media, judiciary, police, and education system to be corrupt, with more than 80 percent believing that corruption either stayed the same or increased following the 2011 uprising.’⁷⁰ While this applies to all Egyptians, it is unlikely that Egyptian Christians would benefit from the level of efficacy that the DFAT Thematic Report implies exists among the Egyptian police.

HO Response – this is an observation on the availability of protection, which appears to be more about whether our policy position is correct or not, rather than whether the country information is accurate, etc, and it, arguably, exceeds the remit of the reviewer.

The availability of protection is a legal test, which takes into account country information. The test does not require a state – in this case the Egyptian government – to provide guaranteed protection to a person but to have in place the infrastructure, resources, intent and actions in practice of protection, even if imperfect. That the Egyptian authorities may be slow to respond and viewed as corrupt does not necessarily mean they are not willing or able to provide some protection in all cases. Equally, that a group does not perceive the state as being willing and/or able to protect them does not mean this is the case in practice. Nor does this protection appear to be any worse or better than that available to Muslim Egyptians, so there is no clear evidence of discrimination on religious grounds.

While the DFAT report – the purpose of which is to provide information and analysis relevant for asylum decision making in Australia – indicates that protection may generally be available, this is not necessarily contrary to information from other sources that indicate that this may have limitations in practice.

6.5.4 – 6.5.6 No further comment needed.

6.5.7 – In the third sentence, in the date 3 September ‘[2015]’ the year should appear in brackets since it did not appear in the original source. Also the date in the fourth sentence 29 April “[2015]” should include the year in brackets.

⁷⁰ <https://www.hrw.org/news/2016/08/09/egypt-prosecution-undermines-anti-corruption-efforts>

HO Response – Accepted. We will include these for clarity.

6.5.8 – 6.5.11 – No further comment needed.

6.5.12 – The final sentence in this quote is not taken from the same part of this report, but rather from a different, earlier paragraph found in the Executive Summary, and this wording is also repeated in the first paragraph of the section on Government Practices. It is also not a direct quote. It should either be deleted or restructured so that the added words are not inside the quotes, as follows:

...Authorities announced streets would be named after some of the victims.’ According to the report this, among other actions of President Abdel Fattah al-Sisi, is ‘seen by Christian leaders as positive signals that Christians are full members of Egyptian society.’

6.5.13 – The last sentence should end with ‘...’ since it is not the end of the sentence in the original source.

6.5.14 – The ‘...’ at the beginning of both paragraphs in this quote are not necessary and can be deleted.

6.5.15 – The ‘...’ at the beginning of this quote is not necessary and can be deleted.

HO Response – Accepted. We will delete this.

6.5.16 – The word ‘victimization’ should be spelled ‘victimisation’ for consistency.

HO Response – Not accepted. See comments above re: house style and quotes.

The ‘...’ at the beginning of the second paragraph is not necessary and can be deleted.

In the second paragraph where it says ‘November 2015,’ it should be changed to ‘November [2015]’ with the year in brackets.

6.5.17 – In the first sentence of the first paragraph, the date should be changed to ‘8 August [2015]’ with the year in brackets. Also, in the second sentence, the date should be changed to ‘26 January [2015]’ with the year in brackets.

In the first sentence of the second paragraph, the date should be changed to ‘21 October [2015]’ with the year in brackets.

6.5.18 – The date in the third sentence should be changed to ‘April [2015]’ with the year in brackets.

6.5.19 – The second paragraph should begin with ‘...’

HO Response - Accepted

6.6 Reconciliation Committees

6.6.1 – The wording of the second sentence of this quote does not match that in the original source; the words ‘they are’ should be removed and replaced with ‘Their application has,’ the parentheses should be removed, and the word ‘will’ should be removed and replaced with ‘is more.’

The sentence ‘Reconciliation Committees are not used solely for inter-religious disputes’ is not found in this source, and it should either appear outside of the block quote or be deleted.

The sentence that begins with ‘Reconciliation Committees will typically involve victims of crimes...’ should be in a separate paragraph. The wording of this sentence also does not match that in the original source; there is an extra ‘and’ that connects the next sentence, incorrectly combining the two sentences as one. It should be two separate sentences, reading: ‘Reconciliation committees typically involve victims of crimes abandoning their claims to legal remedy. Instead, victims accept negotiated apologies and compensation, with promises made not to repeat certain activities.’

The phrase ‘DFAT understands that, sometimes’ should not be included inside the quotation since this has been added to the quotation from the source. The word ‘often’ has been removed from the original sentence in this quote, and this should either be included in the quotation or removed with the quotation mark coming after this word.

The last sentence in that paragraph has some added words in the quote which should be removed. It reads ‘On rare (and particularly serious) occasions, people are relocated to other parts of the area or country.’ It should read, ‘On rare (and particularly serious) occasions, people are re-located to other areas.’

In the final paragraph of this quote, the first two sentences are not found in this source. This should be removed or given proper citation. In the third sentence, the wording ‘Credible contacts have reported to DFAT that, in the’ does not appear in this source. It should be removed or taken out of the block quotation. The remainder of this sentence does not match the original source, where the word ‘Coptic’ has incorrectly been changed to ‘Christian’ on two occasions, and it should read, ‘In the case of Coptic–Muslim reconciliation committees, compensation offered by state authorities or Muslim parties will rarely meet the costs of the damage caused during violence. Moreover, in those cases where one party is required to relocate, it is the Coptic party that is generally moved.’ The final sentence in this block quote which

reads 'The Christian community is often offered protection from further attacks as a result of the Committee' is not found in the original source and should either be removed or given proper citation.

HO Response – Accepted. We will revise the quote and refer to the thematic report in the update of the CPIN.

6.6.2 – There should be a '...' between the penultimate and last sentences. It is also unclear why the last sentence gets its own paragraph. For consistency, this should either be moved up with the rest of the quote, or the whole quote should be broken up into separate paragraphs as they are found in the original source.

Due to the grammatical structure of the quote from Amnesty International in this source, '*sic*' should be added to the sentence which reads 'There is discrimination from the public but it depends where exactly and there is discrimination from the government to reconciliation with Muslim families.'

Generally, this source does not provide an adequately nuanced discussion of persecution in the selection that was taken from the article. Although not quoted in the CPIN, in the same section on persecution The Independent states, in contrast with the discrimination outlined in the quote from Amnesty International, that there are also prominent Copts, with the example of Boutros Boutros Ghali. This fits into the Australian Government DFAT Thematic Report's accurate description that 'The Coptic community is politically and socio-economically diverse' and that they 'hold varied professions; are represented across the socio-economic prominent Europe-educated Copt who has held a high profile position does not illuminate the situation of discrimination or persecution against Copts in Egypt.

According to Andreas Jacobs, a Resident Representative of the Konrad-Adenauer-Stiftung in Egypt, 'While the government's policies of promoting certain "flagship careers" following public criticism are highly symbolic, many still claim that discrimination and victimisation is increasing in daily life and interaction with the authorities. Copts remain barred from pursuing careers in the public sector, the police force, the judicial system, and universities. They may not study at the state-financed al-Azhar University. Priests live on donations and charity from the Church, while imams are paid by the state. [...] Also, in the wake of the so-called "swine flu pandemic," all Egyptian pigs were slaughtered, which many Christians viewed as a measure to undermine their livelihoods.'⁷¹

HO Response – Accepted. We'll review and improve the range of sourcing in this section.

6.7 Judiciary

⁷¹ http://www.kas.de/wf/doc/kas_21238-544-2-30.pdf?101124161703

6.7.1 No further comment needed.

7 Societal attitudes and treatment

7.1 Discrimination and violence tensions

7.1.1 – As mentioned in the note in the Introduction under 1.3 in the Additional themes and events section, the sentence ‘Under the Sisi administration, however, there has been a significant decrease in the scale and number of attacks against Copts’ is dated as of December 2016. While this does not fit within the temporal scope of this CPIN, it is worth bearing in mind that Egyptian Christians are likely to cite this significant event.

HO Response – Accepted. We will reflect this.

This appears to be a single incident, albeit with a relatively high number of casualties against a symbolic and important target. Has there been a general increase in incidents or material deterioration in protection compared to the period prior to the bombing? Is the reviewer aware of others that make the USSD assessment generally incorrect?

7.1.2 No further comment needed.

7.1.3 This quote is attributed to Paragraphs 5.6–5.7 in footnote 73, but it actually comes from 4.1 and 4.3.

HO Response – Partly accepted. Incorrect referencing - refers to the DFAT country report, not the thematic report.

7.1.4 – In the first sentence of the first paragraph the dates should read ‘24 June [2015]’ and ‘20 November [2015]’ with the years in brackets.

The first paragraph should end with ‘...’

The dates in the second paragraph should read ‘30 January [2015],’ ‘23 February [2015],’ and ‘12 February [2015]’ with the years in brackets.

The second paragraph should end with ‘...’

The third paragraph should end with ‘...’

In the fourth paragraph, ‘an April 26 statement’ should be changed to ‘a 26 April statement’ or a ‘statement [made on] 26 April.’

An additional source on the Muslim Brotherhood and supporters imposing jizya tax on Christians states that they ‘have began forcing the roughly 15,000 Christian Copts of Dalga village in Egypt to pay a jizya tax as indicated in Koran 9:29, author and translator Raymond Ibrahim reported...’ and ‘According to Fr. Yunis Shawqi, who spoke [...] to Dostor reporters in Dalga, all Copts in the village “without exception,” are being forced to pay the tax.’⁷² This source also indicates that that families who have been unable to pay were attacked.

HO Response – Accepted. We will revise this.

7.1.5 – The spelling of the word ‘proselytizing’ should be ‘proselytising’ for consistency.

7.1.6 – The first paragraph quoted here already appears directly from The Independent in 6.6.2 and it is a repetition of the same quote.

HO Response – Not accepted. See comments above re making changes to text in quotes.

7.1.7 – No further comment needed.

7.1.8 – This is a very accurate representation of the situation and continues to be relevant at the present time.

7.1.9 – No further comment needed.

7.1.10 – In the first sentence, the selection has omitted ‘70 year-old’ from what is written in the original source, and it should read ‘Hundreds of Muslims have set fire to homes of Christians in Southern Egypt and stripped a 70 year-old woman naked...’

An update to this story has taken place, but it is outside the temporal scope of this CPIN. However, it is worth noting that prosecutors have since thrown out the case,⁷³ and so the assertion from the quoted source here that the Public Prosecutor ordered arrests and detentions will currently not reflect that the family attained justice.

HO Response – Accepted. We will amend and make reference to the additional source.

7.1.11 – The last sentence should have ‘...’ before it. Additionally, it starts with the word ‘However,’ and it should be replaced with ‘But’ as it appears in the original source. It also ends with the words ‘with this,’ which should be deleted as they do not appear in the original source. The addition of ‘with this’ changes the meaning to

⁷² <http://www.washingtontimes.com/news/2013/sep/10/egypts-muslim-brotherhood-convert-islam-or-pay-jiz/>

⁷³ <http://www.egyptindependent.com/news/egypt-drops-case-against-mob-attacked-christian-woman>

appear to refer to the previous two sentences in the original source that refer to protests in Washington, D.C., whereas this sentence is about Coptic leaders in Minya. In the original source, the words 'reluctant to go along' are hyperlinked to The Economist, which is a source on problems faced by Christians in Egypt. This sentence is awkward to include in the CPIN without mentioning this reference.

HO Response - Accepted

The Economist source 'Crimes and no punishment'⁷⁴ is worth including here, since there is a quote from Magdi Kemal Habib of Minya saying, with regard to President Al Sisi's 'lack of progress,' that 'We were expecting it to be much better.' Bishop Makarios, a church leader from Minya is quoted saying, 'He just gives good feelings, but these feelings need to be translated into actions.'

It should also be noted that Coptic activists are critical of pope Tawadros II and his support of Al Sisi. It is important to contrast that despite the fact that high-level Coptic leaders may appear to support Al Sisi, the views of ordinary Copts and Coptic activists have contrasted with this support. Mada Masr reports that 'Coptic activists released a statement...criticising the Coptic Orthodox Church's widespread support of Abdel Fattah al-Sisi's visit to New York for the 71st meeting of the United Nations General Assembly...His visit was praised by leaders from the Coptic Church, who called on Coptic communities in the US to come out and show support for the president. Sisi's New York visit was hailed by Pope Tawadros II in an interview with the privately owned Al-Masry Al-Youm...in which Tawadros stated that media outlets were publishing false news about relations between Copts and Muslims...The Coptic Church also sent senior clerics, including Bishop Biemen – a close aide to Pope Tawadros II – to New York to rally support for the president...Monday's statement, signed by 82 people from the Coptic community, says that the church's support of the Egyptian state could harm Coptic communities in Upper Egypt who suffer from discriminatory practices and violence. "Despite the warm relationship between the current regime and Egyptian churches, ordinary Christian citizens, especially in villages and hamlets and the provinces in the south, suffer from discrimination and sectarian violence," the statement asserted. "The Coptic Church's support of Sisi will result in negative outcomes for Copts," Ishaq Ibrahim, one of the signatories of the statement and a researcher on Coptic affairs, explained to Mada Masr. "It indicates Coptic approval of the regime and will cause Copts problems in the future. Islamists will have the chance to target Copts and say they support the regime.'" ⁷⁵

The Carnegie Endowment for International Peace reports that, 'For Coptic activists, these security incidents underscore the need for Pope Tawadros II to reverse the church's role in domestic politics. The Pope has done little to put the issue on the

⁷⁴ <http://www.economist.com/news/middle-east-and-africa/21705365-violence-only-one-problems-faced-christians-egypt-crimes-and-no>

⁷⁵ <https://www.madamasr.com/en/2016/09/19/news/u/coptic-activists-criticize-churchs-support-of-sisis-new-york-visit/>

political agenda, and only a few clerics have dared to openly criticise the regime for its inertia. The Pope's backing of the Sisi regime risks coming at the expense of the community's long-term ability to defend its rights. Among his critics, the most prominent is Father Philopateer Gameel Aziz, who has repeatedly condemned the army over the Maspero killings. He was in turn accused of inciting violence against the Egyptian Armed Forces, and a military court imposed a brief travel ban on him in 2012. Moreover, Father Matias has repeatedly advocated for the fair representation of Copts in politics and denounced Egypt's judiciary for failing to protect Egypt's largest minority.'⁷⁶

HO Response - Accepted. Thank you for the additional information

7.1.12 – No further comment needed.

7.1.13 – In the second paragraph, the date should read as '17 July [2016]' with the year in brackets.

7.1.14 – No further comment needed.

7.2 Interfaith relationships

7.2.1 – The first sentence contains an 'and' that does not appear in the original source, and a semicolon has been omitted. It should read 'Interfaith marriages are increasingly unacceptable in Egypt; couples must be ready to pay a hefty price.'

The second and third sentences in this selection appear chronologically out of order and should be swapped.

There is an unnecessary '...' after the sentence 'The fighting erupted because of a relationship between a Muslim girl and a Christian neighbour' and it should be deleted.

There is an unnecessary '.....' at the end of the selection and it should be deleted.

HO Response - Accepted

7.2.2 – The word 'recognizes' should be spelled 'recognises' for consistency.

HO Response – Not accepted. See comments above re: house style and quotes.

The use of the phrase 'non-Muslim women' in this source is too broad in the sentence stating that '...non-Muslim women need not convert to marry Muslim men.' 'Most

⁷⁶ <http://carnegieendowment.org/sada/?fa=59195>

religious scholars agree that Islam permits Muslim men to marry “women of the book” – Christians or Jews – thus expanding the number of potential partners to choose from.⁷⁷ The word ‘non-Muslim’ is too broad as it could include atheists, members of polytheistic religions, or religions other than Christianity and Judaism. While religious and cultural interpretations of this may differ depending on the region, it comes from al-Maa’idah 5:4 in the Quran.⁷⁸ Of course in practice, this interpretation may or may not be accepted in certain Egyptian families.

HO Response – Accepted. We will clarify the observation about non-Muslim meaning Christians or Jews in the updated CPIN.

7.2.3 – In the first sentence, the word ‘related’ does not appear in the original source and should be replaced with ‘corresponded.’

HO Response – Accepted.

7.3 Women

7.3.1 – 7.3.2 – No further comment needed.

7.3.3 – In the first sentence, the words ‘stated that’ have been added and should not be included inside the quotation marks.

HO Response – Accepted. We’ll correct this.

7.4 Christian Converts

7.4.1 – In the second sentence, the word ‘criminalize’ should be spelled ‘criminalise’ for consistency.

HO Response – Not accepted. See comments above re: house style and quotes.

7.4.2 – No further comment needed.

8 Freedom of movement

8.1.1 – No further comment needed.

8.1.2 – While there may be no legal impediment for single women to relocate internally, it is socially difficult for women—particularly unmarried women—to live on their own in Egypt. It is generally uncommon for Egyptians to rent property, and

⁷⁷ <http://www.aljazeera.com/indepth/features/2012/12/2012122795639455824.html>

⁷⁸ <https://islamqa.info/en/21380>

depending on their means, it is much more common for Egyptians to purchase and own property as a traditional step in the marriage process. If a man cannot afford to purchase an apartment or home after marriage, a couple may live in one of their families' homes. The majority of Egyptian women live with their families until they are married and move from their family home to a home with their spouse. There are few exceptions to this such as women changing cities to attend university, or more liberal or Westernised women living in urban areas. However, the notion of roommates or flatmates is extremely uncommon, especially for women. An Egyptian woman living on her own might face stigma or harassment, either from landlords, doormen, repairmen, neighbours, etc. If a Coptic woman is to relocate internally, culturally it is preferable that she is with other family members or a spouse. Additionally, in rural areas where housing is more informal and sometimes a family may have built their own home, the possibility of relocation is difficult.

HO Response – if the reviewer has any further sourced information on the situation that would be welcome. As we note in the guidance section, any assessment of whether a woman could relocate will depend on her specific circumstances.

Also to note, we will provide a link to our CPIN on women which has just been released (in March 2017).

8.1.3 – 8.4 – No further comment needed.

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2) Review of country information and policy note on Muslim Brotherhood

1 Introduction

1.1 This review addresses the UK Home Office Country Information and Guidance (CIG) on Egypt: Muslim Brotherhood, dated 2 August 2016, in accordance with instructions from the Independent Advisory Group on Country Information (IAGCI). The instructions are as follows:

- (ii) Assessing the extent to which information from source documents has been appropriately and accurately reflected in the CIG Reports.
- (ii) Identifying additional sources detailing the current human rights situation in the country with respect to main grounds for asylum claims (which are noted in each CIG Report).
- (iii) Noting and correcting any specific errors or omissions of fact.
- (iv) Making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach.

Additionally, the instructions include the following guidelines:

- (i) 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.
- (ii) The review should focus exclusively on the country of origin information contained within the document, and not pass judgement on the policy guidance provided.
- (iii) When suggesting amendments, rather than 'tracking changes' on the original CIG report, a list of suggested changes should be provided as part of a stand-alone review paper, and each report should be reviewed separately.

1.2 Methodology

The Review is based on analysis of the *UK Home Office Country Information and Guidance on Egypt: Muslim Brotherhood, August 2016* (CIG) and the sources cited therein. It also examines Information Requests (IRs). This involved cross-checking all of the sources cited against the original sources to ensure consistency of content and

style. The analysis is also based on assessing the accuracy, range, and reliability of sources and relevance of information, as well as recommending additional sources of information not previously used in the CIG. The Review additionally addresses format and structure, as well as style and organisation.

1.3 Summary of Review

1.3.1 Strengths and weaknesses

This CIG is extremely well-sourced with relevant and reliable sources that are available to the public. It accurately captures a concise history of the Muslim Brotherhood, while also providing an informative background on the current situation for the group.

Its weaknesses are mainly related to consistency of style and citing quotations.

1.3.2 Structure, style, and organization

Because this CIG relies on several online sources where the wording in the CIG does not match that found in the original source, it might be that the online sources have been updated since the last time the source was accessed. A general suggestion for this CIG is to update the wording used in online news sources. For consistency in order to suit the style of the overall CIG, I have taken note of sections where stray American spellings occur instead of British spellings, as well as the additions or omissions of certain quoted words that should be represented in brackets or with ellipses.

1.3.3 Additional themes and events

Perceived supporters of the Muslim Brotherhood

This CIG only briefly alludes to the idea that ‘perceived’ supporters of the Muslim Brotherhood may be targeted. This is mainly only referenced in 3.1.4 and in a quote from Amnesty International in 5.2.4, but it does not go into detail into how targeting, attacks, or crackdowns might take place or how individuals may fit the profile of a perceived supporter. This has often been merely due to an individual’s appearance, which is often ascribed to men who have a religious beard, or simply having a beard that is perceived to be for religious purposes.

Jadaliyya reports that ‘Victims were frequently attacked because of their appearance. Bearded men were singled out under the assumption that a beard signifies a devout Muslim. Ironically, some leftist activists and Christians were beaten up for the same

reason. Appearances become an excuse for insults, beatings, or even murder. As a result, some Islamists, and others, shaved off their beards.’⁷⁹

The Middle East Eye provides examples of men who received harassment or abuse due to having a beard, regardless of their actual political affiliation. Of these, Abdullah Farouk Kenibar, a young man who grew a beard for religious reasons, began experiencing a change in the way he was perceived after Morsi was removed from power. ‘Along the way to Cairo, Kenibar’s car was stopped by a group of men. Kenibar was attacked violently under the assumption that he was “Ikhwan,” and afterwards he was taken by the gang of men to a police checkpoint, again under the assumption that he was a member of the Brotherhood heading to Cairo to participate in the sit-in. Kenibar was detained briefly for this, and he would have stayed in jail if it wasn’t for the interference of his uncle, a judge, who managed to get him out after three days of detention.’⁸⁰

This source also mentions a young man, Ahmed Fouad Hendawy, a photojournalist who was targeted for a beard that he did not grow for religious reasons. He explained, “‘I just like the way I look with a beard. [...] I just like my appearance as a bearded man.’” He also said, “‘When Morsi became president, so much negative light was shed on the Brotherhood and the Islamists. Our society is easily influenced and led, and it started to stigmatise all bearded men as Islamists and members of the Brotherhood...’”

‘The breaking point was on the night of 7 July 2013. Hendaway was covering clashes between Morsi supporters and Sisi supporters in downtown Cairo, near Ramses Square. According to Hendaway, after about an hour, police forces intervened in favour of the Sisi supporters. Hendaway was able to capture images of police attacks on Morsi supporters. On his way to the office of the website, he was stopped at a checkpoint.

“People were passing by the checkpoint without getting stopped at all, but when I was seen, I was immediately stopped. It was clear that it was because of my long beard. Five minutes later I was ransacked, and of course the data on my camera was discovered, and I was beaten mercilessly, though I kept repeating that I am a journalist, and that I was just doing my job.”

Hendaway was led to a police station where he was detained for about a month, till the efforts of his website were fruitful, and he was released.’⁸¹

HO response – Accepted. We will include material on those perceived to be linked to the Muslim Brotherhood.

⁷⁹ <http://www.jadaliyya.com/pages/index/19024/beard-phobia>

⁸⁰ <http://www.middleeasteye.net/in-depth/features/fear-beard-1007632928>

⁸¹ <http://www.middleeasteye.net/in-depth/features/fear-beard-1007632928>

Members and supporters of the Muslim Brotherhood in the military service

One of the ways that members and/or of the Muslim Brotherhood might be detected and monitored is through the military service. According to Al-Monitor in an article entitled *Egypt May Ban Brotherhood Supporters from Joining Army*, 'The announcement made by attorney at law Azeb Makhoul before the public prosecutor, warning about the recruitment of young men affiliated with the Muslim Brotherhood into the Egyptian army, aroused major controversy in juridical, political and military services. This announcement came following the al-Farafra slaying incident in which one of its victims from the armed forces was said to be a supporter of the Brotherhood, and suspected of having helped facilitate the attack. As a result, Makhoul's announcement stirred debate concerning the Brotherhood's involvement in the armed forces. The former director of the anti-terrorism unit in the military intelligence services, Maj. Salameh al-Jawhari, told Al-Monitor, "The military service is every Egyptian's duty. No one should be denied service in the military, even if they are members or supporters of the Muslim Brotherhood." Legal expert Mohammed Kbeish told Al-Monitor, "Blocking a group from mandatory military service is not right according to the Egyptian Constitution of 2014. It stipulates that all citizens are equal in right, duty and freedom." "According to the Constitution, no group in society shall be considered a terrorist group. No person shall be denied service in the military, unless convicted of a crime. Certain individuals can be denied military service only if a resolution is issued by the armed forces and is not in virtue of a court ruling, to preserve the national security," Kbeish said.'⁸²

There are also reports that during military service recruitment, young men have been asked about their or their family members' membership or support of the Muslim Brotherhood. This serves as both a process of elimination as described above as well as an avenue toward monitoring and reporting to State Security. Unfortunately the other source that describes this in more detail comes from after the August 2016 cut-off date of this CIG; the Middle East Eye reports that a young man who was interviewed 'Zayn* [names have been changed for security reasons] [...] narrated his experience in the army to the MEE, said that officers will ask if you or a member of your family belongs to the now-outlawed Muslim Brotherhood. Young men may be exempted if they say yes, but given the crackdown now taking place on members of the group, it is unwise to do so. Zayn speculates that this may be a way to steer the men into the radar of Egyptian state security.'⁸³

HO Response – Accepted. We have included this in a separate, bespoke CPIN on national service.

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⁸² <http://www.al-monitor.com/pulse/originals/2014/08/egypt-ban-recruitment-muslim-brotherhood-army.html>

⁸³ <http://www.middleeasteye.net/in-depth/features/it-hell-chronicles-military-conscripts-egypt-army-university-1506222876>

Per the instructions, this Report will not comment on matters of policy, and so sections 1 – 3.1.5 will not be addressed.

4 Background

4.1.1 – The wording of this section does not match that found in the original source, and it is possible that the online BBC article has been updated since the last date of accessing it.

The first paragraph should now read: ‘Founded by Hassan al-Banna, the Muslim Brotherhood – or al-Ikhwan al-Muslimun in Arabic – has influenced Islamist movements around the world with its model of political activism combined with Islamic charity work.’ The first paragraph should end with ‘...’

In the second paragraph, the word ‘remove’ should be deleted and replaced with ‘cleanse it of.’ The second paragraph should end with ‘...’

HO Response – Accepted. We will update this.

4.1.2 – No further comment needed.

4.1.3 – The wording of this section differs from that found in the original source. It should read, ‘today, [the Muslim Brotherhood] claims to number over a million – whose rank-and-file are said to be lower-middle-class, but whose leaders are often doctors and businessmen. Each pays a portion of their income to help fund the movement.’

HO Response – Not accepted. This is not a quote, but for the most part paraphrase.

4.2 Muslim Brotherhood rise and fall: 2011 and 2014

4.2.1 – This section is very well sourced. For consistency with the style of the rest of the CIG, in the seventh paragraph the word ‘criticize’ should be spelled ‘criticise.’ In the eighth paragraph, for consistency the style of the dates should be changed to ‘3 July 2013’ in the first sentence and ‘14 and 15 January 2014’ in the second sentence.

HO Response – Not accepted. See opening comments re: house style and quotes. However, we appreciate the positive comments regarding the section being “very well sourced”.

4.2.2 – No further comment needed.

4.2.3 – In the first paragraph, in the third sentence the word ‘remobilizing’ should be spelled ‘remobilising’ for consistency.

HO Response – not accepted. See opening comments re: house style and quotes.

In the first sentence of the second paragraph, the first word in the original source ‘And’ has been omitted, and so it should either be added or replaced with ‘...’

HO Response - Accepted

4.2.4 – No further comment needed.

4.2.5 – The wording of this section does not match that found in the original source, and it is possible that the online Amnesty International article has been updated since the date of accessing it.

The excerpt should now read: ‘By sentencing Egypt’s former President Mohamed Morsi and 102 others, including senior Muslim Brotherhood members, to death [...] the Egyptian authorities have once again demonstrated the appalling state of the country’s justice system... In one of two cases the criminal court ruled on [...], former President Morsi and 80 others, – including senior Muslim Brotherhood members – were sentenced to death for orchestrating mass prison-breaks during the “25 January Revolution,” aided by Hamas and Hizbullah.’

4.2.6 – Similar to the section above from the same source, the wording in the original source differs from the excerpt found in this CIG.

The beginning of this paragraph should now read: ‘[T]he Egyptian authorities should drop all the charges in all cases against Mohamed Morsi and his aides on the basis that they were subjected to enforced disappearance following their removal from power on 3 July 2013. Any evidence used from their interrogations during the period when they were held incommunicado must be thrown out. Mohamed Morsi should not have not been in prison in 2011 as he was held in administrative detention, under emergency powers and without a judicial detention order.’

The final sentence in this selection remains the same, but it should be preceded with ‘[...]

HO Response – Accepted. We will correct this.

4.2.7 – The beginning of this selection should start with ‘...’ The word ‘the’ before the date ‘30 June 2013’ should be deleted.

In the first sentence of the second paragraph, the word 'mutinied' should be followed by a colon.

In the second sentence of the second paragraph, the word 'collapse' should be followed by a colon rather than a full stop, and the 'b' in the word 'by' should be made lower case to connect the two sentences as they appear in the original source.

It is not clear why this second paragraph is on its own, and it should be moved up to be joined with the first paragraph as it appears in the original source.

HO Response – Accepted. We will correct this.

In second sentence of the third paragraph, the word 'mobilized' should be spelled 'mobilised' for consistency.

HO Response – Not accepted. See opening comments re: house style and quotes.

Following the end of the second sentence in the third paragraph, after the word 'necessary,' '[...]' should be inserted.

Starting from the third sentence in the third paragraph that starts with 'This is the context...' the selection should be moved down as a new paragraph.

HO Response – Accepted

4.2.8 – The first sentence in this selection does not match the wording found in the original source, and it is possible that the online BBC article has been changed since the date of access.

It should now read: 'Mohammed Morsi was Egypt's first democratically elected president, but lasted only one year in power before being ousted by the military on 3 July 2013.'

HO Response – Accepted. We will revise this.

4.2.9 – In the second sentence of the first paragraph, the word 'had' has been omitted and should be added so that it reads '...had had significant influence...'

In the last sentence of the first paragraph, the 'g' in the word 'Group' should be made lower case.

HO Response – Accepted. We will correct this.

In the second paragraph, the wording does not match that found in the original source, and it should read: “The main findings of the review support the conclusion that membership of, association with, or influence by the Muslim Brotherhood should be considered as a possible indicator of extremism,” Cameron said in a written ministerial statement to MPs.’

The third paragraph should begin with ‘...’

HO Response – Accepted. We will correct this.

5 Treatment of Muslim Brotherhood

5.1 Muslim Brotherhood and affiliated groups banned

5.1.1 – The link for this source does not work. This is a problem with Amnesty International’s website rather than the URL provided. It is clear from this link <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/> that it should be there, but now only the full report can be accessed, which includes the Egypt section. The footnote can either be changed to include this link <https://www.amnesty.org/en/documents/annual-report/2016/> (which does not directly lead to the full text of the source), or a direct download to the PDF can be hyperlinked at the beginning of this section.

In the first sentence, in the phrase ‘By the end of 2015’ the year should appear in brackets as ‘[2015].’

HO Response – Accepted. We will correct this.

The first sentence should end with the word ‘group’ and the word ‘and’ should be deleted and replaced with a full stop. The word ‘on’ just prior to the date ‘21 October 2015’ should begin with a capital letter as the start of the next sentence.

In the date ‘21 October [2015]’ the year should appear in brackets for consistency.

HO Response – Accepted. We will correct this.

5.1.2 – The second sentence should end with the word ‘activities,’ which should be followed by a full stop. The word ‘and’ following the word ‘activities’ should be deleted, and the ‘T’ at the beginning of the word ‘The’ should be capitalised as the beginning of the next sentence.

Prior to the last sentence, ‘[...]’ should be inserted.

HO Response – Accepted. We will correct this.

5.1.3 – No further comment needed.

5.2 Arrests and trials

5.2.1 – In the third sentence, the date '30 October [2014]' should appear with the year in brackets.

5.2.2 – The URL in this footnote leads to an article from 22 November 2016, which is beyond the temporal scope of this report. It contains different wording than what has been quoted in this section, and the excerpt contains more information about Morsi's escape from prison than appears in this article. It is possible that the online BBC article was updated since the date of access.

5.2.3 – The same comment as above in 5.2.2 applies here; the wording is different from the original source.

5.2.4 – As mentioned in 5.1.1, the link to this source in the footnote does not work and the full report should be cited or hyperlinked.

In the first sentence, the date 'September [2015]' should include the year in brackets.

5.2.5 – In the second sentence, the date '11 April [2015]' should include the year in brackets.

In the penultimate sentence, after 'President Abdel Fattah al-Sisi,' '[...]' should be inserted.

HO Response – Accepted. We will correct this.

In the last sentence, the word 'However' should be deleted as it does not appear in the original source. The 't' in the word 'The' should be capitalised.

5.2.6 – As mentioned in 5.1.1, the link to this source in the footnote does not work and the full report should be cited or hyperlinked.

In the first paragraph, the date '23 September [2015]' should include the year in brackets.

The first sentence should end with a full stop after the word 'protests,' the word 'but' should be deleted, and the 't' in the word 'The' should be capitalised to begin the next sentence, as it appears in the original source.

In the second paragraph, the quotation should not begin at the beginning of the sentence, and this should be deleted.

In the second paragraph, there should be a full stop after 'mass trials.' The next and final sentence should read 'Amnesty International says "Military trials of civilians are fundamentally unfair"' with the portion 'Amnesty International International says' outside of the quotations.

5.2.7 – The second paragraph should end with '...'

The third paragraph should end with '...'

5.2.8 – In the second sentence of the first paragraph, the date '23 January [2015]' should include the year in brackets.

The first paragraph should end with '...'

Following the end of the first sentence of the second paragraph, '[...]' should be inserted.

HO Response – Accepted. We will correct this.

In the third sentence of the second paragraph, the date '7 September [2015]' should include the year in brackets.

5.2.9 – At the end of the first sentence, the word 'Egypt' should be deleted and replaced with 'the country' as it appears in the original source.

5.2.10 – The footnote and link in this section incorrectly attribute this source to a different Human Rights Watch report from February 2016 entitled 'Egypt: Condemn Justice Minister's Hate Speech.' This should be replaced with the correct link to the July 2015 report 'Police Account of Dead Raid in Question' <https://www.hrw.org/news/2015/07/31/egypt-police-account-deadly-raid-question>.

After the first sentence of the first paragraph, a quotation mark should be added after the word 'executions.'

In the last sentence of the last paragraph, the word 'authorized' should be spelled 'authorised' for consistency.

5.2.11 – At the end of the last sentence, the phrase "said the relatives of the defendants" should be changed to 'relatives of the defendants said' to match the wording in the original source.

HO Response – Accepted. We will correct this.

5.2.12 – No further comment needed.

6 Journalists/media

6.1.1 – After the first word ‘Individuals,’ ‘[...]’ should be inserted. This paragraph should also end with ‘...’

The second paragraph should be introduced with ‘According to Huffington Post’ at the beginning, and the phrase ‘According to Huffington Post’ that is within the text should be deleted.

6.1.2 – In the first sentence, the word ‘Egypt’ should either be replaced with ‘the country’ as it appears in the original source or included in brackets as ‘[Egypt].’

In the third sentence, the word ‘Sympathizers’ should be spelled ‘Sympathisers’ for consistency.

6.1.3 – In the first sentence, ‘[In July 2015]’ should appear in brackets. After the phrase ‘Egyptian authorities,’ ‘[...]’ should be inserted. The phrase ‘journalist syndicate’ should be replaced with ‘journalists syndicate’ as it appears in the original source. The end of the first sentence should be followed by ‘...’

In the second sentence the word ‘condemn[ed]’ should contain brackets since it is in present tense in the original source. Similarly, in the second sentence the word ‘call[ed]’ should also contain brackets.

In the third sentence, after the word ‘Khallaf’ the word ‘[was]’ should appear in brackets.

In the last sentence, the word ‘recognized’ should be spelled ‘recognised’ for consistency. The phrase ‘Egyptian Journalist Syndicate’ should be replaced with ‘Egyptian Journalists Syndicate’ as it appears in the original source.

6.1.4 – In the first sentence, following ‘MB’ and before ‘according,’ ‘[...]’ should be inserted.

In the last sentence the phrase ‘[in June 2015]’ should appear in brackets.

6.1.5 – In the first sentence, in the date ‘1 July 2015’ a space should be inserted between the ‘1’ and the word ‘July.’

Following the end of the first sentence, a ‘...’ should be inserted.

In the second sentence, in the date ‘31 August [2015]’ the year should appear in brackets.

HO Response – Accepted. We will correct this.

In the last sentence the phrase 'According to reports' at the beginning should be deleted and moved to the end of the sentence as it appears in the original source, so that it reads 'The three journalists are not in police custody and will appeal the verdict, according to reports.'

6.1.6 – In the first sentence, following the phrase 'HRW said,' '[...]' should be inserted.

In the second sentence, in the date '28 January [2016]' the year should appear in brackets.

Following the end of the first sentence of the last paragraph, '...' should be inserted.

6.1.7 – At the beginning of the first sentence the phrase '[In July 2015]' should appear in brackets.

In the second sentence, the date '16 July [2015]' should have the year in brackets.

At the beginning of the last sentence, the phrase '[Shortly afterwards]' should appear in brackets since it does not appear in the original source.

6.1.8 – Following the end of the first sentence, '[...]' should be inserted.

The penultimate sentence should end with '...'

The last sentence should also end with '...'

6.1.9 – This selection should begin with '...'

In the first sentence, following the word 'passport,' '...' should be inserted and the words '[and with]' should appear in brackets.

The sentence 'The dispersal left hundreds dead' should be followed by '...'

The last sentence should end with '...'

6.1.10 – No further comment needed.

6.1.11 – In the last sentence, in the phrase 'journalists were physically assaulted during [2015]' the year should appear in brackets.

The end of the first paragraph should be followed by '...'

In the second paragraph, in the last sentence in the date 'September [2015]' the year should appear in brackets.

6.1.12 – No further comment needed.

HO Response – Accepted. We will correct this.

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3) Review of Responses to Information Requests (IRs) on Egypt

Response to COI request 10/16-060 (Atheists): For clarity, the quote used in paragraph 1 should include the rest of the sentence, which states that ‘charges are laid under laws against blasphemy or contempt for religion.’

There are also some stray American spellings such as the word ‘demonizes’ in paragraph 2, which should be changed for consistency.

In paragraph 3 there is redundant/ungrammatical wording, ‘the Egyptian Government in Egypt exploit.’ This is written as ‘governments in Egypt exploit’ in the original source, so it might be replaced with ‘[the Egyptian Government] exploit[s].’

HO Response – Accepted. However, given this was a case specific response and the comments do not go to the core of the response, we do not intend to revise and reissue.

Response to COI request 10/16-079 (Treatment of homosexuals): In section 1 there are some stray American spellings from the original text. For consistency, in the first paragraph the word ‘criminalize’ and the word ‘organize’ should be changed. Similarly, in the second and fourth paragraphs, the dates ‘April 14’ and ‘January 12’ respectively should be changed to ‘14 April’ and ‘12 January.’

HO Response - Accepted

Many sources including the ones quoted in this IR highlight the fact that homosexuality is not illegal in Egypt. An aspect of this to consider along with this is that while it is criminalised with the use of laws that do not explicitly mention homosexuality, like anti-prostitution laws, the very existence of homosexuals in Egypt is often denied or ascribed to being a Western, or non-Egyptian, notion. The Atlantic reports that ‘...Egypt, a country that has a hard time acknowledging the existence of gay citizens within its borders, has no laws against homosexuality.’⁸⁴ Daily News Egypt reports that ‘According to a 2013 survey by the Pew Research Centre, 95% of Egyptians believe that homosexuality cannot and should not be accepted in society. Some people actually believe that there are only few or no homosexuals in Egypt,

⁸⁴ <https://www.theatlantic.com/international/archive/2014/11/egypt-wont-acknowledge-homosexuals-but-send-them-to-prison-anyway-under-prostitution-law/382257/>

while those who believe there are homosexuals living among us, think they should be imprisoned.’⁸⁵

This IR response is missing a significant event which took place on 29 August 2014 as a part of the crackdown on homosexuals in Egypt. BBC News reports that ‘A court in Egypt has sentenced eight men to three years in prison for appearing in a video alleged to show a gay marriage. The video, which was posted to YouTube in September, shows two men exchanging rings on a boat in the Nile.’⁸⁶ According to The Guardian, ‘A court ruled the defendants had endangered public morality...’⁸⁷

The last source used in this IR on the subject of conscription, in footnote 6, is from 1998 and outdated. The first portion that addresses the question of whether conscription exists should be removed because it references Article 58 of the 1971 Constitution, which contains different wording on military service than the current Constitution. The 2014 Constitution addresses military service in Article 86, which states, ‘Protecting national security is a duty. The responsibility of all parties to uphold national security is guaranteed by the Law...Defending the nation and protection of its land are an honour and a sacred duty. Military service is mandatory according to the Law.’⁸⁸

In addition to the exemptions mentioned in this source, the Consulate General of Egypt in Montreal states the following about military exemption:

‘You can apply for military exemption for one of the following reasons
If you are holding dual nationality

If you are the only son of your father

If you are [a] student.’⁸⁹

This source further explicates that exemption for an only son to a father is for those who are ‘over the age of 30 or father’s age of 60.’

Egypt’s Ministry of Defence website provides details about military service, exemptions, and postponement (Arabic).⁹⁰

It is also important to note that, within the theme of treatment of LGBTI individuals and military service, the degrading anal examinations discussed above as being a part

⁸⁵ <http://www.dailynewsegypt.com/2015/06/03/homosexuals-ongoing-acceptance-struggle-increases-as-government-crackdown-tightened/>

⁸⁶ <http://www.bbc.com/news/world-middle-east-29862660>

⁸⁷ <https://www.theguardian.com/world/2014/nov/03/egypt-jails-eight-men-gay-marriage-ceremony-nile>

⁸⁸ <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>

⁸⁹ <http://www.egyptianconsulate.ca/exemption-from-military-service/>

⁹⁰ http://www.mod.gov.eg/mod/Mod_TaggedServices03.aspx

of the crackdowns on homosexuals are also practiced as a part of military health checks to ensure that a person is not homosexual when entering the military. The Middle East Eye reports, with regard to military service exemptions, 'Other cases of exemptions are even more vague and can cause the young men more harm than good in the long run. For example *Tamer [names have been changed for security reasons] who has already served a year in the military, told MEE that medical examinations include homosexuality tests. "You bend down and spread [your legs] and if they find [the anus] bigger than usual, they assume you're gay and exempt you," Tamer explained, "which tells you a lot about their medical mentality," he said, poking fun at the time Egypt's military claimed it had invented a device to cure Aids and Hepatitis C. "I don't know anyone who was let go [because of this]," Tamer said, "but rumours say he gets a special red-coloured exemption that tells any [job] recruiter that he's gay.'" ⁹¹

HO Response – Accepted. We will review and reissue the response. However, we will also remove the reference to LGBT persons and replace it with a link to the CPIN on national service, which includes this source.

Response to COI request 02/16-050 (Military service medical exemption): In the first paragraph containing the questions, in the fourth sentence the word 'previosuly' should be changed to 'previously.'

As mentioned in the review of the response to COI request on treatment of homosexuals above, the first source used in this IR on the subject of conscription, in footnote 1, is from 1998 and outdated for its reference to Article 58 of the 1971 Constitution, which contains different wording on military service than the current Constitution. ⁹²

Egypt's Ministry of Defence website provides details about military service, exemptions, and postponement (Arabic). ⁹³#

HO Response – Accepted. However, we will remove this response from our intranet and direct decision makers to the separate, bespoke CPIN on national service.

Response to COI request 01/15-133 (Schools for disabled children): Generally speaking, there are many schools that cater for physically and mentally disabled children, which I will list below. However, each one comes with its own application process and 'assessment,' and it is ultimately up to them whether to accept or reject a child's enrolment. Furthermore, because some of these are international schools, it is likely that these schools are prohibitively expensive, especially in the likely case that they

⁹¹ <http://www.middleeasteye.net/in-depth/features/it-hell-chronicles-military-conscripts-egypt-army-university-1506222876>

⁹² <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>

⁹³ http://www.mod.gov.eg/mod/Mod_TaggedServices03.aspx

charge for tuition in US dollars rather than Egyptian pounds. It is not guaranteed all of these schools provide adequate education or support, and it is possible that commuting is difficult or expensive. As a developing country with deteriorating infrastructure, most areas in Egypt are not accessible, and commuting (particularly in an accessible vehicle) may be difficult or prohibitively expensive unless the school itself provides the means. A parent would need to enquire about whether the school provides transportation from near their area of residence, and whether this comes at an additional cost.

The quote taken from Egypt Independent in footnote 1 might be considered contentious or controversial for its use of the term 'mental retardation' in the third paragraph, which is considered derogatory and is increasingly being replaced with other terms such as 'intellectual disability.' Because this term is not being used in this source to highlight its derogatory nature, but rather as a legitimate term used by the author of the article (rather than the representative of the school who is quoted in the article), and because the Egypt Independent article is an otherwise informative source, it is advised to replace this with another term in brackets or simply remove that sentence.

Also with regard to the abovementioned Special Education for Advancement School, in addition to the article quoted here, a direct link to their website <http://www.sea-edu.com/> should be included. They do not include information about their fees in their website, but they encourage those who have enquiries about the cost of packages and offers to email them under the Tuition Payment section <http://www.sea-edu.com/tuitionpayment.aspx>. Also, under their Frequently Asked Questions section, they state that information on fees and tuition can be obtained by calling their admission office.

The third source mentioned here comes from a more general list of schools, and ADVANCE has its own website at <http://www.advance-society.org>. They have programs for both children and adults, which they describe in further detail in their website.

Additional schools for children with special needs are as follows:

Bluebells International School, located at 10 Abd El-Khalek Tharwat Street, Al-Motomayez District, 6th of October City, Cairo <http://bluebells-school.com/>.

Bright Hope for Special Needs – El Amal El Parak Association, located at 12 Mahmoud Ghonaim Street, off Abou Dawoud El Zahery Street, Makram Ebaid Nasr City, Cairo, behind Children Garden <http://www.dalili.com.eg/en/bright-hope-for-special-needs-el-amal-el-parak-association-cairo-113117>.

Continental School of Cairo, located in El Obour City, 7th Zone, Cairo <http://www.continental-school.com/>.

Dream Ideal Education School, located at Dreamland Champs Elyses Street, 6th of October City, Cairo <http://www.dreamidealschool.com/>.

Learning Resource Centre, located at Building #9, Road 278, New Maadi, Cairo <http://lrcegypt.org/>.

Misr Language School, Special Education & Inclusion Department, located on Faiyoum Desert Road, Giza <http://mls-egypt.org/mls-american/content.php?alias=special&stages=special>.

The Right to Live Association for the Intellectually Disabled, located on El Hak Fi Al Hayat Street, Sheraton Heliopolis Area, Heliopolis, Cairo <http://www.righttolivecairo.org/>.

HO Response – Accepted. We will reissue the response with the suggested sources / make any necessary revisions.

Response to COI request 09/15-058 (Single Female Mother): The first link in footnote 1 (which is also used in footnotes 2 and 3) did not work for me, but I was able to find this source at <http://www.refworld.org/docid/3ae6b4e218.html>. I also had trouble with accessing the second link in footnote 1 (which is also used in footnote 5), but was able to access this source at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565630/CIG-EGY-Background-information-v1-May-2015.pdf.

HO Response – Accepted. However, we do not propose to reissue as while the links may not work, the necessary source details are provided and may be obtained if needed via an internet search. We have also just published a CPIN on women which provides information on the position of single women.

Response to COI request 04/15-010 (Status of Syrian refugees): With regard to question 3, Egypt's Ministry of Interior website provides information about all types of residency permits here: <http://www.moiegypt.gov.eg/English/Departments%20Sites/Immegration/ForignersServices/Visa/> Of these, 're-entry visas'⁹⁴ obtained after having been granted temporary residence for tourism and visas for 'UN refugees'⁹⁵ can be obtained from a consulate outside of Egypt. The MOI website also contains information about granting

⁹⁴

<http://www.moiegypt.gov.eg/English/Departments+Sites/Immegration/ForignersServices/EkametAlAganeb/BackVisa/>

⁹⁵

<http://www.moiegypt.gov.eg/English/Departments+Sites/Immegration/ForignersServices/EkametAlAganeb/AILageen/>

foreign wives Egyptian nationality, documentation required, and fees.⁹⁶ The website for the Egyptian consulate in the United Kingdom advises that ‘Nationals from (Arab countries) are advised to contact the Consulate General before applying for the visa in order to confirm the required documentation.’⁹⁷

With regard to question 4, Syrians had the right to seek and, when eligible, obtain asylum in Egypt by registering with the UNHCR in Cairo. This means being able to physically approach the UNHCR office. Refugees receive identifying documentation from UNHCR following their registration; this documentation may bear a residency permit, but some Syrians with refugee status in Egypt may still obtain residency permits in their passports. A Syrian individual who is married to an Egyptian may be considered ‘not of concern’ to the UNHCR if he or she is eligible for Egyptian citizenship through marriage to an Egyptian. It would depend on whether the marriage took place before or after registration with UNHCR, but if the marriage has been declared to the UNHCR then it is possible they would have difficulty gaining or retaining refugee status.

The link in footnote 4 is for Country Reports on Human Rights Practices for 2015 rather than 2013 as is stated in the footnote. The link also does not lead to the text of the source itself, but rather to the Secretary’s Preface. In the 2015 report, the information is more up-to-date (for example, the number of refugees reported by UNHCR is higher than what is quoted in this IR). The link for the text of the 2015 report is here: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252921>.

HO Response – Accepted. We will reissue the response with the suggested sources / make any necessary revisions.

Response to COI request 04/15-102 (Muslim Brotherhood): In footnote 1, it would be stronger to reference Buzzfeed since they are mentioned here as being the source of the original reporting and they spoke with directly with Egyptian government officials on the issue.⁹⁸

The link in footnote 3 does not work and the main URL newswala.com appears to have expired or no longer exist. The same text from this article is found in Indus Age at the following link: <http://www.indusage.com.au/nine-muslim-brotherhood-supporters-arrested-in-egypt/>

In the quote from the last source, Japan Times, in the penultimate paragraph, the word ‘organization’ should be spelled ‘organisation.’

⁹⁶ <http://www.moiegypt.gov.eg/English/Departments+Sites/Immegration/Nationality/ForeignWives/>

⁹⁷ <http://www.egyptianconsulate.co.uk/visas.php>

⁹⁸ https://www.buzzfeed.com/sheerafrenkel/egypt-begins-surveillance-of-facebook-twitter-and-skype-on-u?utm_term=.gm6r2ew8a#.ouZjDnaVo

An additional authoritative source addressing the third question in this IR coming from February 2015 indicates that 183 Muslim Brotherhood supporters were sentenced to death by an Egyptian Court. It also addresses the thousands more who have been arrested and put on mass trials.⁹⁹

HO Response – Partly accepted.

While we accept the sourcing would be improved by the suggestions above, the sourcing and information remain accurate.

Re: the final comment, which relates to the question in the request about whether a low level supporter of the Muslim Brotherhood would be at risk, we consider this is now more fully covered in the updated CPIN on the same subject.

We do not, therefore intend to revise and reissue the response.

Response to COI request 01/17-080 (LGBTI persons/Military Service): As mentioned in the reviews of the other IRs on the topic of military service, the War Resisters International source used in footnote 2 is from 1998 and outdated.

Egypt's Ministry of Defence website provides details about military service and postponement (Arabic).¹⁰⁰ Postponement may be granted for men who are 29 if they are in their last year of university, and then after graduation they are eligible to complete only one year of military service until the age of 30.

According to the website of the Embassy of Egypt in Washington, D.C. (Arabic), dual nationals may also postpone their military service obligations while abroad.¹⁰¹ The American University in Cairo reiterates in English some of the information on postponement for dual nationals: 'If you are an Egyptian/dual national male student, the Egyptian government recognises you as an Egyptian. You are entitled to a six-month stay in Egypt as an Egyptian citizen, without any military service clarifications or obligations. If you exceed the six-month stay, you have to process the military service exemption for Egyptian/dual national in person, otherwise you will not be allowed to leave the country until you clarify your military service status and issue the military service exemption.'¹⁰²

Information on exemptions is also found on the MOD's conscription page (Arabic);¹⁰³ it does not mention Jews or sons of Egyptian military killed in the 1973 war with Israel as being exempt. Religion is not taken into consideration for the military service, and

⁹⁹ <http://www.reuters.com/article/us-egypt-brotherhood-court-idUSKBN0L60VK20150202>

¹⁰⁰ http://www.mod.gov.eg/mod/Mod_TagnedServices03.aspx

¹⁰¹ <http://www.egyptembassy.net/consular-services/military-service/>

¹⁰² <http://in.aucegypt.edu/students/registrar/military-and-visa>

¹⁰³ <http://tagned.mod.gov.eg/391militaryExemption.aspx>

sons of Egyptian military killed in the 1973 war would now be too old to qualify for military service.

The duration of the military service is also found on the MOD's conscription page (Arabic);¹⁰⁴ the length of military service can be one, two, or three years long depending on education. The length of service can be reduced with possession of a higher education. For those who do not have a higher education, the duration is three years. For those who have attended a two-year institute after secondary school, the length is two years. For those who possess a four-year university degree or higher (in subjects like medicine, engineering, commerce, arts, or law), those who have completed two years at a military college, those who have the Quran memorised, or those who teach the Quran at Al Azhar, may complete one year of military service.

In practice, sometimes men with higher learning such as doctors and engineers are offered higher military ranks like that of officer in which case they must complete three years of military service.

According to the CIA World Factbook Field Listing on Military Service Age and Obligation, for Egypt it says: '18-30 years of age for male conscript military service; service obligation – 18-36 months, followed by a 9-year reserve obligation; voluntary enlistment possible from age 16 (2012).'¹⁰⁵ The length of reserve duty actually depends on the length of the military service, and usually the longer the service the longer the reserve duty.

On the topic of conscientious objection, there are more recent and specific examples of conscientious objection than the one taken from 1991 in the War Resisters International source, which is actually about detention for speaking out against Egypt's involvement in the Gulf War rather than conscientious objection itself. The Middle East Eye report linked in footnote 5 is good, and the examples of Amir Eid, Maikel Nabil Sanad, and Mostafa Ahmed El-Saied can be quoted as recent examples.

Maikel Nabil Sanad himself has written against mandatory conscription, such as in Huffington Post, 'How Egypt's Conscription Generates Unemployment and Refugees.'¹⁰⁶

Other sources to consider adding on conscientious objection include Global Voices, 'These Egyptians Say No to Mandatory Military Service,'¹⁰⁷ Daily News Egypt, 'Shahin: "Those who dodged military service are not fit to represent the nation"'¹⁰⁸ and Al-Monitor, Egypt Pulse, 'Egypt's draft dodgers.'¹⁰⁹

¹⁰⁴ http://www.mod.gov.eg/mod/Mod_TagnedServices05.aspx

¹⁰⁵ <https://www.cia.gov/library/publications/the-world-factbook/fields/2024.html>

¹⁰⁶ http://www.huffingtonpost.ca/maikel-nabil-sanad/egypt-refugees_b_5818444.html

¹⁰⁷ <https://globalvoices.org/2014/05/23/why-do-these-egyptians-object-to-serve-in-their-military/>

¹⁰⁸ <http://www.dailynewsegypt.com/2013/01/12/general-restates-military-service-requirement/>

¹⁰⁹ <http://www.al-monitor.com/pulse/originals/2015/07/egypt-military-conscription-sinai-attacks.html>

In the quote taken from the US Department of State Country Report on Human Rights 2015 linked in footnote 4, in the first paragraph the word 'criminalize' should be spelled 'criminalise.' In the second paragraph the word 'organize' should be spelled 'organise.'

In this selection, the first sentence in the first paragraph comes from a different part of the report than the second sentence, and so they should be separated with '[...]' after '(LGBTI) individuals' and before 'While the law...'

At the end of the first paragraph, the year should appear as '[2015]' in brackets.

In the last sentence of the last paragraph in this selection, the date should appear as '14 April [2015]' with the year in brackets.

As noted above in the report on the response to the IR on treatment of homosexuals, degrading anal examinations are a part of the standard health check when entering the military service in order prevent homosexual men from joining, as detailed in the Middle East Eye article quoted above.¹¹⁰

HO response – Accepted and thank you for the sources.

However, we do not propose to reissue this response. Instead we will remove this from our intranet, as the suggested material has been included in a separate, bespoke CPIN on national service.

Response to COI request 05/15-029 (Freedom of religion in Egypt, Islam, Sunni, Coptic): The quote linked in footnote 2 comes from the US State Department, International Religious Freedom Report for 2013 as stated in the footnote and the body of the text, but the URL itself leads to the 2015 report. It is unclear why the 2013 report is being quoted when the date of response is 7 May 2015 and more recent reports are available. The 2013 report refers to the 'current interim government' and 'Interim President Adly Mansour,' which is no longer the case.

There are also stray American spellings in this excerpt, such as 'unrecognized' in the first paragraph, but this excerpt should be removed and replaced with relevant information from a more recent report.

The link to the Amnesty International Report 2014/15 in footnote 4 lead me to the most recent 2016/17 report, so this URL may have been updated since the last time of access. I was more easily able to access the 2014/15 report from the RefWorld link <http://www.refworld.org/docid/54f07dfae.html>.

¹¹⁰ <http://www.middleeasteye.net/in-depth/features/it-hell-chronicles-military-conscripts-egypt-army-university-1506222876>

HO Response – Accepted.

However, we will remove the response: the subject is a broad one – freedom of religion – and the response cannot reasonably cover it any detail, although it may have provided useful background for the particular case it was researched.

Additionally, some of the required information exists in the CPIN on Christians.

Response to COI request 06/16-027 (Christian Man Married to Muslim Women): In the subject of this IR, the word ‘Women’ should be changed to ‘Woman.’

In the BBC News article linked in footnote 1, following the first sentence that is quoted, ‘[...]’ should be inserted because the next sentence comes from further below in the article.

Similarly, after the third sentence that ends with ‘religion,’ ‘[...]’ should be inserted before the next sentence that starts with ‘Under Egyptian law...’

In the last sentence of this excerpt, the original source includes Milad’s name, and so the sentence should be changed from ‘Under Egyptian law, Christian man would have to convert to Islam...’ to ‘Under Egyptian law, [a Christian man] would have to convert to Islam...’

In the Al Arabiya source linked in footnote 3, a quotation mark should be inserted to indicate the beginning of the quotation after the word ‘that’ and before the phrase ‘Christian men cannot marry Muslim women...’ The rest of that sentence has been removed and it should be included so that it reads: ‘Christian men cannot marry Muslim women in Egypt unless they convert to Islam first, but Muslim men can marry Christian women. An affair between a Christian man and a Muslim woman takes such sectarian sensitivities to a much higher and dangerous level and often lead to violence if found out.’

Following this, ‘[...]’ should be inserted before the sentence that starts with ‘Christians, who make up about 10 percent...’

In the last sentence in this excerpt, the word ‘[President]’ should appear in brackets as it is not present in the original source.

In the Telegraph News source quoted in footnote 4, a quotation mark should be inserted to indicate the beginning of the quotation after the word ‘that’ and before the word ‘Hundreds.’

In the second sentence, the sentence has been quoted out of order and it should appear as 'They also set fire to and looted six other houses, witnesses told Reuters.'

Following this sentence before the sentence that starts with 'President Sisi,' '[...]' should be inserted because it comes from later in the selection.

In the third sentence, following the word 'attack,' '[...]' should be inserted.

In the Los Angeles Times article linked in footnote 5, the word 'but' has incorrectly been inserted, combining two sentences, and it should be removed. It should appear as: 'Discrimination against Christians, who make up less than 10% of Egypt's population, is nothing new. But attacks against Christians rose after a 2011 uprising overthrew the autocratic government of President Hosni Mubarak, replacing him with a democratically elected Islamist leader, Mohamed Morsi.'

Following the comma after 'Islamist leader,' and before 'Mohamed Morsi' a space should be inserted.

The word 'And' has incorrectly been removed in the next sentence and it should start as 'And the violence may have reached a peak...'

In that sentence, the word 'but' has also been incorrectly inserted and it should be removed. It should appear as: 'And the violence may have reached a peak shortly after Morsi was overthrown in 2013.' This should be followed by '[...]' as the next part comes from further down in the selection.

The next sentence should start as 'Some two years later...'

Following the phrase 'the rule of Islamists,' '[...]' should be inserted because the next part comes from further down in the selection.

This selection ends too early and the next section should be quoted. It ends with an introductory sentence '...Despite undeniable progress, Egypt's largest religious minority still endures widespread injustice and discrimination.'

Following this, the article provides examples in support of this claim, and they should be included.

HO Response – Accepted. We will review and revise.

Annex D

Review of the Home Office Country of Origin Information (COI) on Sri Lanka: Tamil Separatism (August 2016); Journalists, media professionals and human rights activists (September 2015); and 10 responses to COI requests

Prepared for the Independent Advisory Group on Country Information (IAGCI)

Liz Williams, Co-Director of Asylum Research Consultancy (review conducted in an individual capacity).

A specialised Country of Origin Information (COI) researcher with over ten years experience of conducting COI research, including on Sri Lanka.

February 2017

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6 Introduction

6.1 Instructions

This review has been undertaken with regard to the context of the purpose of the Country Information and Guidance (CIG) Reports which is to 'provide an accurate, balanced and up to date summary of the key available source documents regarding the human rights situation'. Whilst the CIGs provide 'country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims', it is understood that this review 'should focus exclusively on the country of origin information contained within the document, and not pass judgement on the policy guidance provided.' The review has also been conducted in the context of the CIGs' stated 'cut off' date for inclusion of information and according to the following Terms of Reference:

- (i) Assessing the extent to which information from source documents has been appropriately and accurately reflected in the CIG Reports.
- (ii) Identifying additional sources detailing the current human rights situation in the country with respect to main grounds for asylum claims (which are noted in each CIG Report).
- (iii) Noting and correcting any specific errors or omissions of fact.
- (iv) Making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach.

6.2 Methodology

This review has been conducted with reference to the [Common EU Guidelines for Processing Country of Origin Information \(COI\)](#) in relation to the 'Quality criteria for evaluating and validating information', i.e. relevance, reliability, balance, accuracy, currency, transparency and traceability.

6.3 Summary of Review

6.3.1 August 2016 CIG on Sri Lanka: Tamil Separatism

IAGCI reviewer's general observations	Home Office response
In general, whilst the CIG accurately reflects the original COI cited in the document and presents a good balance of usually traceable, reliable sources, the CIG could benefit from the inclusion of further local NGO sources, particularly those invited to submit to the UN Human Rights Council, as well as additional local media sources.	Accepted. The inclusion of more local NGO and media sources will be addressed in future updates, in particular those interviewed as part of the Home Office's fact-finding mission to Sri Lanka. To clarify: the CIG was originally published in May 2016, but re-issued in

<p>The quality of the CIG is undermined by a lack of current sources. Despite the publication date of the CIG being August 2016, very few sources [seven] are included which relate to events in 2016. The majority of the footnotes provide an April 2016 date as the 'date accessed', suggesting that there was a lengthy delay between researching the COI for this CIG and its August 2016 publication date or that the publication was reissued without inclusion of updated COI. It is therefore not surprising that some of the COI identified below that was available at the time of the publication of the CIG was overlooked, particularly a number of reports following country visits by UN Special Procedures have been omitted/ their forthcoming publication were not referred to.</p> <p>In two instances it is considered that further information from the cited sources should have been included. Furthermore, by only including COI from 2015 in particular subsections, it may give readers the false impression that the reported situation was not current but historic, this is particularly the case in sections '6.3 Rehabilitation of former LTTE combatants', '6.4 Arrests/detentions' and '6.7 Enforced disappearances/missing persons'. It is therefore considered that on a number of issues, relevant COI was omitted that was available at the time of publication. This has been highlighted by subsection of the report.</p> <p>For four subsections it is considered that the COI contained was not fully reflective of the subject heading and should thus be renamed, and two new subsections are proposed for inclusion in an updated CIG/ Country Information and Policy Note (CIPN) on issues it is considered relevant for a CIG on Tamil Separatism' to include; on 'State perpetrated sexual violence against Tamil women and "survival sex"' and 'Detention conditions'.</p>	<p>August 2016 simply to clarify a point in the Policy Summary. We do include a very brief explanation of this on the final page (under 'version control').</p> <p>However, in future, we will also ensure that the 'date updated' [at the start of the policy guidance and the COI sections] is clearer when a CIG/CPIN has been re-issued in circumstances like this – although re-issuing without some form of revision/update to the COI is the exception rather than the norm.</p> <p>We will look again, and be more precise, in the naming of COI sections and subsections. However, we will look for more neutrally-titled section on sexual violence.</p>
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IAGCI reviewer's summary of recommendations	Home Office response
1. Ensure the relevant country chapter from annual human rights reports is cited.	Accepted. We will update the footnotes to reflect this.
2. Include legislative provisions restricting rights to freedom of speech as well as those providing for it.	Accepted. We will include this in the update.
3. Co-ordinate the publication of a CIG with key UN publications, or at least alert readers to the fact that such publications are forthcoming and how to access them.	Partly accepted. We will notify users of key publications where known – either when they are forthcoming, upon release or immediately thereafter. However, it would be impractical to co-ordinate CPIN and UN publications.
4. The CIG should attempt to include the most recent COI available at the time of publication by minimising the gap between COI research and publication, and it is suggested that the Home Office consider including a 'cut-off date' of sources on the front page, along with the publication date, to clearly alert users to what the research period of CIG/CPIN is.	Partly accepted. We do attempt to include the most recent COI available at the time of publication. We also aim to limit the time between research and publication. We do not feel it is necessary to include a cut-off date for sources on the front page, as this already exists at the start of both the policy guidance and the COI sections. We also use version control for this purpose. As explained above, noting it is more the exception than the norm, we will also ensure that the 'date updated' is clearer when a CIG/CPIN is re-issued without some form of revision/update to the COI.
5. Some minor restructuring is recommended to improve clarity and it is suggested to rename one subsection.	Accepted. This will be addressed in future updates.

Suggested sources for an updated CIG/CPIN and general suggestions for improvement are presented by section heading of the CIG.

6.3.2 Responses to COI Requests

IAGCI reviewer's summary of recommendations	Home Office response
1. Present the COI under each of the individual questions posed	Partly accepted. We do look to do this, in line with previous responses to the IAGCI. We have also since revised the layout of responses to address this. However, it is not always practical to do so (e.g. where the response becomes disjointed due to overlapping material). Therefore we apply this as an aim of good practice rather than a specific requirement.
2. Ensure that each question posed is specifically addressed. If no COI was found on a particular issue, this should be mentioned, ideally together with a list of sources consulted.	Partly accepted (see above). We do look to do this, increasingly so as this is an issue discussed with the IAGCI before. However, in terms of supplying a list of sources consulted, due to time constraints, this is not practical.
3. Ensure that relevant COI is presented, or that an explanation is provided when information is included that does not obviously address a question posed.	Accepted. We do look to include relevant COI and, where that is not possible – or it is not immediately clear why it has been included – we will include an explanation to the requester.
4. The drafter of the COI request should share the relevant personal circumstances of the applicant (age/gender/ethnicity/religion etc), in order that the author can appropriately direct their research.	Partly accepted. Decision makers are asked to – and generally do – include some personal characteristics when making a request. We will also ask for information where it is relevant.

6.4 Understanding of the themes addressed in the CIG Reports

6.4.1 August 2016 CIG on Sri Lanka: Tamil Separatism

IAGCI reviewer's summary of recommendations	Home Office response
It is considered that the CIG presents the relevant themes on 'Tamil Separatism' in a well-structured way, however it is proposed that renaming four subsections would improve clarity. Moreover it is considered that the CIG should have included a distinct subsection on 'State perpetrated sexual	Accepted. We will revise the sections suggested. However, as stated above, we will look for a more neutrally-titled section on sexual violence. Accepted.

<p>violence against Tamil women and “survival sex”.</p> <p>It is considered that section ‘6.6 Torture/ill-treatment’ could be strengthened by including information on impunity for torture, specifically a lack of legal remedy, lack of access to legal counsel, lack of effective investigations and a general lack of judicial oversight of police abuses.</p> <p>A new section is also proposed on ‘Detention Conditions’, especially given that the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment considers that prison conditions in Sri Lanka in themselves constitute a form of cruel, inhuman and degrading treatment</p>	<p>a) We will include a section on accountability for war crimes.</p> <p>b) We plan to produce a separate CPIN on Prison conditions in Sri Lanka.</p>
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6.4.2 September 2015 CIG on Sri Lanka: Journalists, media professionals and human rights activists

IAGCI reviewer’s summary of recommendations	Home Office response
<p>It is considered that the CIG presents the relevant themes on ‘Journalists, media professionals and human rights activists’ in a well-structured way, although it is suggested that section 6 ‘Treatment by the authorities’ is superfluous and should be subsumed into section ‘4. Background to Freedom of Speech and Expression’. It is also suggested that a future CIG/CIPN make clear where the treatment of bloggers is addressed and thus that section 9 is renamed ‘Internet Users and Treatment of Bloggers’.</p>	<p>Thank you for the positive comments. We will re-name the section headings.</p>

6.5 Quality and balance of sources

6.5.1 August 2016 CIG on Sri Lanka: Tamil Separatism

IAGCI reviewer’s summary of recommendations	Home Office response
<p><i>Range and reliability</i></p> <p>In general the CIG presents a balance of reliable sources. Whilst international NGO sources and international media sources are included, it is considered that an updated CIG/CIPN could benefit from the inclusion of further local NGO sources, particularly those invited to submit to the UN Human Rights Council, as well as additional local media</p>	<p>Accepted.</p> <p>We will include information from local NGO and media sources.</p>

sources.	
<p><i>Currency</i></p> <p>The majority of cited sources were published in 2015. In fact, very few sources [seven] are included which relate to events in 2016 (i.e. as distinct from annual reports published in 2016 but covering events in 2015).</p>	<p>Accepted.</p> <p>We will include more current sources relating to more recent events.</p>
<p><i>Transparency and traceability</i></p> <p>In one instance the CIG could make clearer whether an original source has been directly cited or not.</p> <p>Only one source lacks a URL and the date of only one source is incorrect. Four sources are unavailable at the URL provided and one British High Commission letter referred to in the CIG is not provided in the Annex as is the case for the other FCO correspondence referred to in the CIG</p>	<p>Accepted.</p> <p>We will fix/update these.</p>

6.5.2 September 2015 CIG on Sri Lanka: Journalists, media professionals and human rights activists

IAGCI reviewer's summary of recommendations	Home Office response
<p><i>Range and reliability</i></p> <p>In general the CIG presents a good balance of reliable sources.</p>	<p>Thank you.</p>
<p><i>Currency</i></p> <p>In general the relevant subsections on 'Treatment by the current government' within sections 6-9 present relevant information available from 2015, but only up to May 2015.</p> <p>One of the sources cited was not the most recent edition available from that organisation at the time of publication of the CIG.</p>	<p>Accepted.</p> <p>We do aim to provide the most current information at time of publication, subject to the time it takes for editing and clearance of CPINs. We will update the CPIN accordingly.</p>
<p><i>Transparency and traceability</i></p> <p>Only two sources were not available at the URL provided, otherwise the references were all accurate.</p>	<p>We will fix/update the broken URLs.</p>

7 Review- August 2016 CIG on Sri Lanka: Tamil Separatism

7.1 4. Background information, 4.1 Accountability for war crimes

IAGCI reviewer's summary of recommendations	Home Office response
<p>The section heading implies that a broader range of topics are dealt with than is in fact the case; this section only addresses '4.1 Accountability for war crimes' and thus should be renamed as such.</p>	<p>Accepted.</p>
<p>Within this subsection, only two sources published in 2015 are cited on this point; the September 2015 UN Human Rights Council Report of the OHCHR Investigation on Sri Lanka (OISL) and the 2015 Freedom House 'Freedom in the World' report. This is despite a June 2016 oral update pursuant to UN Human Rights Council (UNHRC) Resolution 30/1 presented at the Council's 32nd session on promoting reconciliation, accountability and human rights in Sri Lanka being available at the time of publication of the CIG:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Promoting reconciliation, accountability and human rights in Sri Lanka, 28 June 2016 <p>This provides useful information on: progress with the constitutional reform process; ongoing concerns and challenges, particularly with regards to building confidence among victims and minority communities, asserting full civilian control over the military and intelligence establishment, dismantling the units and structures allegedly responsible for grave violations in the past; the lack of criminal investigation of paramilitary leaders allegedly responsible for killings, abductions and widespread recruitment of child soldiers; the lack of a viable system for the protection of victims and witnesses; the general lack of an overall, comprehensive transitional justice strategy; and the challenge of how to begin the process of security sector reform.</p> <p>NGO written statements submitted on these issues to the UNHRC were also available at the time of publication of the CIG here.</p>	<p>Accepted. We will include relevant aspects from the cited source.</p>

<p>It is also considered that it would have been relevant for the CIG to document the Prime Minister's May 2016 announcement ruling out international participation in a domestic Sri Lankan justice mechanism as reported by for example:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, <i>Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Promoting reconciliation, accountability and human rights in Sri Lanka</i>, 28 June 2016, paragraph 32 	<p>Accepted. Though please note earlier comment about the re-issuing of this CIG/CPIN.</p>
<p>It should be noted that in resolution 30/1 the Human Rights Council requested OHCHR to continue to assess the progress on the implementation of its recommendations and other relevant processes related to reconciliation, accountability and human rights in Sri Lanka and to present a comprehensive report on the implementation of that resolution at its 34th session. See:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, <i>Thirty-fourth session 27 February-24 March 2017, Agenda and annotations</i>, 18 January 2017, para 27 <p>The 34th session will be held from 7 February to 24 March 2017 and documents from that session will be able to be viewed here.</p> <p>The following additional sources on constitutional reform are suggested for an updated CIG/CIPN:</p> <ul style="list-style-type: none"> ❖ Centre for Policy Alternatives, <i>Two Years In Government: A review of the pledges made in 2015 through the lens of constitutional reform, governance and transitional justice</i>, 2 February 2017 ❖ International Committee of Jurists, <i>Sri Lanka: implement Task Force recommendations to deliver justice for victims of human rights abuse</i>, 19 January 2017 ❖ Human Rights Watch, <i>Sri Lanka: Adopt Task Force's Justice Proposals</i>, 12 January 2017 ❖ Consultation Task Force on Reconciliation Mechanisms (CTF), <i>Final report of the consultation task force on reconciliations mechanisms</i>, 3 January 2017 	<p>Accepted. We will make reference to the HRC 34th session.</p> <p>Accepted. We will review the cited sources and, as is standard practice, consider them alongside other relevant material.</p>

❖ Amnesty International, <i>Sri Lanka: Making the Rights Choices: Establishing effective mechanisms to deliver justice, truth and reparation to victims</i> , 8 November 2016	
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7.2 5. Key events in 2015 and impact on main Tamil groups

IAGCI reviewer's summary of recommendations	Home Office response
It is considered that this section heading is slightly misleading; the COI contained actually only relates to the January 2015 Presidential and August 2015 Parliamentary elections and it is recommended that it is renamed as such. Arguably, given the existing heading title, the November 2015 de-listing of a number of Tamil groups better belongs in this section, rather than in '6.9 Tamil diaspora' where to the reader unfamiliar with Sri Lanka, it may be overlooked.	Accepted. The information can belong in either section (since some of the groups are diaspora-based). We will rename and reorganise the CPIN section headings to reflect this recommendation.

6. Human Rights situation for persons perceived to support the LTTE or to be involved in Tamil separatism

7.3 6.2 Societal attitudes

IAGCI reviewer's summary of recommendations	Home Office response
Again, it is considered that the section heading is not fully representative of the COI contained. Only three paragraphs of COI are included and the information in the first relates more broadly to the general socio-economic situation for Tamils rather than societal attitudes or treatment of persons perceived to support the LTTE or to be involved in Tamil separatism. It is therefore suggested that this section be renamed 'Societal discrimination against Tamils'.	Partly accepted. The sub-section may be better titled 'societal situation' (rather than attitudes), which is what the material conveys and is more neutral than 'Societal discrimination against Tamils', which feels too pejorative. We will also expand this to include more on Tamils' access to employment, health care and land.
Furthermore paragraph 6.2.3 documents state treatment of Tamil women, not just societal discrimination, and by including it here, it may be overlooked (emphasis added): 6.2.3 An August 2015 City University of New York Colin Powell School report noted that: 'Tamil women in Northern Sri Lanka still face the risk of rape and harassment by the security forces present throughout the region, but their lives are even more negatively impacted by the climate of fear and by a worrying uptick in violence against women within the Tamil community. The ever-present threat of violence by the military has led	Partly accepted. We will include a section on women in which we will aim to reflect the current conditions in regards to sexual violence perpetrated by the military, and the position for female heads of

women to lead tightly circumscribed lives, limiting their daily activities in order to minimize their risk of sexual assault. Their reduced participation in public life keeps them in the home, where they are increasingly vulnerable to violence at the hands of the men in their lives, many of whom are also struggling with the after-effects of wartime trauma'.²¹

It is also considered that relevant information for this section from the above cited City University of New York Colin Powell School on the practice of 'survival sex' has been omitted:

- ❖ City University of New York Colin Powell School, [*Tamil Women in Post-War Sri Lanka The forever victims?*](#) 28 August 2015 (Abuses by State Security Forces)
[...] Sexual harassment by the military remains a daily reality for Tamil women, particularly young women, who must engage with state forces for basic activities ranging from purchasing vegetables to school registration. In areas with little electricity, many women's only opportunity to charge their cell phones is to visit the nearest military camp. Some, one rights activist notes, "are asked for sexual favors in exchange for the use of their electricity." Women's lives, and daily mobility, are shaped by the constant constraint by the presence of military camps. [...]

It is suggested that such information on 'State perpetrated sexual violence against Tamil women and "survival sex"', better belongs in a distinct subsection and should be corroborated by other sources in an updated CIG/CIPN. The following sources documenting state perpetrated sexual violence against Tamil women were available at the time of publication of the CIG:

- ❖ Sri Lanka Women's Group, [*Critical issues arising from the 8th Sri Lanka Government CEDAW Report of April 2015*](#), 10 June 2016
- ❖ Association des étudiants tamouls de France, a non-governmental organization in special consultative status, [*Written statement submitted to the UN Human Rights Council: State-sponsored violence against Eelam Tamil women in North*](#), 3 June 2016
- ❖ FOKUS Women, [*Shadow Report to the United Nations Committee on the Elimination of Discrimination Against Women*](#), April 2016

Other useful sources published since the CIG include:

- ❖ International Truth and Justice Project, [*Submission to CEDAW*](#), 20 February 2017
- ❖ OHCHR news, [*Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20 October 2016*](#), 20 October 2016
- ❖ Sri Lankan NGO Collective against torture, [*Joint Alternative*](#)

households. We are also considering, and will discuss with decision makers, the need for a bespoke CPIN on women in Sri Lanka.

Thank you for the recommended sources, which we will review and consider alongside other relevant material.

<p>Report, 13 October 2016</p> <p>US Tamil Political Action Council (US TPAC), Submission to the Committee on the Elimination of Racial Discrimination Geneva, 16 August 2016</p>	
<p>The UN Committee on the Elimination of All Forms of Discrimination against Women is due to discuss Sri Lanka at its 66th session between 13 Feb 2017 - 3 Mar 2017. It is suggested that the updated CIG/CIPN should be delayed to incorporate the concluding findings of the Committee, or that readers are alerted to its forthcoming publication and how to access it, along with the January 2017 civil society submissions available here.</p>	<p>Partly accepted.</p> <p>Whilst we would not look to delay CPINs for forthcoming publications, we will reference the impending CEDAW session.</p>
<p>With further regards to societal discrimination towards Tamils it should be noted that the UN Special Rapporteur on minority issues, Rita Izsák-Ndiaye will present a detailed report on Sri Lanka to the UN Human Rights Council in March 2017. Again, it is suggested that the updated CIG/CIPN should be delayed to incorporate this document, or alternatively that the following statement is incorporated:</p> <p>OHCHR news, Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20 October 2016, 20 October 2016</p> <p>It is also suggested to include relevant excerpts from the following:</p> <ul style="list-style-type: none"> ❖ UN Committee on the Elimination of Racial Discrimination, Concluding observations on the combined tenth to seventeenth periodic reports of Sri Lanka, 6 October 2016 ❖ US Tamil Political Action Council (US TPAC), Submission to the Committee on the Elimination of Racial Discrimination Geneva, 16 August 2016 ❖ Association Bharathi Centre Culturel Franco tamoule (Bharathi CCFT), Tamil Victim of Racial Discrimination by Sri Lankan Government, Written statement to the 17th session of the UN CERD, 11 July 2016 ❖ World Bank, Sri Lanka: Ending Poverty and Promoting Shared Prosperity, A Systematic Country Diagnostic, 15 February 2016 	<p>Partly accepted.</p> <p>See above re: delaying publication. However, thank you for the sources cited, which we will review and consider for inclusion alongside other relevant material.</p>

7.4 6.3 Rehabilitation of former LTTE combatants

IAGCI reviewer's summary of recommendations	Home Office response
<p>Whilst the CIG does include COI to indicate that released former combatants have reported ill-treatment following their release, the COI is from 2015; the 2015 U.S. State Department report (para 6.3.3) and a February 2015 International Bar Association submission to the UN Human Rights Council (para 6.3.4). As the omission of more recent COI may be falsely read to imply that this is not a current issue, it is a shame that the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment's May 2016 preliminary findings on this point, available at the time of publication of the CIG was not included (emphasis added):</p> <ul style="list-style-type: none"> ❖ United Nations Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, <u>Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Juan E. Mendez* on the Official joint visit to Sri Lanka – 29 April to 7 May 2016</u>, 7 May 2016 <p>Prevention of Terrorism Act (PTA)</p> <p>[...] Living conditions and other benefits are considerably more humane in rehabilitation than in prison, including the fixed term of detention, periodic home leave of four days' duration and vocational training. However, not all security related prisoners are invited to rehabilitation and it is unclear what selection criteria are used. Obviously, if after many years of detention the State does not have sufficient evidence to charge a detainee, the latter should be released unconditionally. In addition, we have heard credible stories from persons who have gone through the rehabilitation process that they continue to be frequently harassed, followed and threatened with further arrests after their release. At least in a few cases a new, post-rehabilitation detention has been documented. Harassment sometimes extends to staff members of civil society organizations that provide counselling and other services to rehabilitated persons.</p> <p>It is obvious that rehabilitated persons are not immune from investigation of possible new crimes; but in such cases the authorities should be very transparent on the reasons and evidence on which a detention order rests. The very manner of alleged recent arrests of rehabilitated persons - by plainclothes agents, after days of being followed and after asking questions to family members, neighbours and associates - raises fear among the respective communities and only adds to the distrust about the motives for these re-arrests.</p>	<p>Accepted.</p> <p>We will review the cited sources and include relevant information on rehabilitation in the updated CPIN.</p>
<p>Suggested sources published since the CIG recommended for inclusion in an update which continue to document arrest of former combatants include:</p>	<p>See above.</p>

<ul style="list-style-type: none"> ❖ Tamil Net, <i>Colombo resumes abduction-styled arrests of former LTTE members</i>, 22 January 2017 ❖ UN Human Rights Council, <i>Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka</i>, 22 December 2016 ❖ Tamil Net, <i>Families associated with LTTE in past face constant threats from Colombo's Intel squads</i>, 4 December 2016 ❖ OHCHR news, <i>Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20 October 2016</i>, 20 October 2016 ❖ Human Rights Commission of Sri Lanka, <i>Report of the Human Rights Commission to the Committee against Torture: Review of the 5th Periodic Report of Sri Lanka</i>, October 2016 ❖ Journalists for Democracy in Sri Lanka, <i>UN urged to probe poisoning of former Tamil fighters</i>, 12 September 2016 	
<p>The following source cited at paragraph 6.3.1 is currently unavailable at link provided due to internal server issues</p> <p>[22] Ministry of Defence, Ministry of Defence - Democratic Socialist Republic of Sri Lanka, <i>Rehabilitation of ex-LTTE cadres nearing completion</i>, 3 March 2016</p> <p>http://www.defence.lk/new.asp?fname=Rehabilitation_of_ex LTTE cadres nearing completion 20140605_01, date accessed 4 April 2016</p>	<p>We will fix/update this.</p>

7.5 6.4 Arrests/detentions

IAGCI reviewer's summary of recommendations	Home Office response
<p>This subsection is relatively short and it is considered that it suffers from only including COI pertaining to the situation in 2015. The CIG therefore fails to include information on the April and May 2016 detentions under the Prevention of Terrorism Act (PTA). Available at the time of publication of the CIG for example include:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, <i>Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Promoting reconciliation, accountability and human rights in Sri Lanka</i>, 28 June 2016, paragraph 15 ❖ Groundviews, <i>Continuing abuse under PTA: Abductions, Arbitrary Arrests, Unlawful Detentions</i> 	<p>Accepted.</p> <p>More recent information will be included.</p>

<p><u>and Torture</u>, 28 June 2016</p> <ul style="list-style-type: none"> ❖ Association des étudiants tamouls de France, <u>Written statement submitted by the Association des étudiants tamouls de France, a non-governmental organization in special consultative status; PTA detainees without any charges in Sri Lanka</u>, 9 June 2016 	
<p>It is suggested that an updated CIG/CIPN make clear that (at the time of writing this review) the PTA is still yet to be repealed and that more recent COI documenting the use of the PTA against the Tamil population be included, for example:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, <u>Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka</u>, 22 December 2016 ❖ Journalists for Democracy in Sri Lanka, <u>Anti terror laws used to arrest Tamils engaging in political activity</u>, 21 November 2016 ❖ Tamil Net, <u>Occupying Colombo stages 'PTA abductions' in Jaffna citing criminal gangs</u>, 7 November 2016 ❖ INFORM, <u>Human Rights Situation in Sri Lanka: August 17, 2015 – August 17, 2016</u>, 26 August 2016 	<p>Accepted. We will make this clear and include more recent and relevant information on the use of the PTA.</p>
<p>The following paragraph of the CIG does not cite directly from the original source, but the incomplete use of quotation marks could be read to imply that it is a direct quote:</p> <p>6.4.4 Reporting on the release of the prisoners, the British High Commission in Colombo commented in a letter (See Annex B), dated 30 November 2015, that: Initially, thirty-one detainees were release on bail on November 11, 2015 and eight released on November 16, 2015. By now total of 39 detainees were released on bail, according to the Justice Minister Media brief there are 204 remain in detention. Out of this number, 56 prisoners have been convicted and will not be released until they have served their sentences. 124 have cases against them pending in High Courts. 24 detainees are expected to be released soon.'</p> <p>When presented excerpts are not direct quotes, this should be more clearly identifiable.</p>	<p>Accepted. We will correct this.</p>

7.6 6.5 Treatment of Tamil returnees

IAGCI reviewer's summary of recommendations	Home Office response
<p>This section suffers from a lack of current COI; the most recent report is from January 2016 which documents the situation in 2015 (paragraph 6.5.7). Additional relevant sources available at the time of publication of the CIG included:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Promoting reconciliation, accountability and human rights in Sri Lanka, 28 June 2016, paragraph 15 ❖ The Guardian, British Tamil 'tortured and detained' during Sri Lanka wedding trip, 11 June 2016 ❖ The Guardian, Asylum seekers deported from Cocos Islands arrested by Sri Lankan police, 7 May 2016 ❖ PEARL, Withering Hopes: Historic window of opportunity for reconciliation will close if Sri Lanka fails to act on accountability and militarization, April 2016, <i>B. Unlawful Arrests and Detentions of Returning Tamils</i> <p>It is suggested that an updated CIG/CIPN includes the following sources on this issue:</p> <ul style="list-style-type: none"> ❖ Forced Migration Review (Author: Alpes, Jill; Blondel, Charlotte; Preiss, Nausicaa; Monras Sayos, Meritxell) Post-deportation risks for failed asylum seekers, February 2017] ❖ Freedom from Torture, Submission to UN Committee Against Torture, 59th Session, 12 October 2016 	<p>Accepted.</p> <p>More recent COI on the treatment of Tamils on arrival to Sri Lanka will be included.</p> <p>Thank you. We will review these sources and look to include where appropriate, alongside other relevant material.</p>
<p>Reference 37 as cited in paragraph 6.5.2 is not currently available at the URL provided:</p> <p>[37] <i>International Truth and Justice Project (ITJP), A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015, July 2015, (The Extensive Use of Informers p.103),</i> http://www.itjpsl.com/wp-content/uploads/2015/07/Stop-Torture-Report.pdf, date accessed 17 December 2015.</p> <p>It is available here:</p> <p>http://www.itjpsl.com/assets/stoptorture_report_v4_online.pdf</p> <p>This source is also cited in footnotes [53]; [54]; [55]; [73] which should all be revised in an updated CIG/CIPN.</p>	<p>Thank you. We will correct this.</p>
<p>Reference 42 cited in paragraph 6.5.7 is also not currently available at the URL provided:</p> <p>[42] <i>The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016 (I. The Victims p.13)</i> http://www.itjpsl.com/wp-</p>	<p>We will update this.</p>

<p>content/uploads/2015/07/Silenced_jan%202016.pdf date accessed 7 January 2016</p> <p>It is available here: http://www.itjpsl.com/assets/Silenced-jan-2016.pdf</p> <p>This source is also cited at footnotes [45]; [49]; [50]; [51]; [52]; [74] which should all be revised in an updated CIG/CIPN.</p>	
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7.7 6.6 Torture/ill-treatment

IAGCI reviewer's summary of recommendations	Home Office response
<p>It would have been useful for the CIG to have mentioned that Mr. Juan E. Méndez, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) had carried out a visit to Sri Lanka from 29 April to 7 May 2016. See for example:</p> <ul style="list-style-type: none"> ❖ OHCHR news, UN experts on torture and the independence of the justice system in joint visit to Sri Lanka, 26 April 2016 <p>This is especially the case given that his May 2016 preliminary findings were available at the time of the publication of the CIG, and which found in relation to 'Prevalence of torture and ill-treatment' that (emphasis added):</p> <ul style="list-style-type: none"> ❖ United Nations Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Juan E. Mendez* on the Official joint visit to Sri Lanka – 29 April to 7 May 2016, 7 May 2016 <p>[...] After many interviews conducted by my team and myself at random throughout my visit with both detainees and those who have been released, I am persuaded that torture is a common practice carried out in relation to regular criminal investigations in a large majority of cases by the Criminal Investigation Department (CID) of the police. In cases where there is a real or perceived threat to national security there is a corresponding increase in acts of torture and ill-treatment during detention and interrogation in Terrorism Investigation Division (TID) facilities.</p> <p>I have interviewed survivors and examined documentation regarding the practice of torture from previous years as well as its prevalence today. Fewer cases are reported today than during the conflict period and perhaps the methods used by the police forces are at times less severe. But sadly, the practice of interrogation under physical and mental coercion still exists and severe forms of torture, albeit probably in less frequent instances, continue to be</p>	<p>Accepted – noting again the comments about the re-issuing of this CIG/CPIN.</p> <p>Relevant material from the UN Special Rapporteur's report will be referenced.</p>

<p>used.</p> <p>Both old and new cases continue to be surrounded by total impunity. In addition, procedural norms that entrust the police with investigative powers over all criminal cases and, in the case of the Prevention of Terrorism Act, allow for prolonged arbitrary detention without trial, are still very much in place and open the door to – almost invite – police investigators to use torture and ill-treatment as a routine method of work.</p> <p>I received many testimonies from victims and detainees who took the risk to speak out, despite concerns either for their own safety or their families. I was able to conduct thorough interviews and forensic examinations in a few cases, with the assistance of a forensic expert that accompanied me during my mission. I found the testimonies truthful and many were substantiated with physical evidence that is conclusive of torture. The forensic expert conducted a number of medical examinations that confirmed physical injuries consistent with the testimonies received. The forensic expert also analysed photographs taken shortly after the alleged torture and ill-treatment, and concluded they are diagnostic of severe physical torture.</p> <p>The nature of the acts of torture consists mainly of transitory physical injuries caused by blunt instruments (essentially punches, slaps and, occasionally, blows with objects such as batons or cricket bats) which heal by themselves without medical treatment and leave no physical scars. There were also several accounts of brutal methods of torture, including beatings with sticks or wires on the soles of the feet (falanga); suspension for hours while being handcuffed, asphyxiation using plastic bags drenched in kerosene and hanging of the person upside down; application of chili powder to face and eyes; and sexual violations including mutilation of the genital area and rubbing of chili paste or onions on the genital area. While these methods of torture were of short duration in some cases, in others, torture occurred over a period of days or even weeks during interrogation. [...]</p>	
<p>Whilst excerpts from the Freedom from Torture report ‘Tainted Peace: Torture in Sri Lanka since May 2009, 13 August 2015’ is included in the subsections ‘6.5 Treatment of Tamil returnees’ and ‘6.7 Enforced disappearances/missing persons’, it is not included in this section ‘6.6 Torture/ill-treatment’. This is despite the report identifying those profiles particularly at risk of torture in its key findings (original emphasis):</p> <ul style="list-style-type: none"> ❖ Freedom from Torture, <i>Tainted Peace: Torture in Sri Lanka since May 2009</i>, August 2015, (Key findings p. 9) [...] Those at particular ongoing risk of torture include Tamils with a real or perceived association with the Liberation Tigers of Tamil Eelam (LTTE) at any level and whether current or historic; [...] <p>1. SURVIVOR PROFILE</p> <p>[...] 1.3. Association with LTTE</p> <p>The profile factor - other than ethnicity - that was reported by the vast majority of people to have led to detention and torture by state authorities was an actual or</p>	<p>Accepted.</p> <p>We will review the Freedom from Torture report cited with a view to include relevant information in the section on Torture/ill treatment in the updated CPIN. However, we are reluctant to include the passage highlighted by the reviewer as it amounts to FFT’s conclusion, rather than COI, and arguably should be more heavily caveated that this is based on</p>

<p>perceived association with the LTTE. Of the 148 people, 142 described an association with the LTTE at some level and/or said that they had been associated with the LTTE by the Sri Lankan authorities in some way (96% of all cases). The LTTE association related directly to themselves or to members of their family, or to both (see Figures 1 and 2). For some people the association was real and for others it was wrongly imputed to them by the authorities. Either way, this was the key factor that reportedly led to their eventual detention on one occasion or more.</p> <p>Other than the 142 who were in some way associated with the LTTE, six people said they had been detained due to other profile factors, unrelated to the LTTE. Three of these were associated with a political opposition group (UNP); one had reported human rights violations and another was detained when found in possession of a documentary film revealing human rights violations committed by the Sri Lankan army at the end of the conflict in 2009. The sixth person was detained in connection with a family member who was reportedly an arms dealer.</p> <p>These cases demonstrate that ordinary people of Tamil ethnicity with links to the LTTE – even where these links were minimal or at a relatively low level - as well as those for whom such links were merely suspected or were completely false, were detained and tortured and that the detention of people with these profiles has continued well into the post-conflict period. [...]</p>	<p>information presented to them rather than information they have independently verified.</p>
<p>It is considered that this section could be strengthened by including information on impunity for torture, specifically a lack of legal remedy, lack of access to legal counsel, lack of effective investigations and a general lack of judicial oversight of police abuses.</p> <p>The UN Special Rapporteur issued his final report in December 2016, which addresses these points which it is suggested the updated CIG/CIPN incorporate, along with relevant excerpts from NGO submissions to the Committee:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, <i>Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka</i>, 22 December 2016 ❖ Asian Legal Resource Centre; British Tamil Forum; Freedom from Torture; International Truth and Justice Project; Joint report of Global Justice Centre (GLC) and World Organisation Against Torture (OMCT); Sri Lanka NGO Collective against torture; US Tamil Political Action Council, <i>NGO submissions to the 59th session of the UN Committee Against Torture</i>, October 2016 ❖ Human Rights Commission of Sri Lanka, <i>Report of the Human Rights Commission to the Committee against Torture; Review of the 5th Periodic Report of Sri</i> 	<p>Partly accepted.</p> <p>The section on torture/ill-treatment aims to provide information on occurrence and practices. We will include information on redress and oversight (or any lack thereof).</p>

Lanka , October 2016	
<p>The following paragraph of this subsection should have been repeated in the subsection ‘6.5 Treatment of Tamil returnees’, or at least a link to that section be provided.</p> <p>6.6.4 The Human Rights Watch (HRW) annual report 2016, Sri Lanka, observed that: ‘The PTA has long been used to hold suspected LTTE members and others without charge or trial for years..... The law has been used since the end of the war, including under the present government, to detain and torture people suspected of links to the LTTE, including forcibly returned asylum seekers.’⁴⁶</p>	<p>Partly accepted. Assuming this information has not been superseded by more recent sources, we will look to cross-reference this paragraph to the relevant section on returnees.</p>

7.8 6.7 Enforced disappearances/missing persons

IAGCI reviewer’s summary of recommendations	Home Office response
<p>The Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Sri Lanka was published shortly before the CIG. Even if it was not possible to incorporate the findings of this report into the CIG, it is a shame that readers were not at least alerted to the Working Group’s November 2015 visit to Sri Lanka and their forthcoming report:</p> <p>❖ UN Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Sri Lanka, 8 July 2016</p>	<p>Accepted. We will include relevant material from the cited HRC report.</p>
<p>Moreover, no source from 2016 is included in this subsection and in general it reads as if the practice of ‘white van’ abductions and enforced disappearances are a historical phenomenon committed in the context of the conflict, and that the current focus is to clarify the whereabouts of missing persons and bringing perpetrators to justice. This is despite the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment’s May 2016 preliminary findings, available at the time of publication of the CIG noting that:</p> <p>❖ United Nations Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Juan E. Mendez* on the Official joint visit to Sri Lanka – 29 April to 7 May 2016, 7 May 2016</p> <p>[...] I have received allegations of recent so-called “white van abductions” – a reference to practices that in the past led to enforced disappearance of persons. The situation today cannot be compared to the past, but the persistent allegations of white van abductions are a reminder that arrests should be conducted transparently and that senior officers must be</p>	<p>Partly accepted. We consider that, in part, ‘white van’ abductions and enforced disappearances are a largely historical issue. The source cited also appears to suggest that they are allegations, for which the UNSR is undecided given that it ends “I intend to continue to look further at the evidence”. However, we will include more recent information on the issue.</p>

<p>accountable for them. I raised this issue with the authorities who have said that all arrests are done by police in uniform using officially marked vehicles. The cases that we looked into seem to have resulted in acknowledgement of the detention of the person. However, I intend to continue to look further at the evidence. [...]</p> <p>Also available at the time of publication of the CIG: Sri Lanka Campaign for Peace and Justice, The return of the white van, 28 April 2016</p> <p>It is suggested that an updated CIG/CIPN include more recent COI to illustrate that it remains a current practice committed against low level LTTE members, for example:</p> <ul style="list-style-type: none"> ❖ International Truth and Justice Project (ITJP), ITJP Submission to the Committee Against Torture, 17 October 2016 ❖ Association des étudiants tamouls de France, Written statement submitted by the Association des étudiants tamouls de France, a non-governmental organization in special consultative status; PTA detainees without any charges in Sri Lanka, 9 June 2016 	<p>We will consider the sources cited alongside other relevant material, then make our own assessment as to the extent to which it applies, and any 'profile' of person affected.</p>
<p>Reference 59 cited at paragraph 6.7.4 is the only reference which lacks a URL in the CIG is and the date of the source is incorrect:</p> <p><i>[59] Guardian, The, Sri Lanka to issue missing certificates to families of civil war disappeared, 1 October 2016, date accessed 4 May 2016</i></p> <p>It should be dated 1 October 2015 and is available at the following URL: https://www.theguardian.com/world/2015/oct/01/sri-lanka-issues-certificates-families-missing-people-civil-war-un</p>	<p>Thank you. We will fix/update this.</p>

7.9 6.9 Tamil diaspora

IAGCI reviewer's summary of recommendations	Home Office response
<p>It is suggested that this section be renamed 'Tamil diaspora and surveillance of Tamils abroad' so that important information is not overlooked. It is also suggested to include further evidence of the authorities' ability to conduct surveillance outside of Sri Lanka as evidenced in the following article:</p> <p>❖ Tamil Net, SL TID cites Facebook 'private messages' as evidence to restrict Tamil political activism, 2 May 2016</p>	<p>Partly accepted. We will include a section as suggested, but will opt for something more neutrally-titled (e.g. "sur place activities") so as not to start from any pre-determined position.</p>
<p>Reference 72 cited in paragraph 6.9.2 is not available at the URL provided:</p> <p>[72] <i>The Gazette of the Democratic Socialist Republic of Sri Lanka Extraordinary, Part I: Section (I) – General, Government Notifications, The United Nations ACT, No. 45 OF 1968 Amendment to the List of Designated persons under Regulation 4 (7) of the United Nations Regulation No. 1 of 2012, 20 November 2015</i>, fiusrilanka.gov.lk/docs/UNSCR/List/1941_44(SL)/1941_44(E).pdf, date accessed 7 January 2016</p> <p>It is available at: http://fiusrilanka.gov.lk/docs/UNSCR/List/1941_44(SL)/1941_44(E).pdf</p>	<p>Thank you. We will fix/update this.</p>

7.10 6.10 Freedom of Movement

IAGCI reviewer's summary of recommendations	Home Office response
<p>The FCO letter cited in footnote 77 at paragraph 6.10.3 is not provided in the Annex, as is the case for the other FCO correspondence referred to in the CIG:</p> <p>[77] <i>British High Commission (BHC), Colombo, letter dated 25 July 2014, accessed 1 April 2016</i></p>	<p>Noted. We will fix/update this.</p>

7.11 Detention Conditions

IAGCI reviewer's summary of recommendations	Home Office response
<p>Although the CIG includes sections of COI on '6.4 Arrests and detentions' and '6.6 Torture/ill-treatment' no specific section is included on 'Detention conditions', nor is this subject dealt with in a distinct CIG/CIPN. It is considered relevant to have included such information, especially as the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment considered in his May 2016 preliminary findings, available at the time of the publication of the CIG, that prison conditions in themselves constitute a form of cruel, inhuman and degrading treatment (emphasis added):</p>	<p>Partly accepted. As conditions in detention are not exclusive to Tamils, we aim to produce a separate CPIN on Prison conditions in Sri Lanka. But as stated above, due to resource constraints and other priorities, this</p>

<p>❖ United Nations Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, <u>Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Juan E. Mendez* on the Official joint visit to Sri Lanka – 29 April to 7 May 2016</u>, 7 May 2016</p> <p>[...] Conditions of detention</p> <p>With regard to the treatment of prisoners by staff in penitentiaries and remand prisons, I note with satisfaction that in conducting my interviews I did not receive any serious complaints. I am deeply concerned, however, about the conditions of life in all prisons. All are characterized by a very deficient infrastructure and pronounced overcrowding. As a result, there is an acute lack of adequate sleeping accommodation, extreme heat and insufficient ventilation. Overpopulation also results in limited access to medical treatment, recreational activities or educational opportunities. These combined conditions constitute in themselves a form of cruel, inhuman and degrading treatment.</p> <p>TID detainees also suffer from inhumane detention conditions, including excessive heat, absence of ventilation, limited access to daylight and exercise, prolonged or indefinite isolation in some cases, and lack of electricity so that some of them spend about 12 hours a day in the dark.</p> <p>I visited the underground detention cells located inside the Trincomale Naval Base, which were discovered in 2015. These cells, which were presumably used to hold persons who are now counted among the disappeared, are currently under seal as a crime scene. I understand that the CID is heading an investigation that has not yet resulted in indictments.</p> <p>Needless to say, the conditions must have been horrific. [...]</p>	<p>is likely to be later in the year.</p>
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<p>Additional sources on detention conditions in Sri Lanka suggested for inclusion in an updated CIG/CIPN include:</p> <ul style="list-style-type: none"> ❖ Hands off Cain, Sri Lanka profile, last updated 2 February 2017 ❖ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka, 22 December 2016 ❖ Asian Legal Resource Centre, Alternative report to the Committee Against Torture in Connection with the 5th Periodic Report of Sri Lanka, 10 October 2016 ❖ Sri Lankan NGO Collective against torture, Joint Alternative Report, 13 October 2016 ❖ Human Rights Commission of Sri Lanka, Report of the Human Rights Commission to the Committee against Torture; Review of the 5th Periodic Report of Sri Lanka, October 2016 ❖ Daily News, Cabinet nod for Task Force on Prison Overcrowding, 14 September 2016 ❖ Daily News, Prison Healthcare: Towards a more humane system, 9 June 2016 ❖ Institute for Criminal Policy Research, World Prison Brief: Sri Lanka, last updated October 2015 	<p>Thank you. We review these sources and include relevant material alongside other sources.</p>
<p>It should also be noted that the U.S. State Department Sri Lanka report on human rights practices for 2016 which documents detention centre conditions in detail is usually expected for publication in April 2017 so it may be worth delaying updating of the CIG/CIPN so as to be able to include it, or referring to its forthcoming publication.</p>	<p>Partly accepted. As previously noted, we would not look to delay publishing the CPIN on account of forthcoming publications. However, in this instance, the USSD reports have been published so we will include relevant material.</p>

8 September 2015 CIG on Sri Lanka: Journalists, media professionals and human rights activists

8.1 4. Background to Freedom of Speech and Expression

IAGCI reviewer's summary of recommendations	Home Office response
<p>The following excerpt was not found in the source cited:</p> <p>4.1.1 The US State Department's 2014 Country Report on Human Rights Practices (USSD Report 2014), Sri Lanka, published on 25 June 2015, noted that:</p> <p>'The independent media were active and largely unrestrained, although there were cases of direct and indirect political and economic pressure on the media, including by threatening journalists. Political pressure, corruption, and lack of funding constrained the independent print media, and journalists reported that they practiced self-censorship. Political parties, trade unions, and other groups published newspapers or magazines independent of government influence.'¹</p> <p><i>[1] US Department of State, Country Reports on Human Rights Practices for 2014: Sri Lanka, 25 June 2015, (Section 2a - Freedom of Speech and Press),</i> http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236650#wrapper, <i>date accessed 7 July 2015</i></p> <p>In fact, the above quote is from the Albania chapter of the US State Department's 2014 Country Report on Human Rights Practices. The respective section from the Sri Lanka chapter presents a markedly less positive situation:</p> <ul style="list-style-type: none"> ❖ U.S. State Department, 2014 Country Report on Human Rights Practices: Sri Lanka, 25 June 2015 <p>[...] Section 2. Respect for Civil Liberties, Including:</p> <p>a. Freedom of Speech and Press</p> <p>The law provides for freedom of speech, including for members of the press, but the government did not respect this right. Government officials criticized, pressured, harassed, and detained members of the media, and most journalists practiced self-censorship.</p> <p>Freedom of Speech: The constitution provides for the right to free speech. Authorities subjected this right, however, to a host of restrictions, including public morality and national security. The government attempted to impede criticism throughout the year, including through harassment, intimidation, violence, and detention. The government monitored political meetings, particularly in the north and east. There also were credible reports that civilian and military officials questioned local residents who met with foreign diplomats regarding the content of their</p>	<p>Accepted.</p> <p>Thank you for bringing this to our attention. The inadvertent inclusion of the Albania chapter of the US Department of State's 2014 Country Report was an oversight and shall be rectified.</p>

<p>meetings as well as groups that held similar meetings. [...]</p> <p>This is a notable error, especially given that the excerpt from the Albania chapter of the US State Department's 2014 Country Report on Human Rights Practice is then cited verbatim in the 'Guidance' section of the CIG (emphasis added):</p> <p>2. Consideration of Issues</p> <p>[...] 2.2 Are journalists, media professionals and human rights activists in Sri Lanka who are perceived by the authorities to be in opposition to the government at real risk of persecution or serious harm?</p> <p>[...] 2.2.6 The independent media were active and largely unrestrained, although there were cases of direct and indirect political and economic pressure on then media, including by threatening journalists. Political pressure, corruption, and lack of funding constrained the independent print media, and journalists reported that they practiced self-censorship. Political parties, trade unions, and other groups published newspapers or magazines independent of government influence. (see COI under 4.1 6.2, and 8.2). However, sources continue to document attacks, harassment, intimidation and arrests against journalists, civil society actors, human rights activists and their families. Some sources specifically highlight these human rights violations against Tamil journalists. The new government has so far also failed to investigate cases of killed journalists or cases of attack and intimidation. [...]</p>	
<p>Reference 2 is not currently available at the URL provided:</p> <p><i>[2] Reporters Without Borders, World Press Freedom Index 2014, 31 January 2014, 2014 World Press Freedom Index (p 30), http://rsf.org/index2014/data/index2014_en.pdf, date accessed 17 December 2014</i></p> <p>It is available at:</p> <p>https://rsf.org/en/world-press-freedom-index-2014</p>	<p>This will be fixed/updated.</p>

8.2 5. Legal context

IAGCI reviewer's summary of recommendations	Home Office response
<p>This section sets out the rights to freedom of speech, expression, association and peaceful assembly as provided for in the Constitution:</p> <p>5.1.2 Chapter – III (Fundamental Rights), Article 14, of the Constitution states:</p> <p>'(1) Every citizen is entitled to –</p> <p>'(a) the freedom of speech and expression including publication;</p> <p>'(b) the freedom of peaceful assembly ;</p> <p>'(c) the freedom of association ;</p> <p>'(d) the freedom to form and join a trade union... ;</p> <p>'(f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;</p> <p>(g) the freedom to engage by himself or in association with others in any lawful occupation profession, trade, business or enterprise...'</p> <p>However, no mention is made of the articles of the same constitution that set out in which circumstances these rights may be restricted (emphasis added):</p> <p>❖ <i>The Constitution of the Democratic Socialist Republic of Sri Lanka (as amended up to 9th September 2010)</i>, Revised Edition – 2011</p> <p>[...] 15.</p> <p>[...] (2) The exercise and operation of the fundamental right declared and recognized by Article 14(1)(a) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence.</p> <p>(3) The exercise and operation of the fundamental right declared and recognized by Article 14(1)(b) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony.</p> <p>(4) The exercise and operation of the fundamental right declared and recognized by Article 14(1)(c) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or national economy.</p> <p>(5) The exercise and operation of the fundamental right declared and recognized by Article 14(1)(g) shall be subject to such restrictions as may be prescribed by law in the interests of national economy or in relation to –</p> <p>(a) the professional, technical, academic, financial and other qualifications necessary for practising any profession or carrying on any occupation, trade, business or enterprise and the licensing and disciplinary control of the person entitled to such fundamental right; and</p>	<p>Accepted.</p> <p>References to restrictions on freedom of speech will be included.</p>

<p>(b) the carrying on by the State, a State agency or a public corporation of any trade, business, industry, service or enterprise whether to the exclusion, complete or partial, of citizens or otherwise. [...] (7) The exercise and operation of all the fundamental rights declared and recognized by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph “law” includes regulations made under the law for the time being relating to public security.</p> <p>(8) The exercise and operation of the fundamental rights declared and recognized by Articles 12(1), 13 and 14 shall, in their application to the members of the Armed Forces, Police Force and other Forces charged with the maintenance of public order, be subject to such restrictions as may be prescribed by law in the interests of the proper discharge of their duties and the maintenance of discipline among them.</p> <p>It is recommended that this is included in an updated CIG/CIPN.</p>	
<p>It is also considered relevant to note the other laws and regulation that restrict the constitutional right to freedom of expression in addition to antiterrorism regulations (which are set out in paragraph 5.1.3 of the CIG), i.e. the Official Secrets Act and laws on defamation and contempt of court. This was mentioned for example in the following publication available at the time of publication of the CIG:</p> <ul style="list-style-type: none"> ❖ Freedom House, Freedom in the World 2015 - Sri Lanka, 28 January 2015 <p>It is also considered relevant to include the fact that computer crimes and intellectual property rights laws allow information contained within computers to be admissible in civil and criminal proceedings, as mentioned by the following publication available at the time of publication of the CIG (and subsequent editions, most recently the 2016 edition available here):</p> <ul style="list-style-type: none"> ❖ Freedom House, Freedom on the Net 2014, 4 December 2016 <p>It is suggested that an updated CIG/CIPN mention this legislation, along with the ‘Right to Information (RTI) Act, passed in June 2016 that came into effect on 4 February 2017. See for example:</p> <ul style="list-style-type: none"> ❖ Inter Press Service, Right to Information Act to Redefine Sri Lanka’s Media Landscape, 14 December 2016 ❖ Parliament of the Democratic Socialist Republic of 	<p>Accepted.</p> <p>Along with laws that restrict freedom of expression we will include relevant legislation that affects journalists and the media in general.</p>

<p>Sri Lanka, Right to Information Act, No. 12 of 2016, certified 4 August 2016</p> <p>N.B. the Freedom House, 2017 Freedom in the World report: Sri Lanka report is about to be published which is likely to address the current legal context for freedom of expression in detail.</p>	
<p>No mention is made in the CIG of the July 2015 reactivation of the Press Council and dormant Press Council Act No.5 of 1973, reported on by the time of publication of the CIG for example by:</p> <ul style="list-style-type: none"> ❖ International Federation of Journalists (IFJ), IFJ, Sri Lankan media rights organizations object to reactivation of Press Council, 7 July 2015 [...] On July 2, 2015 Sri Lanka's President, Maithripala Sirisena, reactivated the country's Press Council by appointing new members by his executive decision. The Council is established under the 1973 Press Council Law that provides wide ranging punitive powers to the body including imprisoning media personnel. The Council, which had been used by the previous government against media and journalists, had stopped functioning after election of Sirisena as new president on January 8, 2015. [...] <p>It is suggested that an updated CIG/CIPN detail the relevant provisions of the Act and functions of the Press Council, see for example:</p> <ul style="list-style-type: none"> ❖ Freedom House, Freedom on the Net 2016 - Sri Lanka, November 2016 ❖ Association Bharathi Centre Culturel Franco tamoule (Bharathi CCFT), Tamil Victim of Racial Discrimination by Sri Lankan Government, Written statement to the 17th session of the UN CERD, 11 July 2016 ❖ Sri Lanka Press Institute, Media Release on Press Council Act, 21 January 2016 	<p>Accepted. Again, we will review the whole of the section on legal rights to ensure relevant legislation is included.</p>

8.3 6. Treatment by the authorities

IAHCI reviewer's summary of recommendations	Home Office response
It is not immediately clear why such a section is included in the CIG, given that there are also distinct sections '7. Civil Society/Human Rights Activists'; '8. Journalists and Media Professionals' and '9. Internet Users' which address state treatment of these profiles. It is considered that section 6 contains more general background information on the climate for freedom of expression and should be subsumed into section '4. Background to Freedom of Speech and Expression', and that the information pertaining specifically to treatment of journalists [paragraphs 6.2.4 and 6.2.5] should be moved to section 8.	Accepted. We will re-title this section.

8.4 7. Civil Society/Human Rights Activists

IAHCI reviewer's summary of recommendations	Home Office response
<p>It is considered that as the following article cited in the CIG mainly describes the situation for family members attending a prayer service to demonstrate the lack of justice for their missing relatives, and not civil society/ human rights activists, it is not fully relevant to the scope of this CIG:</p> <p>7.2.1 After Maithripala Sirisena's surprise Presidential victory in the January 2015 elections, activists were hopeful the new government will allow more space for advocacy and access in the north, but as reported by IRIN News on 28 January 2015: 'Six days after the 8 January election, around 300 families of those still missing as a result of Sri Lanka's two and half decade long civil war attended a prayer service led by Pope Francis at the Madhu Shrine in the northwestern district of Mannar. Some held pictures of missing relatives; others held small signs calling for justice. But in a marked departure from the pattern of recent years, security forces prevented no one from protesting or entering the shrine compound.</p> <p>'Uthayachandra Manuel, a community activist in Mannar who heads the Association of Families Searching for their Disappeared Relatives, recalls quite a different reaction from the authorities during visits by former UN High Commissioner for Human Rights Navi Pillay and British Prime Minister David Cameron in August and November 2013.</p> <p>"There was a lot of harassment then. People were stopped from coming out; police would interview them and ask them to come to the station; one or two have been detained as well," Manuel told IRIN. Her own activism began in 2008 when her eldest son was arrested. He has not been heard of since. "The Criminal Investigation Department kept close tabs on me to find out what I was doing. They will visit families after each protest. That has been usual in the last five years," she said.</p> <p>'When Pope Francis visited Sri Lanka earlier this month, Manuel</p>	<p>Partly accepted.</p> <p>Whilst we agree that the focus is on the family members of missing relatives, the source does also cite a community activist, her past experiences and ongoing challenges, albeit brief. We will look to make that clearer.</p>

<p>and others in her group were able to hand him a letter containing the details of more than 3,300 missing persons and asking for his assistance in investigating their disappearance.</p>	
<p>This means that only two sources are included in the CIG which document the situation for human rights defenders and civil society actors in 2015, the most recent of which details events from May 2015 [International Federation of Journalists (IFJ), Sri Lankan human rights activists targeted in May Day rallies, 4 May 2015 cited at paragraph 7.2.4]. It should also be noted that the other source, The Foreign and Commonwealth Office (FCO) report, Sri Lanka - Country of Concern: latest update, Updated 21 January 2015 [paragraph 7.2.2] was not the most recent publication from that source available at the time of publication of the CIG; an updated version was issued on 15 July 2015.</p> <p>It's a shame that the September 2015 CIG does not include the position from the September 2015 report of the Office of the UN High Commissioner for Human Rights on Sri Lanka on the situation for human rights defenders:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Council, <i>Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka</i>, 28 September 2015, paragraph 14 <p>Since January 2015 there has been a significant opening of space for freedom of expression, at least in Colombo, although reports of surveillance, interference and harassment of human rights defenders continued to be received at the district level.</p> <p>Given that the OHCHR investigation had been requested in resolution A/HRC/25/1 adopted in March 2014 and the reporting obligations were publicly available, it is considered reasonable that the CIG should have been delayed for such an important publication.</p> <p>By only including limited COI this section of the CIG also omitted the following 2015 incidents affecting civil society as summarised by INFORM:</p> <ul style="list-style-type: none"> ❖ INFORM, <i>Repression of Dissent in Sri Lanka In the first 100 days of new Presidency 9th January – 19th April 2015</i>, 27 May 2015 <p>Summary</p> <p>[...] In Colombo, civil and political activists distributing leaflets on 19th February were attacked by members of the pro-Rajapaksa National Freedom Front (NFF) at Nugegoda. The leaflets contained the text, "Ten Questions for Wimal Weerawansa and Vasudeva prior to the Yakshagamanaya" and were distributed by members of the Democratic People's Forum. The Inter-University Students' Federation (IUSF)'s protest march was attacked on 31st March by the Police and the Special Task Force, with some students injured and hospitalized. The Defense Ministry informed the director of a</p>	<p>Accepted.</p> <p>We will provide updated information on the situation for human rights defenders and civil society actors in the updated CPIN.</p> <p>Not accepted.</p> <p>This country information and guidance was updated up to 9 September 2015, prior to the publication of the UN HRC report.</p> <p>We would not look to delay a CPIN on account of forthcoming publications. However, we will look to include this report in the next update.</p> <p>Thank you for the sources cited which we will review and look to include alongside other relevant material.</p>

<p>film about the slain journalist Richard de Zoysa that the subject matter would be inappropriate, as it recalls an unpleasant past, and informed the director that he will not be given permission to shoot the film.</p> <p>In the North, Sri Lankan military dressed in civilian warned the displaced people in a military run high security zone against discussing their living conditions with the British Foreign and Commonwealth Office Minister, Hugo Swire. A distributor of the Tamil weekly, Ithu Nam Theasam, a pro Tamil National People's Front (TNPFF) paper, was threatened by military intelligence. In another incident in the North, drunk police officers in jerseys stopped three journalists, threatened them with knives and chased after them. Perhaps for the first time in history, a journalist (specifically, a Tamil journalist from North) was arrested and detained by Police for "providing false information for the publication of a news item." The Terrorist Investigation Division (TID) also summoned the Chairman of the Vavuniya Citizens Committee, while the activist Buddhist monk Ven. Wataruka Vijitha Thero was harassed by police officers. [...]</p> <p>While the detention without charge of the Woman human rights defender Balendran Jeyakumari ended on the 10th March, an overseas travel restriction was imposed on her and she was required to report monthly to a police station. Investigations in her case continue. Restrictions on freedom of expression and movement of INFORM's human rights adviser Ruki Fernando continue, and the investigation against him is also still ongoing. [...]</p> <p>Also available at the time of publication of the CIG was the following useful source on the post Sirisena government situation for human rights defenders:</p> <ul style="list-style-type: none"> ❖ Asian Forum for Human Rights and Development, <i>Written statement submitted by a non-governmental organization in special consultative status to the UN Human Rights Council, Freedom of Assembly and Association in Sri Lanka</i>, 10 June 2015, <i>After elections: Country under President Maithripala Sirisena (9th January 2015 till date)</i> 	
<p>The following sources provide useful information on the situation for human rights defenders suggested for inclusion in an updated CIG/CIPN which document that despite a generally improved operating climate, surveillance by state intelligence officers of human rights activists in the North and East continues, civil society actors have been threatened and intimidated, including those supporting relatives of the disappeared and that civil society groups working with former 'rehabilitees' continue to face regular security checks and questioning about their work:</p> <ul style="list-style-type: none"> ❖ Front Line Defenders, <i>The Troubling Detention of</i> 	<p>We will review and consider for inclusion alongside other relevant material.</p>

<p>Ruki Fernando, 14 October 2016</p> <ul style="list-style-type: none"> ❖ Human Rights Commission of Sri Lanka, Report of the Human Rights Commission to the Committee against Torture; Review of the 5th Periodic Report of Sri Lanka, October 2016, paragraph 39 ❖ INFORM, Human Rights Situation in Sri Lanka: August 17, 2015 – August 17, 2016, 26 August 2016, 3. Freedom of Expression, Association and, Assembly ❖ UN Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Sri Lanka, 8 July 2016, paragraph 53 ❖ UN Human Rights Council, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Promoting reconciliation, accountability and human rights in Sri Lanka, 28 June 2016, paragraph 16 ❖ Amnesty International, Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, 24 February 2016 <p>Other sources recommended to check when updating the CIG/CIPN which may have issued relevant publications since drafting this review are:</p> <ul style="list-style-type: none"> ❖ Front Line Defenders ❖ International Federation for Human Rights (FIDH) ❖ Sri Lanka Campaign for Peace and Justice ❖ World Organisation Against Torture (OMCT) 	
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8.5 8. Journalists and Media Professionals

IAGCI reviewer's summary of recommendations	Home Office response
<p>As mentioned above, it's a shame that the September 2015 CIG does not include relevant sections from the September 2015 Report of the OHCHR Investigation on Sri Lanka, which had a section on 'Killings of journalists'. However, in general the CIG accurately depicts the situation in Sri Lanka for journalists up to May 2015, the most recently published source cited in this section.</p>	<p>As mentioned previously, we would not look to delay CPINs on account of forthcoming publications.</p>
<p>The following sources provide useful information on the current situation for journalists suggested for inclusion in an updated CIG/CIPN detailing that despite the improved climate for press freedom, there are incidences of journalists continuing to experience harassment, arrests, and physical attacks:</p>	<p>Thank you for your suggestions which we will review and consider for inclusion alongside other relevant material.</p>

<ul style="list-style-type: none"> ❖ Groundviews (Gehan Gunatilleke), <i>Survivalist and Irrepressible: The Two Faces of the Sri Lankan Media</i>, 5 January 2017 ❖ Daily Mirror (Sri Lanka), <i>Attack on media: Dangerous trend by Govt.: JVP</i>, 28 November 2016 ❖ Committee to Protect Journalists, <i>Sri Lankan government blocks Tamil website</i>, 14 November 2016 ❖ Association Bharathi Centre Culturel Franco tamoule (Bharathi CCFT), <i>Tamil Victim of Racial Discrimination by Sri Lankan Government, Written statement to the 17th session of the UN CERD</i>, 11 July 2016 ❖ International Press Institute, <i>IPI concerned by attack on Sri Lanka editor</i>, 9 June 2016 ❖ Tamil Net, <i>Returning Tamil journalists forced to pledge written oath to unitary State</i>, 7 May 2016 ❖ International Movement Against All Forms of Discrimination and Racism, <i>Written statement to UN Human Rights Council: Freedom of Expression in Sri Lanka (January 2015-Present)</i>, 19 February 2016 ❖ Journalists for Democracy in Sri Lanka, <i>Exiled Tamil journalist arrested on arrival in Sri Lanka</i>, 22 January 2016 <p>Reportedly the UN Special Rapporteur on freedom of opinion and expression has been invited to visit Sri Lanka in early 2017¹¹¹, which it is recommended to mention in an updated CIG/CIPN but no further details on the visit seem to be available at the time of writing this review.¹¹² Other sources recommended to check when updating the CIG/CIPN which may have issued relevant publications since drafting this review are:</p> <ul style="list-style-type: none"> ❖ <u>Article 19</u> 	<p>Thank you for bringing this to our attention. We will note the proposed visit and monitor accordingly.</p> <p>Thank you. We will review these sources.</p>
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¹¹¹ UN Human Rights Council, [*Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Promoting reconciliation, accountability and human rights in Sri Lanka*](#), 28 June 2016, paragraph 5

¹¹² No upcoming visits are listed on [*the Freedom of Opinion and Expression - Country visits*](#) webpage

<ul style="list-style-type: none"> ❖ Centre for Policy Alternatives ❖ Committee to Protect Journalists ❖ Groundviews ❖ International Press Institute ❖ Journalists for Democracy in Sri Lanka ❖ Reporters Without Borders 	
<p>Reference 42 is not currently available at the URL provided:</p> <p><i>[42] International Press Institute, Blog: Sri Lanka's 100 day reform period bows out with weak results for media freedom, 23 April 2015, http://www.freemedia.at/newssview/article/blog-sri-lankas-100-dayreform-period-bows-out-with-mixed-results.html, date accessed 20 May 2015 [blog entry written by IPI's Director of Press Freedom Programmes]</i></p> <p>It is available at:</p> <p>https://ipi.media/sri-lankas-100-day-reform-period-bows-out-with-weak-results-for-media-freedom/</p>	<p>This will be fixed/updated.</p>

8.6 9. Internet Users

IAGCI reviewer's summary of recommendations	Home Office response
<p>The Preface of this CIG indicates that the profiles addressed in the report include 'journalists (incl. internet-based media), media professionals and human rights activists from Sri Lanka'. However, no information is included in the CIG specifically on the treatment of internet-based media actors/ bloggers, although paragraph 9.1.1 briefly mentions arrests for the content of text messages and social media posts.</p> <p>It is suggested that when the CIG/CIPN is updated, it rename this section 'Internet Users and Treatment of Bloggers' to make clear where this profile is addressed and that the following COI is included:</p> <ul style="list-style-type: none"> ❖ Freedom House, Freedom on the Net 2016 - Sri Lanka, November 2016, <i>Blocking and Filtering; Prosecutions and Detentions for Online Activities and Intimidation and Violence</i> 	<p>Accepted.</p> <p>We will consider revising the section headings to accurately reflect the information contained within. We will review the source cited for inclusion.</p>

9 Review of responses to COI requests

1. COI request – [BBS, Attitude to LGBTI, 17 March 2016] [03/16-048]

Information needed on the Buddhist group Bodu Bala Sena:

1. What is known about this group?
2. Do they or have they been known to persecute and reject homosexuality?
3. Where are they based? All over Sri Lanka or in just certain regions?
4. Do they have influence over the government?

IAGCI reviewer's summary of recommendations	Home Office response
Only four paragraphs of COI are presented in total on these four questions. It is considered that it would have aided user-friendliness if the COI was separated under the four distinct issues.	Accepted. We have since revised the layout of responses to address this.
<p>Question 3 is not addressed by the COI, despite several sources detailing that the group is based in Colombo. See for example:</p> <ul style="list-style-type: none"> ❖ Terrorism Research & Analysis Consortium, Bodu Bala Sena (BBS), undated (accessed 21 February 2017) <p>No information is specifically presented on question 2, although the COI request does indicate that 'They also view other groups that as they see it do not conform as targets' and readers are referred to the Sri Lanka CIG on Sexual Orientation and Gender Identity. This is despite there being COI detailing the group's homophobia (although post preparation of the COI request)</p> <ul style="list-style-type: none"> ❖ Sri Lanka Brief, EXTREMIST "SINHALE" THREATEN LGBT ACTIVISTS IN SRI LANKA, 12 May 2016 	<p>Partly accepted.</p> <p>Q3: Since this source is undated it may not have been available at the time of the response publication. However, we accept the question should have been addressed.</p> <p>Q2: Thank you for sight of this source, albeit post publication of the request.</p>
<p>In relation to question 4, only the following summary of one source is presented 'There has been continuing speculation that the ties between Government and the BBS have been close although denied by both.' However, other source available at the time of preparation of the COI request document a clearer association, for example (emphasis added):</p> <ul style="list-style-type: none"> ❖ US Department of State, 2014 Report on International Religious Freedom - Sri Lanka, 14 October 2015 Executive Summary [...] In June at least three Muslims were killed and scores injured in clashes with hardline Buddhists in Aluthgama and Beruwalla. The incident, widely covered by international press, occurred after the Bodu Bala Sena (BBS, "Forces of Buddhist 	<p>Accepted.</p> <p>Future responses will cite these sources if still relevant.</p> <p>We are also considering, and will discuss with decision makers, the need for a bespoke CPIN on Buddhist extremism (we used to cover it in the OGN).</p>

Power”), a hardline violent ethnic Sinhala Buddhist organization with links to the government, held a large rally in the streets of Aluthgama to condemn a reported assault of a Buddhist monk by several Muslim youth. The violence followed years of increasing religious tensions and what **NGOs cited as a deepening culture of impunity for those aligned with the government**. Members of hardline Buddhist groups committed numerous instances of violence, destruction of property, and injuries against Christians and Muslims. [...]

Government Practices

Throughout the year NGOs accused authorities of reluctance to investigate or prosecute those responsible for attacks on churches, Hindu kovils, and mosques and characterized this as indicative of a deepening “culture of impunity” that protected alleged Buddhist perpetrators. **At times local police and government officials appeared to be acting in concert with Buddhist nationalist organizations**, according to targeted Muslim and Christian groups and legal experts who noted that the prosecution of perpetrators was rare. [...]

Human rights organizations and members of religious minority groups expressed concern that authorities tacitly condoned harassment and violence, particularly by Buddhist nationalist groups, against religious minorities. In multiple instances, police failed to respond or were reluctant to arrest or pursue criminal cases against individuals instigating attacks on minority religious sites.

The government failed to arrest and prosecute hardline Buddhist monks involved in numerous attacks against Muslims and Christians. Sources stated that Buddhist monks generally operated under the protection of the government, and some monks, particularly outside Colombo, operated with impunity in trying to close down Christian and Muslim places of worship on the grounds they were not registered. In April a group of 30 persons led by Buddhist monks stormed the premises of the New Life Living Church in Bandaragama, Kalutara District where Christians were praying and demanded they stop. The Christians immediately contacted the local police, but upon arriving on the scene, the officer in charge instructed church members to stop the prayer meetings. [...]

- ❖ Bertelsmann Stiftung, [*BTI 2016; Sri Lanka Country Report*](#), 2016

[...] However, in many parts of Sri Lanka, military and police activity has impinged on individual rights. Particularly noteworthy is the systematic marginalization of Tamils, especially in the militarized Northern Province, and **government support of groups such as the Bodu Bala Sena (Buddhist Power Force)** which have advocated violence against Muslims, claiming they threaten the majority Sinhalese Buddhist national identity. [...]

2. COI request – [Sri Lanka refugees in India, 12 April 2016] [04/16-003]

1. *Is there any evidence of Sri Lanka's Q branch operating in India during the period 2008-09?*
2. *If there is, is there any evidence of them operating openly - identifying themselves to local business people or other potential informants?*
3. *Is it likely that the Sri Lankan authorities would have issued a passport to a person they would have wished to arrest as a result of his family connections in 2005?*
4. *What affect on his status as a refugee would there have been had he was issued with a Sri Lankan Passport following a grant of refugee status in India?*
5. *The claimant claims that his refugee leave in India would have been cancelled as a result of his leaving India without permission to exit. Is this the case? Would a person without permission to exit have been able to board an international flight out of India?*

IAGCI reviewer's summary of recommendations	Home Office response
<p>Only seven paragraphs of COI are presented in total on these five questions. It is considered that it would have aided user-friendliness if the COI was separated under the five distinct issues. This would also have made it clearer when COI was not found on a particular question. For example, no specific information was presented on question 2, 3 or 4 above but it is not known whether such information was specifically sought and not found. It is suggested to make clearer when no COI is found on a particular issue. Furthermore the relevance of paragraph 2 the COI request to any of the above questions is not immediately obvious and paragraph 3 relates to the documentation of 'hill country' Tamils which does not appear to be relevant to the claimant's profile.</p>	<p>Partly accepted. We will try to make it clearer if no COI is found following previous discussions with the IAGCI on this. Paragraph 2 provides some background though is perhaps superfluous in the context of this response. Although no details are given on the person's profile, the information in paragraph 3 may be pertinent.</p>

3. COI request – [Arrest Warrants, 20 April 2016] [04/16-029]

Methods of serving arrest warrants and availability of fraudulent documents

IAGCI reviewer's summary of recommendations	Home Office response
Five paragraphs of COI are presented for this COI request. It is considered that it would have improved user-friendliness if they were separated under the two issues.	
<p>Only one excerpt specifically relates to fraudulent documents; paragraph 4 which details trafficking rings manufacturing false passports. It is unclear how relevant this is to the question posed as the requester did not detail the type of documents it was interested in, although given the other question posed, it may be assumed that they were interested in the availability of fraudulent arrest warrants. The following report, available at the time of preparation of the COI request, directly addresses 'Fraudulent Police Reports' and has interviewed a Sri Lanka country expert on this point, which it is considered would have been relevant to include:</p> <ul style="list-style-type: none"> ❖ Immigration and Refugee Board of Canada, Sri Lanka: Police reports, including records of arrest or detention, extracts of complaints, and police clearance certificates; procedures for an individual to obtain a copy of police reports; prevalence of fraudulent police reports, 9 March 2016 	<p>Partly accepted. Information on arrest procedures was provided. However, clarification from the requester in regard to fraudulent documents may have aided this response. The Canada IRB response will be included in future responses.</p>

4. COI request – [Lone women – Trafficked -Treatment towards, 12 May 2016] [05/16-020]

Protection and government support of victims of trafficking, particularly for traumatised lone women lacking family or financial support

IAGCI reviewer's summary of recommendations	Home Office response
<p>Only eight paragraphs of COI are presented on this complicated issue. Whilst useful information is presented on the increase of female-headed-households, it is considered that a full response would have addressed a number of themes including: women's freedom of movement; single women's access to the housing and labour market; desperate survival measures (e.g. 'survival sex'); harassment and ill treatment of single women; social security for single lone women; recourse to protection for persons fearing re-trafficking. It is a shame that the following source addressing some of these issues was omitted:</p> <ul style="list-style-type: none"> ❖ Research Directorate, Immigration and Refugee 	<p>Partly accepted. We accept this is a complex issue that requires a fuller response. However, time constraints limit the time for gathering information for COI Requests.</p>

<p><u>Board of Canada, Ottawa, Sri Lanka: Ability of single Tamil women to relocate and access housing and employment in Colombo; whether and how they can be traced by the government or paramilitaries (2014-March 2015)</u>, 8 April 2015</p>	
<p>Paragraph 1 relates to the treatment of organisations working for the promotion of women's interests, so not directly relevant to the COI request.</p>	<p>Accepted. This appears to have been misinterpreted.</p>
<p>Only one source is provided on the protection available to victims of trafficking, the U.S. Department of State 2015 Trafficking in Persons Report (cited in paragraphs 7 and 8). It is considered that corroborative COI should have been included. Available at the time of publication of the COI request included for example:</p> <ul style="list-style-type: none"> ❖ UN Human Rights Committee, <u>Concluding observations on the fifth periodic report of Sri Lanka</u>, 21 November 2014 [...] Trafficking in persons 20. While noting that the State party has established an anti-trafficking task force under its Ministry of Justice, the Committee is nonetheless concerned at the lack of effective measures to protect victims and provide them with effective remedies, including compensation and rehabilitation. It is concerned that there has been low rates of prosecution and insufficient punishment of perpetrators (art. 8). [...] 	<p>Accepted. Future responses will include corroborating COI on the subject.</p>
<p>The ethnicity of the applicant does not appear to have been specified, which would have allowed for more profile-specific COI to have been included.</p>	<p>Agreed.</p>

5. COI request – [Transitional Government of Tamil Elam (TGTE), 7 September 2016]
[09/16-003]

Treatment of Transitional Government of Tamil Elam (TGTE) members

IAGCI reviewer's summary of recommendations	Home Office response
<p>Only 3 paragraphs of COI are included in this response and one relates to airport procedures so is not directly relevant to the question posed. It is considered relevant to have documented that the TGTE was listed as a proscribed organisation on 25 February 2014, see for example:</p> <ul style="list-style-type: none"> ❖ Global Tamil News, Gazette Extraordinary of the Democratic Socialist Republic of Sri Lanka, 21 March 2014, 4 April 2016 	<p>Partly accepted.</p> <p>The response refers to the Tamil separatism CIG which includes information on proscribed groups at paragraph 6.9.2. However, we agree this could have been made clearer in the response.</p> <p>The information on airport procedures relates to the question on risk on return though we accept it is not entirely relevant in this case.</p>

6. COI request – [Forced marriage and FGM, 11 October 2016] [10/16-018]

Effective protection for victims of forced marriage and FGM

IAGCI reviewer's summary of recommendations	Home Office response
<p>It is not clear if the researcher was made aware of the age of the applicant. If they weren't then it is suggested that the age, along with other personal circumstances are provided to enable the researcher to better tailor the COI request.</p> <p>Six excerpts of COI are presented under the subheading 'forced marriage', however none specifically relate to the practice, which has instead been conflated with child marriage. Whilst cases of child marriage may be described as forced/coerced, not all forced marriages involve children. The following source for example illustrates why Tamil women may be forced into marriage resulting in marital rape:</p> <ul style="list-style-type: none"> ❖ City University of New York Colin Powell School, Tamil Women in Post-War Sri Lanka The forever victims? 28 August 2015 (Abuses by State Security Forces) [...] The Tamil Community's Efforts to Protect Women In a context where many Tamil men feel a general sense of powerlessness over their own lives or political possibilities, Tamil women become symbols of a cultural identity under threat. The moral policing of their behaviors is one arena where Tamil men can regain some control. "The community feels under siege, so they try to bring back old an traditional practices. The conservatism is creeping in." 47 Rumors and the very real 	<p>Accepted.</p> <p>Knowing the age of, and more details about, the applicant would have aided the response.</p>

<p>presence of women engaged in sex work, along with fear of rape by the military, has led to a conviction that Tamil women require the protection of men.⁴⁸</p> <p>The protection they offer, most often, comes in the form of a hasty or ill-advised marriage where “even if the guy is very old there is so much pressure to marry the women will do it. In these cases what happens is nothing short of marital rape.” ⁴⁹ Even those who are married are told now “they need male protectors. This is a patriarchal form of control – and some issues (like prostitution) may be overstated in the desire to control women’s mobility, attire, and friendships.”⁵⁰ [...]</p> <p>It is therefore considered that it would have been useful to have included further information on recourse to justice for women victims of marital rape.</p>	
<p>Paragraph 3 in the subheading on ‘forced marriage’ details sexual abuse of children by teachers, school principals, and religious instructors and paragraph 4 in part documents state perpetrated sexual violence and is therefore not relevant to protection from forced marriage. However, it is considered that relevant COI on legal provisions for marital rape and state response to domestic violence from the source cited in these two paragraphs, the 2015 U.S. State Department report, has been omitted.</p>	<p>Accepted.</p> <p>Future responses will include legislation on marital rape and response to domestic violence.</p>

7. COI request – [Citizenship, 13 October 2016] [10/16-029]

Information on citizenship and nationality laws

IAGCI reviewer's summary of recommendations	Home Office response
<p>The COI presented adequately addresses the issue concerned, although it is considered that it might have been useful to provide a link to the 2003 Amendment of the Citizenship Act, as well as referring to its existence. See:</p> <ul style="list-style-type: none"> ❖ <u>Citizenship (Amendment) Act, No. 16 of 2003 [Sri Lanka], No. 16 of 2003</u>, 1 April 2003 	<p>Thank you for sight of these additional sources, which will be taken into consideration for future responses.</p>
<p>Depending on the profile of the applicant, it may have also been relevant to provide links to the following Amendment Acts:</p> <ul style="list-style-type: none"> ❖ <u>Grant of Citizenship to Stateless Persons (Special Provisions) (Amendment) Act, No.5 of 2009 [Sri Lanka], No.5 of 2009</u>, 29 July 2010 ❖ <u>Grant of Citizenship to Persons of Indian Origin (Amendment) Act, No. 6 of 2009 [Sri Lanka], No. 6 of 2009</u>, 18 February 2009 ❖ <u>Grant of Citizenship to Persons of Chinese Origin (Special Provisions) Act, No. 38 of 2008 [Sri Lanka], No. 38 of 2008</u>, 31 October 2008 ❖ <u>Grant of Citizenship to Persons of Indian Origin. Bill No. 153, to Make Provision for the Grant of Status of Sri Lanka Citizen to Persons of Indian Origin. [Sri Lanka], 153</u>, 23 September 2003 	

8. COI request – [Interfaith marriages, 27 October 2016] [10/16-055]

Risk to Christian Tamil and Sinhalese Buddhist who entered into an inter-faith marriage in Sri Lanka, and whether sufficient state protection is available

IAGCI reviewer's summary of recommendations	Home Office response
Again, limited relevant COI is presented on the specific questions raised. Four paragraphs of COI are included on this topic, the first of which relates to child marriages so is not directly relevant. No COI is included at all on state protection afforded to persons fearing family or societal violence resulting out of an inter-faith marriage. Instead, a subsection is included on 'Ethnic religious tensions' which presents four paragraphs of COI, mainly on tensions between Buddhist and Christian groups. It is considered that information on the authorities' willingness to get involved in family matters/domestic disputes would have been relevant to include.	Accepted.

9. COI request – [Christian converts, 8 November 2016] [11/16-006]

1. *What is the situation like for Christians in Sri Lanka?*
2. *What is the situation like for Converted Christians in Sri Lanka?*
3. *Is there a sufficiency of protection from the authorities?*
4. *Can he live as a Christian in Sri Lanka?*

IAGCI reviewer's summary of recommendations	Home Office response
Whilst a sub heading is provided for the last three paragraphs of the COI request on 'Religious conversions', the information is not further divided. Again, it is considered that it would have improved user-friendliness if the information was divided under the four questions posed.	Accepted. This will be considered for future responses.
It is considered that the COI include in the first six paragraphs that relates to the treatment of Muslims is not relevant and should have been omitted.	Not accepted. The information provided relates to both Christians and Muslims and provides context to the situation as regard to religious tensions in general.
In relation to the treatment of converts, it is considered that relevant COI on Bodu Bala Sena calling for anti-conversion laws and COI on family violence against converts should have been included. Available at the time of preparation of the COI request for example included: <ul style="list-style-type: none"> ❖ Colombo Telegraph, Are Religious Conversions Taking Place In Sri Lanka?, 4 November 2016 ❖ Barnabas Trust, Christian daughter killed by Hindu mother in Sri Lanka for converting to Christianity, 9 	Accepted. Thank you for the suggested sources.

June 2016	
10. COI request – [Muslims - Treatment of, 18 January 2017] [01/17-046] <i>Risk to Tamil Muslims on return</i>	
IAGCI reviewer's summary of recommendations <p>Whilst the COI request provides relevant and reliable COI, only three short paragraphs from two sources are presented. It is considered that relevant COI from the Minority Rights Group International report cited in two of these paragraphs has been omitted; that relating to 'Analysis of perpetrators' of violence against Muslims and the key finding that 'There remain substantial gaps in terms of legal action against perpetrators of religious violence and discrimination'.</p> <p>It is also considered that it would have been relevant to include excerpts from the October 2016 Concluding Observations of the UN Committee on the Elimination of Racial Discrimination and from the October 2016 Statement of the United Nations Special Rapporteur on minority issues:</p> <ul style="list-style-type: none"> ❖ OHCHR, <i>Statement of the United Nations Special Rapporteur on minority issues, Rita Izsák-Ndiaye, on the conclusion of her official visit to Sri Lanka, 10-20 October 2016</i>, 20 October 2016 ❖ UN Committee on the Elimination of Racial Discrimination, <i>Concluding observations on the combined tenth to seventeenth periodic reports of Sri Lanka</i>, 6 October 2016 	Home Office response <p>Accepted.</p> <p>Thank you for the additional suggestions, which we will look to included in future responses.</p>

10 Information about the Reviewer

As a specialist country of origin information (COI) researcher, Liz Williams has over ten years experience of conducting COI research for individual asylum and human rights claims, including on Sri Lanka, for use in representations to the Home Office, the Immigration and Asylum Chambers and to international refugee decision making bodies. Ms Williams has provided COI research for a number of Country Guidance (CG) cases both in her current position as co-Director/lead consultant at Asylum Research Consultancy (ARC) and in her former role as Research Officer at the Immigration Advisory Service (IAS). From 2010 to 2016 she reviewed the case law and COI content of country specific asylum policy documents, now known as Country Information and Policy Notes (CIPNs) on behalf of the Still Human Still Here Coalition, including the publication of three commentaries on Sri Lanka, see www.asylumresearchconsultancy.com. She is in her fifth year of undertaking thematic and country-specific COI research on behalf of UNHCR to assist the refugee determination process. She is also the author of an ARC [*2014 query response on Sri Lanka*](#) which examined: *1. Information on Tamils who have returned (voluntarily or forced) to Sri Lanka since February 2014 and who were subjected to*

detention and/or torture and/or ill-treatment; (2) Information on the working methods of the Sri Lankan authority in 'screening' Tamil returnees, particularly since February 2014; (3) Information on activities of Sri Lankan Embassies abroad to monitor the behaviour/conduct of Sri Lankans abroad, particularly since February 2014; (4) Any information on recent arrest/detention/ ill-treatment/ torture of Tamils within Sri Lanka, and on what grounds particularly since February 2014 and an [ARC 2016 query response on Sri Lanka](#) which provided COI on (1) Information on Tamils who have returned (voluntarily or forced) to Sri Lanka since August 2014 and who were subjected to detention and/or torture and/or ill-treatment; (4) Any information on recent arrest/detention/ ill-treatment/ torture of Tamils within Sri Lanka, and on what grounds since August 2014.

Annex E

MINUTES OF THE INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION (IAGCI), 27 MARCH 2017

Venue: 5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN

Present:

Members

Dr Laura Hammond (Chair)	- School of Oriental & African Studies
Dr Ceri Oeppen (CO)	- University of Sussex
Katinka Ridderbos (KR)	- UNHCR
Prof Giorgia Doha (GD)	- University of East London
Michael Collyer (MC)	- University of Sussex
Dr Julie Vullnetari (JV)	- University of Southampton
Jeremy Rintoul (JR)	- Upper Tribunal, HMCTS

Representatives from ICIBI

David Bolt (DB)	- Independent Chief Inspector
Foizia Begum (FB)	- Inspector
James Macauley (JM)	- Inspector

Representatives from Country Policy Information Team (CPIT), Home Office

Martin Stares (MS)	- Head of Unit
Andrew Saunders (AS)	- Team Leader
Robin Titchener (RT)	- Team Leader
Ros Coles (RC)	- Team Leader
Sandra Goppy	- Researcher
Ralph Clarkson	- Researcher

Commissioned reviewers

Dr Enkeleida Tahiraj (ET)	Albania Reviewer
Liz Williams (in absentia)	Sri Lanka Reviewer
Dr Joseph Zeitlyn (JZ)	Bangladesh Reviewer
Dr Dalia Malek (DM)	Egypt Reviewer

Apologies:

Patricia Daley (PD)	- University of Oxford
Andrew Jordan (AJ)	- Immigration Upper Tribunal
Harriet Short (HS)	- ILPA
Liz Williams (LW)	- Sri Lanka Reviewer

<u>Agenda Item</u>	<u>Issue</u>	<u>Action point</u>
1. Chair's Report	<p>The chair welcomed everyone and asked about issues arising from submission of the last IAGCI inspection report.</p> <p>No issues raised. DB clarified that the intention behind the recent process change was to put IAGCI inspections on the same footing as other inspections, including through submission to the Home Secretary.</p> <p>Chair informed the group that the open invitation to the Refugee and Asylum Forum (RAF) to send an observer to IAGCI meetings on a rotational basis had been accepted. The offer stands in the other direction.</p> <p>Chair reminded group that the structure of the conversation on the reviews should focus on major points, in particular flagging Home Office responses that require further discussion.</p>	<p>1. Inspectorate to inform RAF when IAGCI meeting dates are set and encourage them to send an observer.</p>
2. Albania Reviews	<p>The Chair introduced ET (in person) and asked her to set out primary points of contention with the Home Office response to her review.</p> <p>ET set out gaps between legislation and implementation of legislation in Albania. ET described this as a 'failure on rights of protection in practice'.</p> <p>ET stated that the availability of data in Albania is a challenge. ET believes that civil society can offer useful data to fill existing gaps or counterbalance data provided by other sources.</p> <p>ET emphasised significance of the relative 'integration' of Roma and LGBT communities in Albania.</p> <p>Chair asked ET to turn to specific issues with Home Office responses to</p>	

	<p>the Albania CPIN reviews.</p> <p>ET stated that Home Office objections to old referencing were not well founded as some of the referencing was from 2015 and the situation described by those sources remains current.</p> <p>ET stated that weak Roma integration is supported by statistics. ET's view is that this statistical data supports the proposition that integration is 'very weak'.</p> <p>On section 2.3.5: ET stated that not placing weight on this evidence because it is too old is the incorrect stance. Lack of recent examples does not imply that such incidents do not take place.</p> <p>On section 2.3.5: individual testimony is not accepted by the Home Office. ET confirmed that in the legislative environment there has been some improvement, but emphasised that this did not equate to change on the ground in Albania. Individual testimonies indicate that implementation of policy does not match legislative change. ET's view is that individual testimonies need inclusion in the CPIN to give a more complete picture.</p> <p>On section 2.3.6: ET emphasised that while homophobia and discrimination is more reported on in Northern Albania, that should not be used to indicate that there is more tolerance elsewhere.</p> <p>Chair intervened to support the importance of this point with a question – is homophobia and discrimination better reported or more prevalent in the North?</p> <p>ET stated that the 'Kanun' in the South</p>	
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	<p>(traditional Albanian laws) is not well researched. ET described homophobia and discrimination as a 'societal issue' with the exception of the centre of Tirana.</p> <p>On section 2.4.3: ET agreed that a Commissioner for Protection against Discrimination (CPD) can impose fines but does not have genuine power. The evidence is that in 2013 the CPD was still dealing with complaints from 2011. This backlog is relevant as it relates to the power of the CPD.</p> <p>On section 2.5.2: ET does not agree with the Home Office view that 'specific shelters exist'. There is only one shelter. This shelter is temporary accommodation. It does not necessarily provide a safe place.</p> <p>On Para 3.1.2: ET stated that it was not the intention to suggest policy. It is a suggestion to take into account other information. This may then influence policy.</p> <p>On section 3.1.5: ET challenged Home Office to define 'less conservative areas'. It is not clear where these areas are. If it is only Tirana then that can be made clear.</p> <p>On section 5.1: The individual testimony in question comes from a human rights advisor. The person was previously based in Ministry of Social Welfare. ET's stated that this type of view cannot be discounted if there is a genuine wish to understand implementation of LGBT laws, especially in the absence of other data.</p> <p>On section 6.1: ET agreed that there is a need to support 'bold assertions' with research. But that does not mean that individual sources like this can be excluded, especially in the absence of</p>	
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	<p>data and research.</p> <p>On section 7.2: ET reiterated that the shelter in question was singular and not a 'safe place' for rehabilitation.</p> <p>Chair turned to group for input.</p> <p>JV considered the review as comprehensive. The Home Office report gives the impression that it is safe to return and live because of legislative change implemented to comply with EU accession negotiation. Sitting government officials will appear to endorse EU measures because they need 'political capital' but that does not translate into genuine LGBT support. There is a need to make that distinction. Implementation of the legislation has been undermined by corruption. Implementation is what is important for return, not the surface legislation. If person should be able to 'live openly' the data available indicates that individuals are not able to do this in Albania right across the LGBT spectrum with the single exception of Tirana.</p> <p>JV also stated that the data issue ET raised is important. If data does not exist, it does not mean there is no issue.</p> <p>JV posited that individual testimonies are important for verifying the psychological and subjective element of inhumane treatment. This should not be discounted. JV expressed view that a life of destitution combined with psychological issues amounts to inhumane treatment. JV also expressed view that the prospect of domestic violence compounds the prospect of LGBT violence.</p> <p>JV also made a point about the safeguarding of data limiting the</p>	
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	<p>potential for relocation. All personal data is centralised and can be accessed through local police stations. However there is a lack of clarity about rights of access to that central data.</p> <p>JV also questioned whether there was any more recent case law than IM (2003) referred to in section 2.3.4. There is a 'discrepancy' between referring to 2015 evidence posited by the reviewer as too old but using case law that is much older.</p> <p>JR picked up this point. There is no mechanism for removing a country guidance case from the list. He is not aware of any case arising since IM. Tribunal is bound and Home Office is indirectly bound by country guidance case law. In practice, the older the case more likely a judge will be able to look at other sources.</p> <p>MS stated that much of the reviewers comment seemed to be a critique on what constitutes 'serious harm' rather than within the fundamental terms of reference. This is indirect comment on Home Office policy and what the Home Office considers serious harm. The Home Office has discretion on this point and believes threshold is higher than is being pitched in this group.</p> <p>MS questioned how far it is possible for the Home Office to drill into questions like Roma integration. This extra data doesn't go to the heart of the risk.</p> <p>KR emphasised that what ET's review picked up on, and what the observations made by ET in her presentation today emphasised as well, is that there are significant problems in Albanian society in terms of discrimination against certain segments of the population, with inadequate or uneven implementation</p>	
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	<p>of laws that are meant to provide protection against such discrimination. The point raised by the reviewer and the members of the group is that this information needs to be properly reflected in the CPINs, for the purposes of informing the Home Office's policy conclusions. Suggestions by the group to add relevant information should not be dismissed by the Home Office on the basis that policy decisions are a matter for the Home Office.</p> <p>KR stated that the Home Office should guard against selective use of information. Presenting the reality of how people live will allow a better assessment of risk on return. In that context the extra data and sources are valid.</p> <p>Chair agreed that the inclusion of data makes statement on Roma integration less ambiguous.</p> <p>Chair also agreed with the view that the report was 'open to misinterpretation' about relocation away from Northern Albania. There is less evidence on the South. That does not mean it is safe and that should be made clear.</p> <p>Chair asked MS about the Home Office reluctance to include individual testimony and whether this was a general stance.</p> <p>MS stated that this was not a general stance. The testimony in this case was 'very emotive'. The Home Office simply places less weight on that kind of testimony.</p> <p>RC added that the Home Office were not sure how this person is qualified to comment.</p>	
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	JV stated that the shelter in question has capacity for eight places and that is factual rather than emotive.	
3. Sri Lanka Reviews	<p>MC responded to the Sri Lanka reviews on behalf of LW (in absentia) and commended the quality of report. Only two recommendations not accepted.</p> <p>The reviews are of Tamil Separatism (Aug 16) and freedoms for journalists, media professionals and human rights activists (Sep 15).</p> <p>First issue is about dates of publication where good evidence came shortly after publication. The suggestion is for CPINs to be delayed to include significant upcoming reports, one of which is UN High Commission Report published 2.5 weeks after the CPIN on freedom for journalists. This report described a 'significant space for opening of expression' in Colombo.</p> <p>The second issue point is also procedural. Absence of a COI response is useful information. The recommendation for the Home Office to make it clear when there is no response to a question.</p> <p>MC also presented a point about COI requests not taking into account relevant facts such as age and ethnicity. MC asked about the general guidance for case workers on this point.</p> <p>On section 2.8: MC stated that 'white van abductions' were dealt with as if they are purely historical. The tone of the special rapporteur on torture is uncertainty as to whether this is happening and whether it amounts to torture.</p> <p>MS addressed the procedural</p>	

	<p>questions. Requests were 'more and more' individually differentiated. Details not presented to case workers a mandatory, however his CPIT team can and does go back to clarify significant details.</p> <p>MS stated that delay was a 'perennial issue'. The Home Office default position of is not to wait. MS stated that Home Office is moving towards 'rolling updates' to counter this problem.</p>	
4. Bangladesh Reviews	<p>The Chair introduced JZ (on phone) and asked him to present the main points on the Bangladesh CIGs.</p> <p>JZ describes the situation with minority religious groups as 'fast moving'. JZ's view is that this is an area of complexity and the scope of the Home Office report is limited. Sufis can be seen as minority and Atheists are excluded from the CPIN. Atheists targeted when they do become identifiable.</p> <p>JZ thought that the CPIN indicated that atheists can chose not to make themselves known. This is not applied to other belief systems.</p> <p>JZ also stated that policy and action on equal rights in Bangladesh is not the same thing.</p> <p>On section 2.2.1: reviewer will clarify and add source</p> <p>There is a point of contention about whether the criminal justice system is functional or dysfunctional. JZ contends that it does not function. JZ cites Transparency International data placing Bangladesh in 145th place. The countries below that ranking do not typically have functioning governments and by extension no</p>	<p>2. JZ to clarify source for section 2.2.1</p> <p>3. Home Office to ensure terms 'threat' and 'risk' are used consistently across CPINs.</p> <p>4. Home Office to use FCO / UK Missions as source where appropriate.</p>

	<p>functioning judiciary.</p> <p>On Section 2.4.1: Home Office wording implies that Government will help protect religious minorities; JZ contends that it will not. Some evidence that security forces complicit in oppressing religious minorities. There is a lack of evidence that Government will act in favour of minorities or stand up to majority action.</p> <p>On Section 3.1.6: JZ did not understand Home Office feedback. JZ asserts that more contemporary threats in Bangladesh are not geographic by nature.</p> <p>JZ again stated his view that justice system is not functional. 'Wealth, status and power' dictate how the justice system resolves cases in Bangladesh. There is no witness protection programme in Bangladesh. There is also a backlog of cases and a high proportion of people in prisons have not faced trial. All of this is an indication of criminal justice capability.</p> <p>JZ stated that profile influences a person's prospect of relocation, but it is difficult for non state actors to escape threat from Government.</p> <p>On suppression of NGO's JZ pointed out that unions and environmental groups should be in scope of the CPIN. There is evidence the Government has responded with lethal force to environmental rallies.</p> <p>JZ stated that the new Digital Security Act 'perpetuates' vague terminology on offending religious sentiment and is only likely to be used to protect the majority.</p> <p>JZ raised an issue with the sources of</p>	
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	<p>the report referencing each other. These reduce the number of sources and provide less objectivity.</p> <p>JZ raised specific concerns about Freedom House citing 'Odhikar'. JZ questioned the objectivity of this source.</p> <p>JZ considers it important for the Home Office to add that the reasons journalists are targeted is 'not only ideological'. Targeting can be in connection to corruption or a personal vendetta.</p> <p>MS stated that there is an issue of scope with this review. The Home Office CPIN considers types of asylum claims rather than all issues in Bangladesh. For example, the Home Office is not aware of environmental asylum claims and does not cover all types of opposition.</p> <p>The same point applies to religious minorities. The CPIN looks at the types of asylum claims received in the UK. However, the Home Office is aware of atheist claims and will cover this topic with separate guidance.</p> <p>MS considered debate on functionality of criminal justice system as 'semantics'. The CPIN does not state that the criminal justice system is working perfectly and that is not the test. MS reminded reviewer and group that language in CPIN is 'tied to the asylum and refugee test'.</p> <p>MS took the point about the absence of witness protection. However Home Office does not take this to be indicative of a wider absence of protection. The state has to take 'reasonable steps' and cannot guarantee absolute safety to its citizens.</p>	
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	<p>MS accepted the point about the circularity of sources and committed to looking at this again.</p> <p>CO stated that if 1/3 people in prison have had a trial, inclusion of that kind of data will help case workers draw a conclusion on whether the criminal justice system is functional.</p> <p>CO pointed out that the geography of threats and the localisation of threats is an unresolved point of contention between the reviewer and the Home Office.</p> <p>Chair asked Home Office not to use the word 'noted' or other non-committal language.</p> <p>MS responded on localised risk by stating that the Home Office will make it clear it is down to the profile of the person cited.</p> <p>MS also reminded the reviewer and the group that the CPIN is drafted for decision makers and it is not consistent for them to draw individual conclusions from data.</p> <p>MS responded to JZ challenge about using FCO as a source and accepted that joined-up efforts should be made.</p> <p>KR supported producing separate guidance for atheist claims, but asked Home Office to ensure it is fully cross referenced.</p> <p>DB pointed out that the group was confusing the terms 'threat' and 'risk'. Threat is capability and intent. Risk is opportunity to enact the threat. MS agreed to check consistent use of these terms.</p>	<p>5. HO to restrict responses to accepted, partially accepted and rejected, with justifications for the latter two.</p>
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<p>5. EGYPT REVIEWS</p>	<p>Chair introduced DM (on phone) and asked her to take the group through major points and focus on outstanding differences with the Home Office.</p> <p>DM surmised that the remaining points of contention were limited.</p> <p>One Home Office question was about missing sources. One is from an academic book, another is from CNN. DM to send.</p> <p>On section 7.1.1: DM clarified that there has been an increase in incidents since the bombing in 2016. There is an increased threat from ISIS, particularly towards Christians. There has also been displacement since Dec 2016. DM to send further sources.</p> <p>On section 8.1.2: DM has further links about the possibility of women relocating internally.</p> <p>In response to Chair's question about sufficiency of protection in 6.5.3, DM stated that the mistrust of police and authorities goes beyond Christians, but protection is a particular problem for this minority.</p> <p>In response to Chair, MS agreed to weed out requests overtaken by CPINs.</p> <p>MS stated that Home Office was pleased with this review. The thrust of review was sensible.</p> <p>On section 6.5.3 DB asked about the sufficiency of protection test. MS stated that sufficiency of protection was the evolution of case law and the refugee convention and not drawn from a specific document.</p> <p>DM made a general comment that Egyptian Government is unable to</p>	<p>6. DM to send missing academic and CNN sources.</p> <p>7. DM to send further sources supporting increase in threat since Dec 16.</p> <p>8. DM to send further sources to support assertions on section 7.1.1.</p> <p>9. DM to send further links on viability of women relocating internally for section 8.1.2</p>
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	<p>control lawlessness in Sinai which is affecting Christians in particular.</p> <p>Chair asked for a list of sources flagging the sections they relate to.</p>	
6. Chair's summary	<p>Main cross-cutting issues:</p> <p>1. Internal relocation – there are open questions about how the determination is made and how evidence is presented. In some cases it is unclear if evidence relates to a level of risk across country. There is a need to substantiate the evidence. In Albania, the fact that there is more information about incidents of discrimination in one location (in this case in the North) while there is little or no information about incidents in other locations does not by itself mean that there are no incidents in these other locations, and that therefore these other locations are (more) safe. There is a need for better documentation of the threat and the risk.</p> <p>2. Data – when the Home Office uses statements that summarises a condition (as per Roma integration and functionality of the justice system examples in this meeting) it should use data where possible to make the statement less ambiguous.</p> <p>3. Terminology – the Home Office should avoid using the term 'noted' in responses to review. The terms 'accepted', 'not accepted', and 'partially accepted' should be used. If it is unclear what the reviewer is recommending, then the Home Office should make that explicit so it can be a point of discussion at the IAGCI meeting.</p>	<p>10. As procedural matter, Home Office to substantiate statements that have implications for general conditions in a country or internal relocation with data or alternatively clarify the absence of data.</p> <p>11. Home Office to stop using the term 'noted' in response to review points and specify if recommendations are unclear.</p>
7. AOB and next meeting	<p>Chair expressed thanks to Stuart Harwood, the ICIBI inspectorate point of contact who has now moved on. Chair requested clarity on the new</p>	<p>12. ICIBI to clarify its new representation and POC for IAGCI</p>

	<p>liaison points in the inspectorate.</p> <p>Templates – broad agreement that there was value in keeping the review and response templates as simple as possible. Reviewers to be reminded that it is not useful to change Home Office language and to focus on content and structure. MS stated that Home Office would be willing to put together a short style guide on how it produces its reports.</p> <p>MS asked whether IAGCI comments get lost in the new process. Chair content with DB's new approach and that main points from the group are captured.</p> <p>Chair will set a date for the next meeting in June. HO to send publication schedule to Chair to assist with determination of reviews.</p>	<p>CPIT to produce short style guide on how Home Office produces CPINs.</p> <p>13. Chair CPIN to send CPIT publication schedule.</p> <p>14. Chair to set next meeting, June 2017</p>
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