



Inspection of Country of Origin Information

May 2016 Report



David Bolt
Independent Chief Inspector of
Borders and Immigration

Inspection of Country of Origin Information

May 2016 Report

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

July 2016



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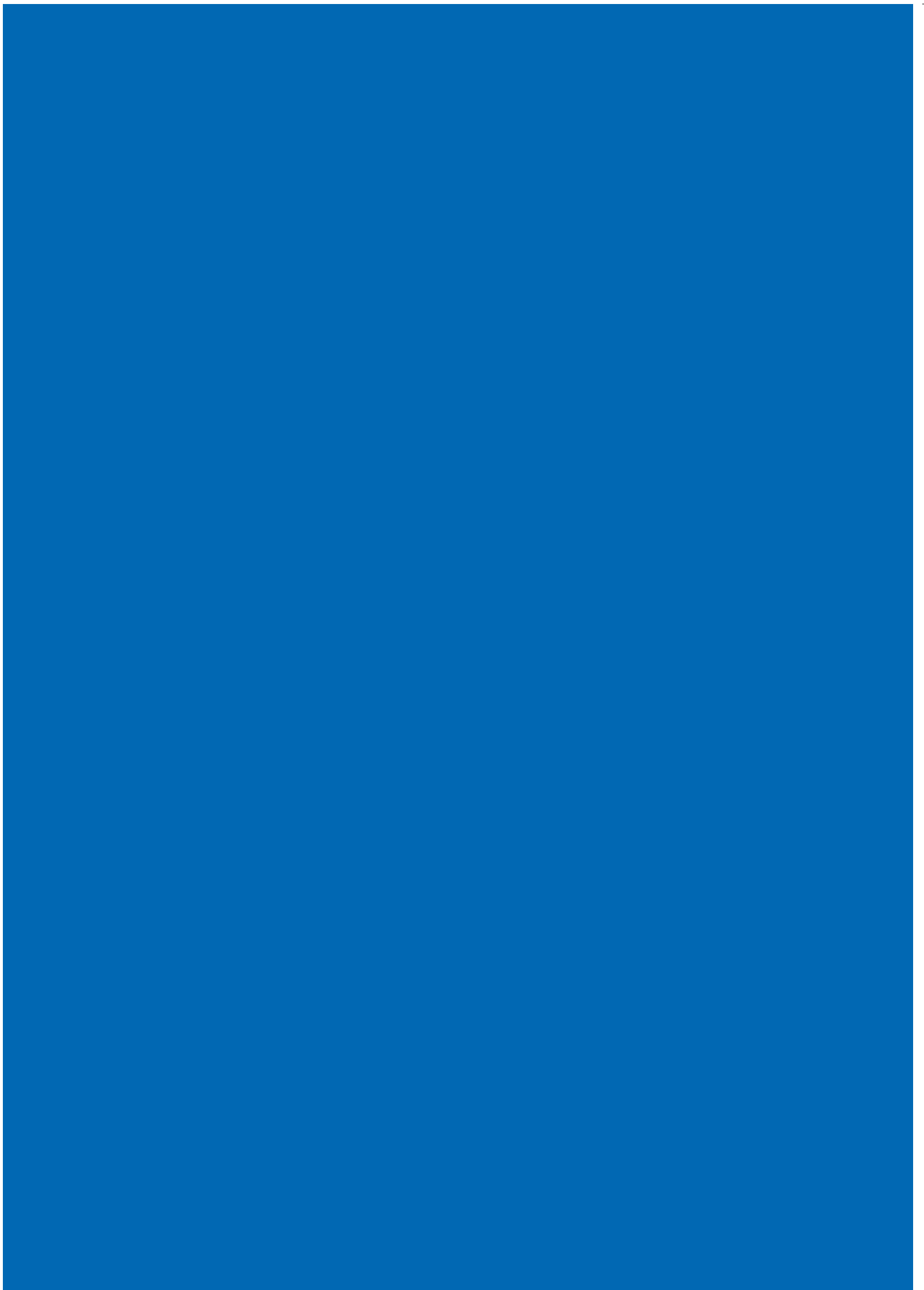
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Inspection of Country of Origin Information: May 2016 Report

Introduction

- 1.1 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.’
- 1.2 In March 2009, the Independent Chief Inspector (ICI) established the Independent Advisory Group on Country Information (IAGCI)¹ as an expert panel to oversee the review of country information produced by the Home Office’s Country Policy and Information Team (CPIT).²
- 1.3 Under existing arrangements, in consultation with the ICI, the IAGCI:
 - selects the CPIT products (Country Information and Guidance (CIG) reports and Country of Origin Information Requests (COIRs)) for review and invites tenders from qualified academics to conduct the reviews;
 - quality assures the reviews, and presents them to CPIT, who respond in writing with their acceptance or rejection of any recommendations made by the reviewer;
 - chairs a meeting, attended by the ICI, CPIT and the reviewers, to discuss the reviews and the CPIT responses.
- 1.4 Following the IAGCI meeting, the reviews, CPIT’s responses and the minutes of the meeting have been published on the ICI website, and the IAGCI Chair has provided a Chair’s Report to the ICI covering the key issues from the meeting. This report has been sent to the Director of Immigration and Border Policy (to whom CPIT reports). Under the ICI/Home Office Protocol, the Director of Immigration and Border Policy is required to respond in writing to the ICI within 4 weeks.
- 1.5 IAGCI will function as before. However, in order to bring this strand of work into line with other borders and immigration inspections, the ICI will in future report his findings and recommendations for improvement formally to the Home Secretary. The IAGCI reviews, CPIT’s responses and the minutes of the IAGCI meeting will form annexes to the ICI’s report, which will be published on the ICI’s website once the report has been laid in Parliament by the Secretary of State.
- 1.6 This is the first report of this type. It was submitted to the Home Secretary on 3 June 2016. The report makes seven recommendations for improvement.

¹ Current membership of IAGCI can be found on the ICI’s website.

² Previously the Country of Origin Information Service (COIS).

Country of Origin Information reviewed by IAGCI

2.1 In March 2016, IAGCI commissioned reviews of the following CPIT products:

- Nigeria
 - Country of Origin Information Requests (COIRs);
 - Background information, including actors of protection and internal relocation, dated June 2015; and
 - Gender-based Discrimination/Harm/Violence against Women, dated August 2015.
- Iran
 - Country of Origin Information Requests (COIRs);
 - Background information, including actors of protection and internal relocation, dated December 2015; and
 - Illegal Exit, dated January 2016.
- Ukraine
 - Country of Origin Information Requests (COIRs);
 - Fear of Organised Criminal Gangs, dated November 2015; and
 - Victims of Trafficking, dated November 2015.

2.2 These countries were chosen because IAGCI had not recently reviewed reports in relation to any of them, and because CPIT had indicated that it was planning to update CIG reports on these countries in the near future.

2.3 Tenders were received and reviewed by a panel of IAGCI members:

- Five for Nigeria, from which one reviewer was selected;
- Three for Ukraine, from which one reviewer was selected; and
- One for Iran, judged to be qualified.

2.4 The reviews were quality assured by the IAGCI Chair, who sought clarification from the reviewers where necessary, and forwarded to CPIT. They are at Annex A. CPIT's written responses to reviewers' recommendations are tabulated at Annex B.

2.5 IAGCI met on 10 May 2016. The agenda and minutes of this meeting are at Annex C.

Findings and Recommendations

General

Review template and 'accepted', 'partially accepted' and 'not accepted' recommendations

- 3.1 IAGCI and CPIT have recognised that it would be more efficient for both in terms of handling and implementation of recommendations if reviews followed a template. The IAGCI Chair circulated a draft template to the IAGCI meeting, and the ICI will ensure that there is an agreed version available for use with the next round of reviews (August/September 2016).
- 3.2 In addition, there is a need to define the terms 'accepted', 'partially accepted' and 'not accepted' by CPIT in response to IAGCI recommendations, so that these are used consistently and their meaning is clear. Again, the ICI will ensure that definitions are agreed in time for the next round of reviews.

ICI Remit in relation to the Guidance section of CIGs

- 3.3 On this occasion, CPIT 'partially accepted' three recommendations made by a reviewer on the grounds that the passages in question were in the guidance section of the CIG.³ Previously, CPIT has 'partially accepted' or 'not accepted' recommendations on the same grounds. In essence, the CPIT's argument is that the guidance section is 'policy' and therefore not within the IAGCI's remit.
- 3.4 The question of what is 'policy' is moot; however, where the guidance section of a CIG refers directly to or relies on descriptions of the country conditions, this is clearly covered by Section 48 (2)(j) of the UK Borders Act 2007. Moreover, since IAGCI acts with the authority of the ICI, any recommendations made in relation to CIGs (or COIRs) require a full response from CPIT.

Recommendation 1

The Home Office (Country Policy and Information Team) should structure the guidance section of its Country Information and Guidance reports in order to distinguish more clearly between the guidance provided to decision makers and the information about country conditions on which the guidance is based, responding in full to any IAGCI recommendations concerning the latter.

Timeliness of CIG updates and amending of COIRs

- 3.5 Where it 'accepted' the reviewers' recommendations in relation to CIG additions or amendments, CPIT's default response here and previously has been that it will use the information when it next updates the relevant CIG, normally without committing to when this will be. While this might be reasonable where the addition or amendment is not material to the sense of the existing CIG, there will be instances when CIG additions or amendments should be made immediately to avoid decision makers relying on information that has been accepted as being inaccurate, incomplete or out of date.

³ 'Iran: Background information, including actors of protection, and internal relocation' CIG - recommendations 2, 3 and 4.

- 3.6 Similarly, CPIT's routine response has been that it does not propose to revisit or amend a COIR as it was 'time and case specific', but it will use the reviewers' input in a future CIG or COIR. While the decision that led to the original COIR being made is likely to have been taken, this response fails to recognise that the IAGCI's recommendation(s) in relation to the COIR may be relevant to any review, appeal or legal challenge against the decision.

Recommendation 2

The Home Office should ensure that Country Information and Guidance reports (CIGs) are amended as soon as the relevant (ICI) report has been laid in Parliament. Pending this, the Country Policy and Information Team (CPIT) should use the Home Office intranet to draw the attention of decision makers to IAGCI's recommendations and the CPIT response.

Recommendation 3

The Home Office should ensure that where IAGCI has made a recommendation in relation to a Country of Origin Information Request (COIR), the recommendation and the Country Policy and Information Team (CPIT) response is linked to the case(s) that initiated the COIR.

Nigeria

- 3.7 Ten COIRs were reviewed. The reviewer found that most were well-researched, accurate and balanced. In two instances the reviewer pointed to gaps in the COIR and identified additional sources of information that CPIT should consider. The reviewer judged that one COIR failed to address the question raised by the caseworker (regarding the Neo Black Movement), but acknowledged that there was very little information available. CPIT 'accepted' all of the recommendations.
- 3.8 The reviewer made 23 mostly minor recommendations in relation to the 'Nigeria: Background information, including actors of protection, and internal relocation' CIG, a number of which were suggestions of new sources of information. Of the 23, CPIT 'accepted' 15. Five recommendations were 'partially accepted', and three 'not accepted', either because CPIT judged they were not relevant or because the reviewer's sources were unclear. (The reviewer agreed to supply the missing source details following the IAGCI meeting).
- 3.9 The reviewer made 15 recommendations in relation to the CIG on 'Nigeria: Gender-based Discrimination/Harm/Violence against Women', of which CPIT 'accepted' eight, and 'partially accepted' a further five. Two were 'not accepted'. In its response, CPIT commented that some of the material, including in relation to one of the 'not accepted' recommendations, would be better accommodated in other topic-specific CIGs (e.g. the Background CIG above, and ones on Boko Haram and on Trafficking) and would be included in those when they were updated.

Recommendation 4

The Home Office should ensure that where Country Policy and Information Team (CPIT) has 'accepted' the substance of a recommendation but has judged it to apply to another topic-specific Country Information and Guidance (CIG) report (i.e. not the one that IAGCI has reviewed), the relevant CIG is amended as soon as the covering (ICI) report has been laid in Parliament.

Iran

- 3.10 Ten COIRs were reviewed. The reviewer had 'no comment' on three of the COIRs, and in two other instances the reviewer's recommendations were 'accepted'. CPIT 'partially accepted' two

recommendations and three were ‘not accepted’, in all but one case because the information referred to by the reviewer post-dated the COIR. This did not answer the substantive point about whether new information was ‘accepted’ as accurate and relevant.

Recommendation 5

The Home Office (Country Policy and Information Team) should not reject information it agrees is accurate and relevant to the questions raised in a Country of Origin Information Request (COIR) on the grounds that it postdates the COIR to which it refers.

- 3.11 The reviewer made 33 recommendations in relation to the ‘Iran: Background information, including actors of protection, and internal relocation’ CIG. Of the 33 recommendations, 10 were ‘accepted’, 18 ‘partially accepted’, and five ‘not accepted’. CPIT stated that a number of ‘accepted’ and ‘partially accepted’ recommendations would be better included in other topic-specific Iran CIGs, for example, those on Women and on Baha’is. In two cases, partial acceptance was due to the absence of English language sources for the information provided by the reviewer, a third ‘not accepted’ recommendation was due to CPIT not having the book the reviewer was referring to. CPIT pointed out that it was not funded for translators or reference books.

Recommendation 6

The Home Office should ensure that the Country Policy and Information Team (CPIT) is resourced to fund the translation into English of information that IAGCI has recommended and CPIT has ‘accepted’ should be included in a Country Information and Guidance (CIG) report and is not available from any other source.

- 3.12 The reviewer made eight recommendations in relation to the ‘Iran: Illegal Exit’ CIG of which only three were ‘accepted’ by CPIT, one of which identified a grammatical error. Of the ‘not accepted’ recommendations, two were because no public domain source had been identified. (At the IAGCI meeting, the reviewer drew attention to the volume of information emerging about conditions in Iran and the pace with which the situation was changing. CPIT asked for the reviewer’s help in developing its information sources in relation to Iran). Three recommendations were ‘not accepted’ on the basis that they referred to information that was outside the scope of the CIG, and were already covered by, or would be better placed in, other topic-specific Iran CIGs.

Ukraine

- 3.13 Ten COIRs were reviewed. The reviewer found that for most COIRs there was additional and/or newer information that could have been used. CPIT ‘accepted’ all the recommendations, pointing out that some of the information covered in the COIRs had since been updated in more recently issued CIGs. However, three COIRs dealing with discrimination against different ethnic groups each failed to address the same basic issue, the availability of protection from the authorities, and while the CPIT responses indicated that the reviewer’s input would be helpful for future use, IAGCI took the view that CPIT should give priority to producing a CIG on this recurring issue.

Recommendation 7

The Home Office (Country Policy and Information Team) should prioritise the production of a Country Information and Guidance (CIG) report on the availability of protection from the Ukrainian authorities for members of ethnic and other minority groups.

- 3.14 The reviewer made 27 recommendations in relation to the ‘Ukraine: Fear of Organised Criminal Gangs’ CIG, and 21 recommendations in relation to the ‘Ukraine: Victims of Trafficking’ CIG.

Overall, the reviewer found that both CIGs were well-structured, well-referenced, balanced and covered most [relevant] issues.

- 3.15 CPIT 'accepted' all 48 recommendations. CPIT commented that it had found it particularly helpful that the reviewer had identified specific passages from updated or new sources for inclusion and suggested alternative forms of words, which had simplified the process of updating the CIGs, and allowed them to produce updated versions that were ready for publication following the IAGCI meeting. IAGCI aimed to learn from this when commissioning future reviews.

D J Bolt

Independent Chief Inspector of Borders and Immigration

Annex A 1

IAGCI Reviews – May 2016

Review of the UK Home Office Country Information Products on Iran Commissioned by the Independent Advisory Group on Country Information

Content

1. Introduction

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- b. Suggested additions and updates
- c. Country Information and Guidance: Illegal Exit, Version 3.0, 13 January 2016

3. Review of Ten Request Responses

April 2016

Tahirih T. Danesh

About the Reviewer

Tahirih T. Danesh is a senior human rights researcher and documenter specialising in the situation of human rights of the minorities in Iran. She is also the Founder and Chief Editor of the innovative Iran Human Rights Review at the UK Foreign Policy Centre. Over the past 15 years she has worked as an independent consultant with almost all noted figures and bodies focused on the situation of human rights in Iran, North America, Asia, and Europe. She holds Masters degrees in Education, Conflict Resolution and Integrative and Herbal Medicine (in progress) and a graduate level certificate in Business Studies.

1. Introduction

The following document is the April 2016 review of United Kingdom Home Office Country Information and Guidance documents on the Islamic Republic of Iran by an independent expert. The review is prepared for the Independent Advisory Group on Country Information by Tahirih Danesh, Independent Case Expert on Human Rights in Iran.

This review assesses the following documents used by the Home Office:

- I. Iran: Background Information, including actors of protection and internal relocation (Dec. 2015);
- II. Iran: Illegal Exit (Jan. 2016); and
- III. a total of 10 Information Request Responses.

The review process was conducted based on the following guidelines provided by the Independent Advisory Group on Country Information (IAGCI):

- I. Country Information and Guidance Reports aim to provide an accurate, balanced and up to date summary of the key available source documents regarding the human rights situation, with respect to the issues selected for coverage, in the country covered. The purpose and scope of the reports are clearly set out in an introductory section of the document. Reviews should evaluate the reports in this context and seek to identify any areas where they can be improved. Specifically the review should entail:
- II. Assessing the extent to which information from source documents has been appropriately and accurately reflected in the CIG Reports;
- III. 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);
- IV. Noting and correcting any specific errors or omissions of fact; and
- V. Making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach.

a. Purpose of the Review

The review included updating the information on the documents produced by the Home Office regarding background information and immigration cases involving illegal exit from Iran. It also involved a review of ten information request responses. It was carried out in line with guidelines provided by the Independent Advisory Group on Country Information.

The review was carried out with the primary aim of providing the most balanced and objective body of information applicable to the swiftly changing conditions involving Iranian applicants. The process involved an overall evaluation of the main areas of concern as well as accuracy and relevance of sources. The scope of the review also called for an overall examination of the approach to the body of information with the aim of improving the structure in a more systematic manner in order to increase accuracy and efficacy.

2. Summary of Findings

a. Country Information and Guidance

Iran: Background Information, including actors of protection and internal relocation

Version 2.0 December 2015

This document offers a rich selection of sources and topics that are accurate, relatively recent and balanced regarding the situation of human rights in Iran. It does lack adequate information regarding two important issues that impact the lives of young Iranians. This may be due to the demographics specific to the current body of applicants.

However, the reviewer recommends adding two sections to this document:

- The Right to Education

Since the Cultural Revolution in 1981, Islamic Republic educational policies have barred an increasing number of Iranians from accessing education in general, and higher education in particular. Although Iran's ethnic and religious minorities also face systemic challenges in accessing education, this body of discriminatory educational policies impacts four particular segments of the population in Iran:

1. Afghan children are often denied access to education throughout primary and secondary schools. After three decades, on May 2015 an order issued by the Supreme Leader has set in motion a process of providing all Afghan children with access to education. (The original news in Persian is available on Tasnim News at: <http://www.tasnimnews.com/fa/news/1394/02/27/741883> / <http://www.al-monitor.com/pulse/originals/2015/05/iran-afghan-refugees-education-discrimination.html#>). However, due to poverty and the need for children to work in order to survive and/or support their families and the long term effect of discriminatory policies against the Afghan population in Iran, many are still facing challenges brought on by the government that force them to either return to Afghanistan or join the Iranian troops heading for Syria. According to Human Rights Watch, many are “coerced” to fight among the Iranian forces in Syria, including minors. As a result many have fled Iran in the hope of gaining refugee status during the recent wave of migrants entering Europe. (Please see: <https://www.hrw.org/news/2016/01/29/iran-sending-thousands-afghans-fight-syria>).
2. Activist students are often denied access to education either at the point of admission or during their studies. Since 1981 Iran has systematically targeted its universities and in addition to academic bans, has arrested, tortured (including sexual torture), and executed student activists. Its current policies persecute student activists. Although execution may not be the order of the day, revolving door policies on arrest and imprisonment of student activists happen often. Activist Arash Sadeghi and his wife are facing a total of 21 years in prison due to the trumped up charge of ‘collusion against national security’, ‘propaganda against the state’, ‘spreading lies in cyberspace’ and ‘insulting the Founder of the Islamic Republic’. (Please see: <https://www.iranhumanrights.org/2016/03/harsh-sentences-of-human-rights-activist-and-wife-confirmed-by-iran-appeals-court/>).

3. Women and female students are facing state policies that enforce gender-based quotas and bans. In addition to the measures introduced in 2012 that prevent women from various fields of study (Please see p. 44: http://www.protectingeducation.org/sites/default/files/documents/hr_report_2.pdf), recent bills aimed at increasing the nation's population or limiting women's access to employment (Please see: <https://www.amnesty.org/download/.../MDE1328842015ENGLISH.pdf>), in addition to Sharia laws that enforce hijab or discriminate against women in the family setting, result in conditions that may force women to leave the country in order to access their right to education.
4. The Baha'is, the largest non-Muslim religious minority in Iran, have faced a ban on access to higher education since 1981. According to a 24 March 2016 update, they are denied access to both public and private institutions of higher education. Baha'is face an almost daily routine of interrogation, detention, imprisonment, state-backed incitement to hatred, heavy bails and confiscation of personal and community properties. (Please see: <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation#csP4iVClauvKTWc7.97>).

- Forced and Early Marriage

Due to economic, cultural and social factors that are highly influenced by the legal changes in Iran since 1979, the number of girls who face early and forced marriage is on the rise. Despite Iran's ratification of the Convention on the Rights of the Child, its Civil Code determines the legal age of marriage for girls at 13 and for boys at 15. However, it also clarifies that marriage below these ages are permitted when conditioned on the consent of a child's guardian, effectively setting no legal age for marriage. (Please see a full report at: <http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/JusticeForIran.pdf> and <http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf>). Given Iran's gender-biased laws, women are exposed to forced marriage at a greater rate, resulting in a higher number of women who escape their circumstances and when able, will leave Iran to set up their lives elsewhere. Some face circumstances such as sexual exploitation and trafficking. (Please see: <http://iranprimer.usip.org/blog/2015/jul/27/us-report-human-trafficking-iran>)

b. Suggested additions and updates

In addition to the above two categories, some of the sources in the body of both documents stand in need of updating with additional information that may impart a better grasp of the situation of human rights in Iran. Accordingly, please see the following suggested edits and/or additions to the section numbers as per the documents:⁷

2.1.1. Other forms of serious abuse committed by security forces include surveillance, intimidation and confiscation of personal or business properties. With regards to acts of torture, these may include sexual harassment, abuse and torture, such as virginity tests and rape.

For a detailed report on intimidation tactics, please see: Iranian Internet Infrastructure at: <http://smallmedia.org.uk/sites/default/files/u8/IIIPSepOct.pdf>.

For a recent example of confiscation of personal property, please see the case of poet M.H. Rostambeygloo on p. 31 at: www.ohchr.org/EN/HRBodies/HRC/.../A.HRC.31.CRP.5_AV.docx.

For recent cases involving closure of 79 businesses shut down by state agents, please see: <http://news.bahai.org/multimedia/slideshow.php?storyid=1027>.

Please see a recent urgent action issued by Amnesty International at: <https://www.amnesty.org/en/latest/news/2016/05/iran-teenager-tortured-into-confessing-days-away-from-execution/>.

For a documentation on rape and sexual violence/torture, please see: http://www.ihrr.org/ihrr_article/violence-en_sexual-torture-of-women-political-prisoners-in-the-islamic-republic-of-iran/

2.1.2. Among other challenges related to the justice system in Iran are:

- a. Lack of uniformity in application of national laws and codes;
- b. Lack of compatibility between Iran's national codes and its international commitments;
- c. Repeated occurrence of vague laws that lack clarity in terms of definition, application or both;
- d. The notion of *elm-e ghazi*, or knowledge of the judge, as an element of jurisprudence, which allows the judge to rule based on his own understanding and without any reference to evidence or information;
- e. Varied presence and levels of influence by intelligence officials in the judiciary throughout the country, meaning in some locations, such as Semnan, the justice system is highly influenced by MOIS officials and agendas resulting in serious and systematic barring of access to justice for dissidents, minorities or even ordinary citizens;
- f. Lack of independence of lawyers within the judiciary.

For evidence of the above see:

http://www.ihrr.org/ihrr_article/justice-en_irans-2013-islamic-penal-code-one-year-on/ and <http://iranprimer.usip.org/resource/islamic-judiciary>, as well as the recent letter signed by more than 3 dozen NGOs pointing out the problematic nature of vague laws and charges: https://cpj.org/blog/HRC_Iran_letter_March_2016.pdf.

2.2.2. In certain cases, such as moving to universities in locations other than a female applicants' city, women are required to secure permission of the male head of their household in order to move to the different city. When denied permission, this does bar women from accessing their rights, in this case, the right to education.

The only English/public sources I have on this point is the World Bank WBL 2016 report under table 1.2 at [http://wbl.worldbank.org/~media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf](http://wbl.worldbank.org/~/media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf), as well as a brief reference to men having the right to control women's movement, quoting Tizro from her 2012 book published in a thematic report on Iran published on 26 June 2015 by the Finnish Immigration Service at: http://www.migri.fi/download/61597_Suuntausraportti_VakivaltaIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288. However, I have worked with women who were unable to secure permission from the male head of their household in order to attend university and reside in a city different than their family and were accordingly denied admission.

4.1.1. Employment in the small to medium size segment of the private sector can be restricted for women and minorities due to informal pressure by state and intelligence officials. Most medium to large businesses in the private sector are controlled and/or owned by various arms of the state

and as such are not private as traditionally defined in the West. This means that involvement and advancement of those portions of the population that do not enjoy their full rights in government employment also face restrictions, harassment and inequalities in this sector.

As an example, please see: Article 1117 of Civil Code states:

“The husband can prevent his wife from an occupation or technical profession which is incompatible with the family’s interests or the dignity of him or his wife.” Available online at: <http://www.alaviandassociates.com/documents/civilcode.pdf>, as well as: <http://www.bloomberg.com/news/articles/2014-09-03/iran-vp-says-banning-women-from-caf-work-will-boost-joblessness> and <https://www.iranhumanrights.org/2014/09/more-gender-segregation/>.

For evidence relating to minorities, please see: <http://www.ihrb.org/commentary/iran-anti-bahai-actions-hurt-people-and-business.html> and Section under Freedom of Religion and Belief at: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>.

4.1.2. The last section of the CIA Factbook for 2016 now reads: “Almost two years into his term, Ruhani has achieved some success, including reining in inflation and, in July of 2015, securing the promise of sanctions relief for Iran by signing the Joint Comprehensive Plan of Action (JCPOA) with the P5+1. The JCPOA, which severely limits Iran’s nuclear program in exchange for unfreezing Iranian assets and reopening Iran to international trade, should bolster foreign direct investment, increase trade and stimulate growth. In spite of Ruhani’s efforts, Iran’s growth was tepid in 2015, and significant economic improvement resulting from sanctions relief will take months or years to materialize.” (Please see: <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>). It is up to the board to decide whether to replace or add. I recommend replacing the 2013 reference.

4.1.3. The updated World Bank report states: “The government estimates that 8.5 million jobs should be created in the following two years to reduce the unemployment rate to 7% by 2016.” However, another World Bank report that should be cited entitled “Women, Business and the Law 2016” places Iran as the third most discriminatory country whose laws disable women’s progress in the realm of business. It points out that Iran is one of the remaining countries that are not party to CEDAW or the United Nations Convention on the Elimination of All Forms of Discrimination Against Women or the changes in law over the past two years that have increased gender parity. (Please see: <http://wbl.worldbank.org/-/media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>). It is up to the board to decide how to treat this issue but perhaps to provide a balanced view, both may be used.

4.1.5. In addition, according to the most recent report submitted by the UN Special Rapporteur on the Situation of Human Rights in Iran in March 2016, “On 1 February 2016, Iran’s parliament voted for the general text of a bill that would reduce the working hours of women with ‘special circumstances’ from 44 to 36 hours a week without reducing their total salaries. The bill would primarily affect women who head households, those with children under the age of seven, and those with children or spouses with disabilities or incurable and chronic diseases. If the bill is adopted by parliament and becomes law it gives an option to women who fall in these categories to either request the law be applied or seek two days of additional vacation. During parliamentary discussions there was a proposal to make this option available to all the women. Some feared this would contribute to the already high unemployment rate among women in the country and there are criticisms that in the absence of anti-discrimination laws affecting the hiring process the plan will backfire and lead to higher unemployment among women.” I recommend adding this information. (Please see: <http://shaheedoniran.org/wp-content/uploads/2016/03/SR-HRC2016-Annex-.pdf>).

4.1.6. The UN Secretary General's annual report in 2016 highlights that "Iran was ranked 141 out of 145 countries in terms of women's economic participation and opportunity, with unemployment for women reaching 19.8 per cent compared with 8.6 per cent for men." (Please see: <http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf>).

I recommend that this information should be added.

5.1.4. Although Iran's population doubled by 2006, its median age has now risen by 10 years to 27 in 2011. This means Iran's once mostly young population and workforce is heading towards middle age, as "the proportion of the elderly population ages 65 and over is expected to grow rapidly from 6 percent in 2011 to 20 percent by 2050, as the baby boomers of 1970s and 1980s reach age 65." (Please see: <http://iranprimer.usip.org/blog/2015/jun/08/nuke-deal-could-benefit-irans-youth>). I highly recommend this addition as many UK policymakers and officials are still using statistics that date back to the time of Khatami and are entirely irrelevant to the Iran of today.

5.1.5. Another population living in Iran who face discrimination and persecution are the Afghans. Although because the government's failure to process and issue the necessary documentation for this segment of the Iranian population poses significant challenges to accurately indicate the size of this significant minority residing in Iran, as recent as December 2015, UNHCR indicated at least 950,000 Afghans resided in Iran. (Please see: <http://www.unhcr.org/pages/49e486f96.html>). Furthermore, in addition to the recognised religious minorities, there are members of the Baha'i Faith and other communities who reside in Iran. It should be noted that due to state enforced policies that pose considerable challenges to freedom of belief, the actual statistics on religions practised may not be entirely accurate. I recommend that this information be added unless there are other documents regarding Afghan applicants that refer to this.

8.1.1. The description is worded in such a manner that may impart the impression that such a system belongs in the past. In this light the verbs such as "controlled" or "held" stand in need of correction in order to accurately communicate the fact that this description applies to the state in Iran as of today.

8.1.2. Although figures such as Nasrin Sotoudeh may have been freed from prison, however, the number of prisoners who include lawyers, journalists, academics and activists have increased in number, as has the intensity of their harassment.

For a number of examples please see:

March 30 at 6:42 pm, a post by Reza Khandan, husband of Nasrin Sotoudeh, describing in Persian one of the many random attacks on their property along with images at: <https://www.facebook.com/reza.khandan.5>

and <https://www.essex.ac.uk/hri/documents/brief-impartiality-and-fairness-in-iran.pdf> and <https://hra-news.org/en/tag/abdolfattah-soltani>

and <https://www.hrw.org/news/2016/03/24/iran-detainees-denied-fair-legal-representation>

and <https://www.iranhumanrights.org/2016/03/issa-saharkhiz-hospital/>

and <http://www.sciencemag.org/news/2016/02/researchers-call-iran-release-jailed-chemist>

and <https://www.iranhumanrights.org/2016/03/saeed-madani-3/>.

In addition, in the case of Nasrin Sotoudeh, the Bar Association in Iran, an entity controlled by the

state apparatus, placed a three-year ban, later reduced to nine months following appeals by Sotoudeh and supporters, on her practising as a lawyer.

9.1.4. In addition, the Amnesty International 2015/2016 report indicates: “The authorities carried out cruel punishments, including blinding, amputation and floggings. Courts imposed death sentences for a range of crimes; many prisoners, including at least four juvenile offenders, were executed.” These human rights violations are escalating to the extent that despite thawing of relations between the Islamic Republic and western countries, “In March, the UN Human Rights Council renewed the mandate of the UN Special Rapporteur on the situation of human rights in Iran” in order to remain vigilant about the violations committed by the Islamic Republic against citizens in Iran. (Please see: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>). Furthermore, various sources indicate Iran’s rate of execution, which amounts to 82% of all executions in the Middle East over the last year, has hit an all time high over the past twenty years, including at least 4 juveniles. (Please see: <http://iranprimer.usip.org/blog/2016/mar/11/un-iran-executions-hit-two-decade-high>).

9.2.1. The new head of the LEF is Brigadier General Hossein Ashtari, with strong ties to the IRGC. However, Moghadam continues to remain on the US Treasury SDN list as well as a number of other Iranian officials. As recent as 26 March 2016, two British nationals were also placed on the list for trading with Iran’s Mahan Air, closely tied to IRGC. For a full and up to date list, please visit and search: <https://sanctionssearch.ofac.treas.gov>.

9.3.1. The IRGC, Iran’s most powerful military and security organisation, continues to wield great influence and control over much of Iran’s political, economic, social and cultural developments. However, with regards to its relationship to the reformists as mentioned in this paragraph, it should be noted that the recent parliamentary and Assembly of Expert elections in Iran in early March 2016 point to a new definition of reformist, and as such the dynamics at play among the pragmatists, traditionalists and reformists are undergoing significant transformation. In other words, reformist elements may now be directly influenced or the same players as those involved with the IRGC or once identified as traditionalist or pragmatist.

9.3.2. The IRGC’s overseas branch remains active in geopolitically sensitive spots including Syria. An article outlining the process of enrollment in the forces deployed to Syria was published on 27 January 2016 in Sharq Newspaper, available online at: <http://sharghdaily.ir/News/84628/سوح-رح-عفادم-نابلطواد-زامن-ان%80%8Cتتبث>. Iran Primer’s update also indicates: “The Basij have reportedly supported Iran’s activities in Iraq and Syria since 2011. In June 2014, an Iraqi official said that 1,500 Basij forces had entered Iraq’s Diyala province, and another 500 entered the Wasat province. And as of mid-2015, experts estimate that 7,000 Revolutionary Guard and Basij members are active in Syria. Their primary role has been to help train militias supporting Syrian President Bashar al Assad.

Since 2010, the United States has imposed sanctions against the Basij and some of its officials, including Commander Mohammad Reza Naqdi, Deputy Commander Ali Fazli, and former Commander Hossein Taeb.” (Please see: <http://iranprimer.usip.org/resource/basij-resistance-force>).

9.3.3. As recent as February 2016, Iran’s Fars (Please see: <http://www.farsnews.com/newstext.php?nn=13941129000245>) and Sepah News (Please see: <http://sepahnews.com/index.php/news/topnews/item/504-سوح-رح-عفادم-نابلطواد-زامن-ان%80%8Cتتبث>) admitted to the presence of Saber Unit, part of the ground forces of the IRGC, in both Damascus and Baghdad.

9.4.1. In addition to the materials provided in this section, please note that the first and most in depth study in the west on Basij, or the Sazman-e Basij-e Mostazafan, was published in June 2015; see references in 9.5.1. “Captive Society: The Basij Militia and Social Control in Iran” offers perhaps the most reliable statistics and facts on this entity (Please see: <http://cup.columbia.edu/book/captive-society/9780231704427>). According to this source then the more accurate figures, including 50,000 Basij bases, as well as 4 to 5 million members nationwide, provides more than 80% of the police recruits. The Basij were also in charge of chain murders of dissidents and reformists between 1988 and 1998.

9.5.12. Furthermore, according to reports received from Iran, Basij forces are in charge of monitoring hijab worn by women drivers. According to a November 2015 report published by the International Campaign for Human Rights in Iran, at least 10,000 drivers had been issued with warnings. (Please see: <https://www.iranhumanrights.org/2015/11/hijab-new-restrictions/>).

9.6.2. The MOIS is actively involved in monitoring Kurdish Iranians outside Iran’s borders. According to the 2013 report by the Danish Refugee Council, “An NGO working with asylum seekers and refugees in Iraq stated that the Iranian intelligence agents are present in KRI, and they have good relations with some of the Iraqi Kurdish political parties in KRI. Formerly, the Iranian intelligence service assassinated Iranians living in KRI but since 2009 this has no longer taken place. Sardar Mohammad and Asos Hardi (Awene Newspaper) pointed to the strong presence of the Iranian intelligence in KRI and their ability to monitor Iranian nationals and their activities in the area. The source added that many Iranians residing in KRI have received threats from the Iranian intelligence service or have had their telephones tapped.” (Please see: <https://drc.dk/media/1309699/Fact-finding-Iranian-Kurds-2013.pdf>).

9.7.1. to 9.7.7. In addition to the reports cited, in a joint letter addressed to the member states of the UN Human Rights Council and signed by almost three dozen human rights organisations, it was highlighted that according to the UN Special Rapporteur on the Situation of Human Rights in Iran, “between 960 and 1050 people were executed in 2015. Dozens of executions were carried out in public... The execution of at least four juvenile offenders were reported in 2015... The rights to freedom of expression, association and peaceful assembly, as well as freedom of the press, remain heavily curtailed in Iran, with hundreds of activists, journalists, bloggers, human rights defenders, women’s rights advocates, trade unionists, lawyers, student activists, artists, and members of ethnic and religious minorities arbitrarily detained and given increasingly harsh prison sentences... in his February 2015 report, the UN Secretary-General expressed concern at the shrinking space for human rights defenders, who continue to face harassment, intimidation, arrest, and prosecution for their work in defending human rights and speaking up against violations and abuse... A new Code of Criminal Procedures, which came into effect in June 2015, entitles the accused to request a lawyer from the time of arrest and requires the authorities to inform the accused of this right. However, regressive amendments to the Code in June 2015 removed the provision that rendered investigations void in the case of failure to respect the right to access a lawyer... Women and girls also remain inadequately protected under the law and remain at risk of sexual and other violence, including domestic violence, marital rape, and early and forced marriage. The legal age of marriage for girls is 13 years, but girls under this age can be married to a person chosen by their father or their paternal grandfather with a court permission. According to the Annual Statistical Report of the National Organization for Civil Registration, at least 40,404 girls between the ages of 10 and 14 married between March 2014 and 2015... Members of religious minorities, including Baha’is, Sufis, Yaresan, Christian converts from Islam, Sunni Muslims, and Sunni converts from Shi’a backgrounds, continue to face discrimination in employment, education, and freedom to practise their faith. Baha’is remained deprived of access to higher education institutes. Dozens of Baha’is and Christian converts and members of other religious minorities were also arrested and imprisoned in 2015.” (Please see: https://www.hrw.org/sites/default/files/supporting_resources/gl.2016.3.17_joint_letter_to_member_states_of_the_human_rights_council_iran.pdf).

10.2.1. A further development worth noting was highlighted in a special report published by Amnesty International regarding an amendment in Iran's Code of Criminal Procedures "which limits the right to access an independent lawyer of one's choice during primary investigations in certain criminal cases, including those related to national security." Given the fact that Iran uses the charge of "threatening national security" to cover a wide range of cases, this may potentially result in serious human rights violations in terms of access to fair trial for those facing primary investigation and beyond. According to the amendment, approved by the Guardian Council on 17 June 2015, "individuals facing national security-related charges may only select their legal counsel for the investigation phase, which may last for months, from a roster of lawyers approved by the Head of the Judiciary. The same restriction is imposed on individuals accused of involvement in organized crimes which are subject to such punishments as the death penalty, life imprisonment, and amputation." (Please see: <https://www.amnesty.org/en/documents/mde13/1943/2015/en/>). Furthermore, the 2016 report to the Human Rights Council highlights "Executions for drug-related offences ... account for over 70 per cent of all executions in Iran" and "are often carried out after trials that did not meet international fair trial standards." (Please see: <http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf>).

10.2.2. In addition, according to the UN Secretary General's February report "the situation of human rights defenders in Iran remains worrisome. The Government has taken no practical measures to open up space for human rights activists and lawyers. Most of the prominent human rights activists and lawyers are serving prison terms or are subjected to travel bans and bans on the exercise of their profession." Furthermore, in a report published by the International Campaign for Human Rights in Iran "More than two dozen prominent lawyers, including well-known human rights defenders, have been disqualified from running in next month's election for the Iranian Bar Association's board of directors... The disqualified include human rights lawyers Farideh Gheirat, Mohammad Saleh Nikbakht, Abdolsamad Khorramshahi, Ramazan Haji Mashhadi, and former Tehran University law professor, Ghasem Sholeh Sadi." The bar association has only published the names of the approved candidates on its website. (Please see: <https://www.iranhumanrights.org/2016/02/top-lawyers-disqualified-for-bar-association-elections/> and the original in Persian on the Bar's website at: <http://icbar.ir/Default.aspx?tabid=55&ctl=Edit&mid=435&Code=22542>). Furthermore, activists in Iran are facing increasing pressure, discrimination and limitations. In some cases these conditions affect their family and friends. Harsh sentences are setting in motion a wave of threats and terror against activists. An example includes the case of Atena Daemi who according to Human Rights Watch was "sentenced ... to 14 years in prison on charges that included "assembly, collusion and propaganda against the state" and "insulting the Supreme Leader and religious sanctities" for her peaceful activism" as a child and civil rights activist, while the former Tehran Prosecutor Saeed Mortazavi was acquitted "of charges related to the torture and death of three protesters held at Kahrizak detention facility following their arrest during the 2009 post-election protests." (Please see: <https://www.hrw.org/world-report/2016/country-chapters/iran>).

10.2.6. According to a statement published by Human Rights Watch on 24 March 2016, "Nine months after Iran's new criminal procedure expanded detainees' access to a lawyer during the investigative phase, authorities are denying people charged with national security and political crimes access to an independent legal defense... Iran's new criminal procedure law was approved in 2014, and entered into force in June 2015... However, three days before the law went into effect, parliament passed new amendments that further restricted the rights of people charged with national security crimes. The amended article 48 now requires people accused of certain offenses to select their counsel from a pool of lawyers approved by the head of the judiciary... Iran has consistently failed to prevent torture in detention and to investigate allegations of such abuse. Revolutionary courts use confessions obtained under torture as evidence in court. As a result, the right to access a lawyer from the time of an arrest is an important safeguard against abuses in detention." HRW findings are

based on interviews with lawyers representing journalists, teachers, a Lebanese national, and activists among others whose documents and accounts point to Iran's violations of the rights of detainees on a system-wide level. (Please see: <https://www.hrw.org/news/2016/03/24/iran-detainees-denied-fair-legal-representation>).

10.2.7. The 3 March 2016 report to the Human Rights Council states, 'the UN Secretary General remains alarmed at the staggering rate of executions carried out in Iran. At least 900 executions including women and children... drug-related offences, which amount to a violation of international law, account for over 70 per cent of all executions in Iran. These executions are often carried out after trials that did not meet international fair trial standards.' (Please see: <http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf>)

10.3.3. Please replace this response by one dated 29 September 2014 available online at: <https://www.justice.gov/sites/default/files/pages/attachments/2015/12/07/irn104955.e.pdf>.

10.4.4. Please add the following from a response by Immigration and Refugee Board of Canada issued in 2014 stating: "In correspondence with the Research Directorate, a UK-based Iranian lawyer, who advises on Iranian law and human rights issues, said that the Criminal Procedures Code of 1999 was repealed in 2012 and that a new Criminal Procedures Code was approved by Parliament in March 2014 (Lawyer 19 Sept. 2014). He said that, while similar to the former Code "in substance," there "are major changes in the process of investigation as well as arraignment and trial" in the new Code (ibid.). He quoted the following articles of the new Code that relate to the issuance of arrest warrants: Article 182: The arresting officer after serving the arrest warrant on the accused shall invite the accused to accompany him to appear before the magistrate. Should the accused refuse to do so, the arresting officer should arrest the accused and bring him before the magistrate and if so required obtain assistance from other officers. (Ibid.) Article 183: The accused shall be arrested, except in emergency circumstances, in the daylight and shall be brought before the magistrate or a duty judge for determination. (Ibid.) Article 184: In case the accused is a fugitive of justice and the same is proven to the magistrate, he will issue the arrest warrant for a limited period and request the law enforcement officers of the Ministry of Justice to arrest the accused wherever he is found to be brought before the magistrate. (Ibid.)" (Please see: <https://www.justice.gov/sites/default/files/pages/attachments/2015/12/07/irn104955.e.pdf>).

11.1.1. In the 2015 Corruption Perception Index (CPI) published on 27 January 2016, Iran ranks 130 out of 168 [Iran was ranked 136 out of 175 in 2014] with a score of 27, where "A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean." (Please see: <https://www.transparency.org/country/#IRN>). According to Trading Economics, "Corruption Rank in Iran averaged 123.62 from 2003 until 2015, reaching an all time high of 168 in 2009 and a record low of 78 in 2003." (Please see: <http://www.tradingeconomics.com/iran/corruption-rank>), The widening gap between various political fronts in Iran is now exposing some of this systemic corruption by scapegoating individuals from the opposing camp. The case of Babak Zanjani, a truck driver turned billionaire, who along with two others was "convicted of fraud and economic crimes." Previously, Zanjani was "blacklisted by the US and EU for helping Iran evade oil sanctions." (Please see: <http://www.bbc.co.uk/news/world-middle-east-35739377>). In addition to Zanjani's case, millions have gone missing from Iran's public funds and other cases involve non-payment, pointing out that "trying former government officials for embezzlement and financial corruption demonstrates an undeniable truth about life in the Islamic Republic of Iran: that public funds often find their way into private hands, and that the arbitrariness and weak rule of law that characterize the Islamic Republic's judicial system also cripple the country's economy". Such cases include the loan non-payment case, the National Copper Company case, the Qeshm case and the

Mahafarid Khosravi vase, totalling between 2011 and 2015 to the sum of US\$ 17,738,759,689. (Please see: <http://oiac.org/infographic-government-corruption-iran/>). While it is too soon to ascertain, it has been publicised that Iranian officials are among those whose cases are included in the Panama Papers, pointing to further corruption cover up. (Please see: <http://www.usatoday.com/story/news/2016/04/03/panama-papers-explainer-what-you-should-know/82591116/>).

12.2.1. This section may be updated to the 2016 report which states the exact same text without referring to the case of journalist Shamsolvaezin: “Freedom of movement is restricted, particularly for women and perceived opponents of the regime. Women are banned from certain public places, such as sports stadiums, and can obtain a passport to travel abroad only with the permission of their fathers or husbands. Many journalists and activists have been prevented from leaving the country.” (Please see: <https://freedomhouse.org/report/freedom-world/2016/iran>).

13.1.3. A legal translation of the Civil Code is also on the website of an Iranian Law Firm, Alavi and Associates: <http://www.alaviandassociates.com/documents/civilcode.pdf>. Unlike the REF World link, this site includes a complete translation of Book 2.

14.1.1. Please note *shenasnameh* is in fact the Persian word for birth certificate and not “a document similar to a passport”. Instead, it may be more similar to a residency card prevalent in many counties. Details and requirements about this card in English are on the website of the Iranian Embassy in The Netherlands, available online at: <http://iranianembassy.nl/en/consular.php?content=27012>.

15.1.4. In recent news published on 10 February 2016: “An Iranian passport forger known as ‘The Doctor’ was arrested... and admitted links to human trafficking rings as well as selling passports to people from Iran, Syria and Iraq attempting to escape conflict, Bangkok Post reported... The majority of forged passports sold by ‘The Doctor’ were used by people wanting to travel into Europe, although it is not known if any were sold to people attempting to enter Europe in the current refugee crisis.” (Please see: <http://www.ibtimes.co.uk/iranian-professional-passport-forger-known-doctor-caught-thailand-1543099>). In addition, according to a report published on 24 January 2016, two individuals attempted to enter the UK on fake Israeli passports from Chennai, India. (Please see: <http://www.timesofisrael.com/iranians-caught-in-india-with-fake-israeli-passports/>). There are a number of Iran nationals among the migrants who are awaiting entry into the UK. A few showed their frustration at their situation and the authorities decision to demolish part of the camp, by conducting a hunger strike and sewing their lips. They ended their strike following the Iranian New Year on 25 March 2016. (Please see: <http://www.dailymail.co.uk/wires/afp/article-3509715/Calais-Jungle-Iranians-sewed-mouths-shut-end-hunger-strike.html>).

c. Country Information and Guidance: Illegal Exit

Version 3.0, 13 January 2016

1.1.1. The person may have left Iran legally but changes in circumstances may result in persecution and serious harm upon return to Iran. As an example please see case of Mr. Namazi, a former UN official facing prison: <http://www.bbc.co.uk/news/world-middle-east-35656697>.

2.2.3. Members of religious, ethnic or sexual minority communities may also constitute a significant category facing risk, as might women who have escaped domestic abuse without the consent of their husbands. Please see both UNSR reports as well as UNSG reports on the situation of human rights in Iran over the past few years to see a continued pattern of persecution and human rights violations against religious, ethnic and sexual minorities (women and LGBT). The most recent reports by Dr. Ahmed Shaheed and Ban Ki-moon have been cited throughout this review.

3.1.2. The sentence “as such is a risk factor which must taken into account” is missing the word “be” between “must” and “taken”.

4.1.2. According to a report by UK-based Justice for Iran, in addition to the issues mentioned, airport authorities have the right to refuse women entry or access to their flights due to what they may deem as inappropriate hijab. (Please see p. 3: <http://justice4iran.org/wp-content/uploads/2014/03/IRAN-UPR-Submission-JFI.pdf>). Furthermore, those associated with the person whose movements have been monitored may also be subject to persecution.

4.2.3. Activists, artists, journalists, key dissidents or members of minority communities may also be refused the right to travel outside of Iran. As many are now dubbed as ‘political’ cases, including those who are ethnic or religious minorities, Mr. Hosein Abdy’s statement that “Persons who have been politically active are not subject to any exit ban” is not universally applicable. An example is the case of Iranian poet Hila Sedighi, reported by Reuters on 9 January 2016, who was arrested at the airport. According to Reuters, “Sedighi was awarded the Hellman/Hammett prize for free expression by Human Rights Watch in 2012. Another Iranian recipient of that prize, journalist Isa Saharkhiz, was arrested in November.” This is a significant point as there is a false perception among western policymakers that those who enjoy international recognition may be immune from persecution in Iran. Although this may have been the case in recent years, it is no longer valid. (Please see: <http://www.reuters.com/article/us-iran-rights-idUSKCN0UN0KR20160109>).

4.2.4. The relatives may also face confiscation of personal properties in addition to harassment and possible arrest or interrogation.

5.1.5. Those in Iran who have encountered this problem indicate the sum varies according to the authority they may encounter.

5.1.9. Illegal crossing across the Iranian border is not exclusive to the Kurdish minority, nor are the cases exclusive to crossings between Iran and Iraq. In general, Iran is growing anxious about its borders and is placing increasing levels of security, which do carry out acts of human rights violation against Iranian nationals and others who may cross the border illegally, including execution. An example as reported by Tolo News involved an Afghan mother. Due to increased pressure many Afghan refugees are leaving Iran for Turkey and other destinations, including Afghanistan. (Please see: <http://www.tolonews.com/en/afghanistan/22463-irans-border-police-shoot-afghan-mother>).

3. Review of Ten Request Responses

Overall the responses are detailed and mostly up to date in terms of Western sources, although not necessarily comprehensive or inclusive of sources that experienced Iranian experts may deem relevant. In some cases, the information provides a cultural or educated framework for the case in question without necessarily focusing on the systemic challenges at hand. In general, they lack references to Iran's international commitments as well as its national laws and codes as applied to the specific case. Please see below for comments on each of the ten requests in accordance with their subject.

1. Khalq-e Arab/Abadan-Khuzestan/exile

A similar response provided by Immigration and Refugee Board of Canada provides more detailed background (Please see: <http://www.refworld.org/docid/3ae6aabf48.html>) as well as a more comprehensive understanding of the dynamics in the southwest of Iran where the majority of the Arab Iranian population reside. It might be of assistance to study section 2 on page 6 of a report by UK-based Justice for Iran (Please see: <http://justice4iran.org/wp-content/uploads/2013/10/Al-Hiwar-Report-EN-21FEB.pdf>). For the latest information on the situation of the Kurdish community in Iran, references from the Kurdish Human Rights Network are most reliable. (Please see: <http://kurdistanhumanrights.net/en/?p=884>).

2. Buddhism/female marriage to non-Muslim

The key issue in this request is that of laws of the country and not treatment by “ordinary Iranian citizens”. In essence, the legal fact of her husband being a Buddhist, an unrecognised religious minority, is not addressed. According to Article 13 of the Islamic Republic Constitution: “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.” (Please see: <http://www.iranonline.com/iran/iran-info/government/constitution-1.html>). Many Iranians are turning to religions other than Islam, including Buddhism, a fact the Islamic Republic disapproves of. (Please see: <http://www.theguardian.com/world/2013/feb/17/iran-confiscates-buddha-statues>). Buddhism has roots in Iran's history and culture. However, Islam bans the use of statues and as such Iranian authorities engage in a policy of “cleansing” the country from Buddhist statues and symbols.

3. Nationality/citizenship

The right of Iranian women to pass on their Iranian nationality to their children born of Iraqi or Afghan fathers was once again rejected by the Iranian Parliament that voted on a draft bill on 27 September 2015 (Please see: <http://shaheedoniran.org/wp-content/uploads/2016/03/SR-Report-HRC2016FF.pdf>). However, whether a citizen or not, all those residing in Iran over the age of 15 must possess a valid National Identity Card.

4. Monitoring of bloggers overseas

The legal framework as it pertains to blogging and other forms of activity online is not included in the response. There is no reference to the Computer Crime Law, that according to Article 19 “flagrantly violates international human rights law and is an affront to freedom of expression principles”. (Please see: <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>) or FATA, the Iranian Cyber Police (Please see p. 13: <http://shaheedoniran.org/wp-content/uploads/2016/03/SR-Report-HRC2016FF.pdf>), vis a vis their role in arrest and death of bloggers, including the case of Sattar Beheshti (Please see: <http://www.dailydot.com/news/iranian-blogger-tortured-death-facebook/>).

5. Treatment of musicians

This response is adequate and needs updating to show the most recent case of musicians facing possible execution. (Please see: <http://www.dailymail.co.uk/news/article-3454413/Iranian-heavy-metal-band-face-execution-charged-blasphemy-writing-satanic-music-speaking-foreign-radio-stations.html>).

6. Treatment of KDP supporters

KDP or PDK, or in case of Iran, PDKI, refer to the organised body of the Democratic Party of Kurdish nation. Contrary to the opening statement, there are internet and other sources for this important body. Examples include:

1. Democratic Party of Iranian Kurdistan: <http://www.pdki.org/english/>; and
2. In their own words: Human rights violations against Iran's Kurdish minority by IHRDC available online at: <http://www.iranhrdc.org/english/publications/reports/1000000111-in-their-own-words-human-rights-violations-against-irans-kurdish-minority.html>.

7. Treatment of Sufis

The latest annual report published by Amnesty International states: "Members of religious minorities, including Baha'is, Sufis, Yaresan (Ahl-e Haq), Christian converts from Islam, Sunni Muslims, and Shi'a Muslims who became Sunni, faced discrimination in employment and restrictions on their access to education and freedom to practise their faith. There were reports of arrest and imprisonment of dozens of Baha'is, Christian converts and members of other religious minorities, including for providing education for Baha'i students who are denied access to higher education."

8. What languages different Kurds can understand

I agree with the answer given.

9. Punishment for smuggling alcohol

This response is adequate. Book 5 of the Iranian Penal Code applicable to this request was adopted in 1996 and not included in the revisions in January 2012.

10. Muslim woman married to non-Muslim man

I agree with the answer given.

Annex A 2

Country Information and Guidance Nigeria: Background information, including actors of protection, and internal relocation

**Prepared by
Adeyinka Onabolu
April 2016**

Adeyinka Ige-Onabolu has experience in advocacy, litigation, research and project implementation to enhance and strengthen the protection of rights of women, children, persons with disabilities and refugees, with a special focus on gender based violence and sexual and reproductive rights. She has previously served with the African Commission on Human and People's Rights based in Banjul, The Gambia, supporting the special mechanisms on refugees, displaced persons and asylum seekers/older persons and persons with disabilities. She has an LLB in Law from the University of Ibadan, Nigeria and completed an LLM in International Human Rights and Humanitarian Law from the University of Essex, United Kingdom in 2012. Her research has focused on women's rights, disability rights, economic and social rights in armed conflicts and the African Human Right System.

OUTLINE

- 1. INTRODUCTION**
- 2. GENERAL COMMENTS**
- 3. SPECIFIC COMMENTS**
 - Applicable laws**
 - Structure**
 - Content**
 - Additional sources**
- 4. FAULTY WEB LINKS**

INTRODUCTION

Purpose of the Review

This review provides a commentary on the Country Information and Guidance Nigeria: Background information, including actors of protection, and internal relocation from June 2015 produced by the Home Office.

It evaluates the accuracy of the information contained against the human rights situation in Nigeria as at June 2015 with the objective of ensuring that it offers an up to date and comprehensive summary of the most relevant available source material reflecting the issues of human rights in Nigeria, and relating to the key issues raised in asylum claims made by Nigerians. It assesses the accuracy and relevance of the sources and provides alternative or more balanced sources of information. The report was checked for factual errors and where necessary they were pointed out and replaced with accurate information. The aim is to have a document with adequate information which will aid decisions being taken on asylum claims.

This review has three sections: a section on general comments; the second on specific comments and the last on the faulty weblinks. I will be analyzing the document using a framework as to the structure, content and additional sources.

GENERAL COMMENTS

STRUCTURE: The report is generally well presented, however some sections are unnecessarily lengthy.

CONTENT: There have been a number of developments in Nigeria since the last review in 2012 and this report covers a large portion of the recent developments and attempts to give an up to date information on the situation in Nigeria. The report is coming at a critical time in the history of Nigeria, just after a peaceful handing over of government on 29 May 2015 . The information contained herein is rich and paints a largely accurate picture of the situation in Nigeria and will easily be understood by a reader unfamiliar with Nigeria. The document is well informed about actors of protection but does not contain information on internal relocation.

SOURCES: The report strives to make a balance between foreign sources and local sources, which is good. The sources are authoritative and reliable. However in some instances the information contained in the foreign sources are not entirely accurate. I have attempted to clarify where possible.

There has been reliance on local newspaper sources, sadly many newspapers do not keep articles online for an extended period so they will not be accessible. Where possible I have attempted to include links to the same stories on other websites which are still accessible.

When a document is quoted the footnotes should include the page number for ease of reference as some of the referred reports are over 300 pages and when the page number is not included it is harder.

RECENT EVENTS

There is a new Administration of Criminal justice Act 2015. Although it is applicable for federal offences and in all Federal courts including the High court of the FCT, to be applicable in individual states it has to be passed into state law by the different state houses of assembly. Not all states have adopted it. See links below:

<http://www.justice.gov.ng/documents/Criminal%20Justice.pdf>;

<http://thenationonline.ng.net/innovative-provisions-of-administration-of-criminal-justice-act-2015/>; and

<http://norfolk-partners.com/IDOWUPUB/The%20Silent%20Revolution%20the%20Administration%20of%20criminal%20justice.pdf>.

SPECIFIC COMMENTS

SECTION 2: INFORMATION

2.1 History of Nigeria. Information provided on the website of the Embassy of the Federal Republic of Nigeria in Washington D.C in article "*Nigeria ;past, present and future*"¹ can be added as it contains more holistic information. <http://www.nigeriaembassyusa.org/index.php?page=nigeria-past-present-and-future>.

2.2 Economy: More information can be added to this paragraph from the CIA Factbook referenced above, such as the agricultural products, industries, see the link below for additional information. <http://www.nigeriaembassyusa.org/index.php?page=economy>.

Note that the information provided in 2.2 has changed as the economy has however been severely hit by dwindling oil prices and concomitant fall in the value of the Naira.

¹ **NIGERIA: PAST, PRESENT AND FUTURE** accessed at <http://www.nigeriaembassyusa.org/index.php?page=nigeria-past-present-and-future> on 02 April 2016.

See the Article in the Economist of 30 January 2015 '**Cheap oil is causing a currency crisis in Nigeria. Banning imports is no solution**'

"...Oil's price has fallen by half, to \$32 a barrel, in the months since the new government came to power, sending its revenues plummeting. Income for the third quarter of 2015 was almost 30% lower than for the same period the year before, and foreign reserves have dwindled by \$9 billion in 18 months. Ordinarily there would be buffers to cushion against such shocks, but Mr Jonathan's cronies have largely squandered them. Growth was about 3% in 2015, almost half the rate of the year before and barely enough to keep pace with the population. The stockmarket is down by half from its peak in 2014."²

2.3 GEOGRAPHY AND DEMOGRAPHY: A number of key pieces of information are missing in this paragraph. In terms of geography they include; the climate of Nigeria, and the number of states and regions that Nigeria is made up of, namely 36 states divided into 6 regions of the South South, South East, South West, North East, North West and North Central. In terms of Demography they include number of ethnic groups in Nigeria. See links below for more information.

Nigeria Demographics Profile 2014-

http://www.indexmundi.com/nigeria/demographics_profile.html;

<http://www.total-facts-about-nigeria.com/nigeria-tribes.html>; and

<http://www.nigerialocal.com.ng/complete-list-ethnic-groups-nigeria/>.

2.4.1: THE CONSTITUTION: The 1999 Constitution has been altered in 2010 and 2011 by three substantive amendments to among other things to provide for the financial independence of the National Assembly and Independent National Electoral Commission, to provide new timelines for the conduct of elections and to create a National Industrial Court with exclusive jurisdiction in labour and employment matters under the constitution. See weblinks:

1st Alteration Act 2010: <http://www.nassnig.org/document/download/5802>;

2nd Alteration Act 2010: <http://nass.gov.ng/document/download/5830>; and

3rd Alteration Act: <http://www.wipo.int/edocs/lexdocs/laws/en/ng/ng042en.pdf>.

2.5.1 POLITICAL SYSTEM

Line 14 in the quotation left out the High Court of the F.C.T as one of the judicial organs.

2.6 ACTORS OF PROTECTION

The Armed Forces

In recent times, the Nigerian Army has been hit with a corruption scandal where billions of dollars allocated for securing arms for fighting the Boko Haram insurgency are alleged to have been embezzled by senior military officials and political leaders in the Jonathan administration³.

2.6.4 The Police. The section on the police contains a lot of pertinent information. It appears well researched with a variety of sources consulted. However, it seem to be too long making it unbalanced against the information contained in the section on the armed forces.

² <http://www.economist.com/news/middle-east-and-africa/21689584-cheap-oil-causing-currency-crisis-nigeria-banning-imports-no>.

³ <http://www.vanguardngr.com/2015/12/arms-probe-dasuki-faces-47-count-charges-in-3-courts/>
<http://www.premiumtimesng.com/news/headlines/195173-court-papers-show-how-ex-nsa-dasuki-allegedly-shared-n13-6bn-arms-money-to-cronies-politicians.html>.

The first paragraph in 2.6.9 should be brought to para 2.6.4 to read "The NPF is divided into the administration, anti-fraud section, central criminal registry, special anti-robbery squad, x-squad, general investigation, special fraud unit, legal section, forensic science laboratory, interpol liaison, homicide, anti-human trafficking, special branch (criminal and special investigation bureau) and the force CID investigation Kaduna annex..."

2.6.13. There was established in 2015 by the NPF the Complaint Response Unit which is "to bridge the gap between the police and the citizens by introducing the multiplatform community based complaint reporting mechanism." According to the Head of the Police Complaint Response Unit CPS Yomi Shogunle, "Basically, the kind of complaints we expect from members of the public are ones that have to do with unprofessional conducts of police officers, certain police actions, regular complaints against other citizens." "At the moment, we have seven different platforms through which citizens can lay their complaints", According to him, "We have two dedicated phone lines which are available 24/7 for both calls and text messages, Whatsapp, Black Berry Messenger, Emails, Facebook and Twitter." There was also the launch of a website stop the bribe, <http://www.stopthebribes.net/>, in May 2015 For Complaint Against Police Misconduct.

2.6.13: The information contained in this paragraph represents the true picture of the relationship between the average man and the Nigerian Police. Although the police have spent a lot of money trying to endear themselves to Nigeria, such as the police is your friend slogan, however the attitudes and behaviour of the police counter this notion.

2.6.20: should be better titled '**Human rights violations and impunity by actors of protection**'. This section adequately

2.6.22: the last sentence seems out of place. "...Police officers in Nigeria are required to keep records of all unnatural deaths in custody. Records must include the name of the deceased, date and cause of death, and the outcome of the Coroner's inquest. Coroner's Laws, which are in force in most Nigerian states, oblige the state authorities to investigate and determine the circumstances of all unnatural, sudden or violent deaths through an open, public inquiry, and to investigate every death in custody. However, inquests into death in custody are rare in Nigeria" and will be more appropriate in para.....

2.7 JUDICIARY: The information is adequate but can be better represented. The judiciary is the 3rd arm of the government and the Constitution vests in it the powers to interpret the law in accordance with the provision of the Constitution. The Constitution provides for the establishment of Federal and State Courts, as well as Election Tribunals. At the apex of the Judiciary is the Supreme Court.

There are a number of errors in the document which I will point out below:

2.7.1: Lines 7 and 8 state that "The Supreme Court acts as the Final Court of Appeal and a Superior Court of Records. It is not a court of original jurisdiction." This is wrong as by Section 232. (1) Of the 1999 Constitution as amended, The Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute. The Supreme Court is a court of original jurisdiction.⁴

Lines 8 and 9 state that "The Federal High Court/Federal Court of Appeal is composed of the Chief Justice and, at least five other judges". This is incorrect as the federal high court is distinct from the federal court of Appeal and has a single judge. For its powers, composition and jurisdiction see Sec 251 of the 1999 Constitution.

"The Federal High Court is a Superior Court of records. It hears cases where the federal government is a party against states or individuals. Appeals are brought to the Supreme Court." This is incorrect as appeals go to the Court of Appeal from the federal high Court and not the supreme Court. See Sec 237 of the 1999 Constitution.

4 Read more at: <http://government.onlinenigeria.com/?blurb=141#ixzz44gohYR9S>.

“There is a variety of courts in the states. The State High Court is the highest court in each state, although some states have a Court of Appeal which sits above the High Court.” This is incorrect as no states have a Court of Appeal, all appeals from State High Courts go to the Court of Appeal.

The Constitution empowers all of the states to establish a State Court of Appeal for the handling of appeal cases brought from a State High Court. In states that have established a Court of Appeal, decisions from the High Court must be brought to the Court of Appeal before they are taken to the Nigerian Supreme Court. This is completely wrong. See Sec 237 - 248 of the 1999 Constitution and Sec 270 - 274 of the 1999 Constitution.

‘The Court of Appeal Edict of 1967 established a Court of Appeal in the Western states. The provisions of the Edict were given effect under Section 127(2) of the Constitution of the Federation by the Constitution Order of 1967. The Western states’ Court of Appeal hears cases deriving from the High Court of a Western state. It has jurisdiction on questions relating to the interpretation of the State Constitution.’ These are all out of date considering the 1999 constitution. There has been the elevation of the National Industrial court, a federal court, to a court of superior record via the 3rd alteration act in 2011.

The Court of Appeal hears appeals from the judgments of the Federal High Court, the High Court of State, the High Court of Federal Capital, the Sharia Court of Appeal, the Customary Court of Appeal, the Court of Conduct Tribunals and the Election Tribunal (particularly, the National Assembly Election Tribunals). It also has original jurisdiction as Court of First Instance (COFI) in the Presidential Election Petitions. It is made up of 16 judicial divisions with the headquarters in Abuja.

- See more at: <http://9jalegal.com.ng/court-of-appeal-of-nigeria/#sthash.8AZOrUHB.dpuf>;

<http://www.courtofappeal.com.ng/>; and

Sharia and customary (traditional) courts of appeal function in 18 northern states and the FC.

INDEPENDENCE:

2.7.3: A key influencer of the independence of the judiciary the challenging of the current practice where funds appropriated for the judiciary are disbursed piecemeal by the executive arm of government. The budget of the judiciary gets vetted before it is passed to the national assembly; however a court decision in May 2015 affirmed the independence of the judiciary. The the court judgment ordered compliance by the Accountant general with sections 83(1), 212(3) and 162(9) of the 1999 Constitution (as amended) guaranteeing financial autonomy for the judiciary, which has largely been ignored. This was the reason for the JUNSUN strike in early 2015 and the judgment has gone on largely ignored by the federal government and state governments.

See the news article by the PM news dated 24 May 2015 “Nigerian court affirms independence of Judiciary”:

<http://placng.org/legist/financial-independence-of-the-judiciary-to-be-or-not-to-be/>; and

<http://guardian.ng/opinion/unbundling-nigerias-judiciary-2/>.

FAIR TRIAL

The first paragraph should focus on the Government's obligation to ensure a fair trial based on the guarantees in Section 36 of the Nigerian Constitution which guarantee the right of an accused to a free and fair trial and Nigeria's obligations under international and regional treaties that it has ratified, such as the international covenant on civil and political rights and the African Charter on Human and Peoples' Rights.

2.7.4 seems better suited for the section on fair trial than independence of the judiciary.

More information can be found at <http://www.fhc-ng.com/jurisdiction.htm>.

2.7.10 reads: "The problems within Nigeria's justice system, for example, are deeply entrenched. 68% of the 55,000 people held in Nigeria's overcrowded prisons have been convicted but have been waiting, many for years, for their cases to conclude. Those who have been convicted often faced grossly unfair trials, with many having suffered torture and lacking access to a lawyer....."

It should read "The problems within Nigeria's justice system, for example, are deeply entrenched. 68% of the 55,000 people held in Nigeria's overcrowded prisons have **NOT** been convicted.

2.7.11. SHARIA COURT. For more information see chapter VII of the 1999 Constitution titled the judiciary sections 230-285 of the constitution .

2.7.12 Additional source. An article on the website of the Wilson Centre titled Women, Muslim Laws and Human Rights in Nigeria gives a clear picture of the relationship between women and Sharia Law in Nigeria. In response to the question: "What does the implementation of Shari'a law in Nigeria mean for women's position and contributions to development in that nation?" In the Sharia courts over the past twenty to thirty years, the Sharia courts have increasingly recognised and upheld women's rights to inherit (especially to inherit land), to divorce on demand (often without, or with only token payments), to custody of their children, to being able to hold their children's property in trust, against forced marriages, and so on. The provisions of the Penal Codes are generally gender-neutral. However there are some exceptions, with the exceptions generally being in favour of men. As in the 1960 ('secular') Penal Code, the Sharia Penal Codes continue to permit husbands to beat wives. Nor do they recognise marital rape (which is not recognised in general secular law in Nigeria either). Some of the Penal Codes (Niger, Kano, and Birnin Kebbi states) specify that men's testimony will be worth more than that of women. The diya (monetary compensation in cases of hurt, if the victim or his/her family are willing to accept this instead of the stated punishment) to be paid for Muslim men is higher than that of Muslim women (or non-Muslims), although qisas (retaliatory punishment) can be applied regardless of gender. In one instance, men are subject to harsher punishments than women; in Kano State, never married men convicted of zina may not only be lashed but also subject to one year's imprisonment (never married women would be liable for lashing only).

In the Sharia Penal Codes, rape is treated as a form of zina; illicit sexual intercourse. Reporting rape is thus equivalent to confessing to zina. In the most probable situation of lack of two witnesses or a confession from the rapist, rape would be hard to prove, and so women would find themselves not only subject to zina punishments, but also liable for false witness in addition. Thus, the new Sharia Penal Codes deprive women of protection from rape and sexual assaults.

The Sharia acts also include general provisions that other issues of "Islamic law" even if not mentioned shall be law. It is possible that this might include the revival of issues such as ijbar (a fathers' right to arrange first marriages of 'virgin' daughters, which the Sharia courts have been finding ways of discouraging over the past few decades). Quite apart from the texts of the laws, there have been discriminatory implementation and improper procedures that vitiate women's rights in particular. By postulating that pregnancy outside marriage is evidence of zina (a minority position in Sharia which is not held by the Hanafi, Hanbali and Shafi schools, nor a variant of the Maliki school), women have been held to a different standard of evidence than have men. Non married women are required to provide evidence to prove their innocence, but men are not. If the prosecution does not provide independent evidence, such as four eye-witnesses, men can simply walk away, unlike women. And yet, the Qu'ran specifies that whoever brings an allegation of zina without four witnesses, be they male or female, will themselves be guilty of bearing false witness and subject to punishment. More women than men have been both charged and convicted of zina. Women who ought not to even have been charged have been convicted of zina and sentenced to death, by ignoring the well-established Maliki doctrine of the "sleeping embryo" (kwantace in Hausa), whereby a child born to a woman within a set period after the end of her marriage (in some areas up to seven years), is assumed to be the child of that marriage. Women have also been accused and convicted of zina as prostitutes, for instance, with neither confession nor the testimony of four witnesses to a willing act of sexual intercourse, nor even pregnancy, for evidence. This is having serious consequences for women's reproductive rights. For instance, sex education is being removed from school curricula. Attempts have been made to prevent non-governmental organizations from running sexuality education workshops (on family planning and reproductive health care, for example). The father's right to control the marriage of a never married daughter (ijbar) is being re-asserted, and child marriage is being advocated again."⁵ -

Links to stories on Sharia Court

Sharia court sentences two to amputation for theft:

<http://www.vanguardngr.com/2011/09/sharia-court-sentences-two-to-amputation-for-theft/>

Kano Sharia Court sentences 9 to death for blasphemy: <http://www.premiumtimesng.com/news/top-news/185661-kano-sharia-court-sentences-9-to-death-for-blasphemy.html-june-25-2015>.

2.8.2 As a result of the insurgency in the north east, a state of emergency has been declared in Borno, Adamawa and Yobe since May 2013, thus restricting the movement of period within the state and the timing for movement.

There has been a sustained call to restrict the freedom of movement of Hausa Fulani herdsman as they move around the country grazing their cows, which they kill and destroy in the host communities. See links below:

5 Soldiers, 7 Civilians Killed As Fulani Herdsmen Attack Benue Community: <http://www.informationng.com/2014/01/5-soldiers-7-civilians-killed-as-fulani-herdsmen-attack-benue-community.html>;

Scores feared killed as Fulani herdsman attack Taraba community- <http://dailypost.ng/2014/09/15/scores-feared-killed-fulani-herdsmen-attack-taraba-community/>; and

Suspected Fulani Herdsmen Kill At Least 100 In Southern Kaduna- <http://saharareporters.com/2014/03/15/suspected-fulani-herdsmen-kill-least-100-southern-kaduna>.

⁵ By Ayesha Imam. Accessed on <https://www.wilsoncenter.org/publication/women-muslim-laws-and-human-rights-nigeria>.

The section on freedom of movement attempts to paint a true picture by raising key issues such as the state of emergency and restricted movement in states affected by insurgency, ethnic conflicts and restriction on women's rights. See the case of Dorothy Njemanze and ors v. Nigeria. Premium times newspaper article of September 16 2014 "4 women sue Nigerian army, others at ECOWAS court over harassment."⁶

According to the women, they were picked up at different times and different venues in Abuja, between the period of July 2012 and April 2013, by agents of the Abuja Environment Protection Board (AEPB) supported by the Nigerian Police Force and Nigerian Army on claims of carrying out their function of keeping Abuja environment clean and by extension getting rid of prostitutes and destitute persons on the streets of Abuja.

The women said they were harassed physically, psychologically and sexually by AEPB officers as well as the police officers and soldiers because they were considered prostitutes.⁷

CORRUPTION

As the cut off date is 2015, many more activities have taken place since the new administration took over in May 2015, such as the arrest and trial for embezzlement of a large number of officers who served during the previous administration. They include 2.2 billion illegally withdrawn from Excess Crude Oil Accounts^[41] of which \$1bn was supposedly approved by President Jonathan to fund his reelection campaign without the knowledge of the National Economic Council made up of State Governors and the President & Vice President. NEITI discovered \$11.6 bn was missing from Nigeria LNG Company dividend payments. 60 million barrels of oil valued at \$13.7bn was stolen under the watch of the national oil giant, Nigerian National Petroleum Corporation from 2009 to 2012. NEITI indicates losses due to crude swaps due to subsidy and domestic crude allocation from 2005 to 2012 indicated that \$11.63bn had been paid to the NNPC but that "there is no evidence of the money being remitted to the federation account". Diversion of 60% of \$1bn foreign loans obtained from the Chinese by the Ministry of Finance. Massive scam in weapons and defense procurements, and misuse of 3 trillion naira defense budget since 2011 under the guise of fighting Boko Haram. Diversion of \$2.2 million vaccination medicine fund, by Ministry of Health. Diversion of Ebola fight fund up to 1.9bn naira. NIMASA Fraud under investigation by EFCC, inclusive of accusation of funding PDP and buying a small piece of land for 13 billion naira. Ministry of Finance led by Okonjo Iweala hurried payment of \$2.2 million to health ministry contractor in disputed invoices. NDDC scams and multifarious scams including 2.7 billion naira worth of contracts that does not confirm to Public Procurement Act. Police Service Commission scam investigated by ICPC that revealed misappropriation of over 150 million naira related to election related trainings. ICPC made refund recommendations, but many analysts indicated prosecution was more appropriate.

The present government has been elected on an anti-corruption mandate. The Minister of Information has stated that 55 Nigerians were responsible for the theft of 1.34 trillion naira in the past 8 years. <http://www.premiumtimesng.com/news/headlines/196981-55-nigerians-stole-over-n1-34-trillion-in-8-years-lai-mohammed.html>.

There have been a number of high profile arrests and criminal trials involving corruption on the oil subsidy, theft of oil revenue, arms acquisition scandal, etc. However, no convictions have been secured.

<http://shipsandports.com.ng/efcc-re-arraigns-arisekolas-son-others-for-n1bn-subsidy-fraud/>;

<http://www.premiumtimesng.com/news/top-news/195251-efcc-uncovers-alleged-theft-of-another-n40billion-by-ex-nimasa-dg-akpobolokemi.html>;

⁶ Accessed at <http://www.premiumtimesng.com/news/more-news/168246-4-women-sue-nigerian-army-others-at-ecowas-court-over-harassment.html> on 04 July 2016.

<http://www.vanguardngr.com/2016/02/fg-slaps-fresh-graft-charges-ex-oil-rebel-leader-tompolo/>; and

<http://saharareporters.com/2016/01/05/arms-deal-efcc-docks-ex-pdp-chair-haliru-mohammed-son>.

However it is hoped that the cases will be fully tried with any guilty party serving the punishment. Information is very accurate. However corruption in the corporate world is left out. Also corruption in awarding contracts to private persons, bribes and kick backs. The past few years has seen the EFCC take on more prosecution of non-politicians for fraud.

To get a better idea of the magnitude of corruption and the impunity that goes without investigation and prosecution, see article: Top 20 Corruption Cases and scandals in Nigeria. 2011-2015 by Oluwole Isaac, 16 March 2015.⁸

Corruption, Politics and Governance in Nigeria by Sheriff Folarin, PhD Senior Lecturer and Head of Department Political Science and International Relations Covenant University, Canaanland, Ota.⁹

FORGED DOCUMENTS

2.10.1 “He said that even if arrests are made and investigations are carried out by the Nigerian Police Special Fraud Unit, the guilty party/parties will walk away unpunished (ibid.)”. It is important to clarify that this is most likely to happen where it involves politicians or people with connections/money not poor or disempowered persons.

3 National Identity numbers/cards: Although the government ordered that by the end of 2014 the NIMC ensure that all Nigerians are registered in the National Identity database, the issuing authority for National Identity, the National Identity Management Commission (NIMC) has put 1st September, 2015 as the commencement date by which all transactions involving the identification of individuals must be done with the National Identification Number (NIN).¹⁰ Some parastatals of government have made it mandatory for recruitment into the agencies. See the article by Deputy Inspector General, Force Criminal Intelligence and Investigation Department (FCIID), Area 10, Mr. Christopher Kakwe, who has said that anybody without evidence of enrolment with the National Identity Management Commission, NIMC, will not be considered for employment.

4 PASSPORT: Nigerian citizens use an ECOWAS passport issued by the Nigerian Immigration Service. It is a recognised travel document valid for travels within the sixteen (16) countries of ECOWAS and gives free entry and residence for 90 days in an ECOWAS state.

5 Nigeria Immigration Service forensic laboratory: Not much is known about the Nigeria Immigration Service forensic laboratory for the examination of travel documents and monetary instruments.

Premium times article of june 15 June 2015: 3 men charged with possession of fake Nigerian passport.

2.11.1 Citizenship and Nationality: **Married women still cannot pass Nigerian Citizenship to a foreign spouse on an equal basis with married man. The section is balanced adequate.**

⁸ <http://www.nigerianeye.com/2015/03/top-20-corruption-cases-and-scandals-in.html>.

⁹ <http://eprints.covenantuniversity.edu.ng/3249/1/Folarin%202.pdf>.

¹⁰ See **press release** National Identification Number Mandatory from September 1, 2015 – NIMC accessed at <http://www.nimc.gov.ng/?q=national-identification-number-mandatory-september-1-2015-nimc>.

FAULTY LINKS

REPORT

1. United States Library of Congress Federal Research Division, <http://lcweb2.loc.gov/frd/>, 'Country Profile – Nigeria', July 2008, Government and Politics, <http://lcweb2.loc.gov/frd/cs/profiles/Nigeria.pdf>, date accessed 23 April 2015
2. 'This Day Live', <http://www.thisdaylive.com/>, 'Nigeria Police Since 1960', Chiemelie Ezeobi, 1 October 2014, <http://www.thisdaylive.com/articles/nigeria-police-since-1960/190287/>, date accessed 27 April 2015. 18
3. 'Punch', <http://www.punchng.com/>, 'Beyond Code of Conduct for Nigerian Police', Jide Ojo, 16 January 2013, <http://www.punchng.com/opinion/beyond-code-of-conduct-for-nigerian-police/>, date accessed 20 March 2015.
4. Amnesty International, 'Amnesty International Report 2014/15 – The State of the World's Human Rights', Nigeria', 25 February 2015, Justice System, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>, date accessed 6 May 2015.¹¹

¹¹ The paragraph could not trace it in the report. Page number should be included.

Annex A 3

REVIEW OF THE RESPONSE TO THE COUNTRY OF ORIGIN REQUEST.

Prepared by

Adeyinka Onabolu

April 2016

Adeyinka Ige-Onabolu has experience in advocacy, litigation, research and project implementation to enhance and strengthen the protection of rights of women, children, persons with disabilities and refugees, with a special focus on gender based violence and sexual and reproductive rights. She has previously served with the African Commission on Human and People's Rights based in Banjul, The Gambia, supporting the special mechanisms on refugees, displaced persons and asylum seekers/older persons and persons with disabilities. She has an LLB in Law from the University of Ibadan, Nigeria and completed an LLM in International Human Rights and Humanitarian Law from the University of Essex, United Kingdom in 2012. Her research has focused on women's rights, disability rights, economic and social rights in armed conflicts and the African Human Right System.

RESPONSE TO THE COUNTRY OF ORIGIN REQUEST.

- 1. COI Request- Availability of forged newspaper articles (02/16-066). Information of evidence of journalists/editors/publishers accepting payment to plant stories to support asylum claims, immigration applications or to provide evidence for official purposes and, If this is the case, how widespread is it.**

The information contained in the response is balanced and adequate. The sources are largely accurate. Although it is a widespread notion that journalists accept payments to plant stories in Nigeria. However, there is no evidence of journalists/editors/publishers accepting payment to plant stories to support asylum claims, immigration applications or to provide evidence for official purposes. There is a proliferation of media houses particularly online/blogs who have been known to put on fake articles and pull them down at will. It is thus important to verify authenticity of the source. Al Jazeera report of December 2015 notes that "Nigerian journalists are among the worst-paid reporters in Africa, seldom given money to cover travel or other expenses, let alone paid their salaries on time. This has affected the way stories are reported, with some of the country's most pressing events either under-reported or ignored altogether. Amid this climate where investigative journalism is severely stifled, corrupt and illicit practices have begun to flourish. Reporters are often seen waiting for cash handouts from politicians and government officials at press conferences, and then rarely questioning them or fact-checking."¹

- 2. COI Request- State attitude to Biafran activists (03/15-208) information on whether the Nigerian authorities are interested in those involved in Biafran independence. If so, at what level. What treatment would a Biafran activist, who only talks to others and attends occasional meetings, receive upon return to Nigeria. Is the Nigerian intelligence gathering capability such that they would be aware of attendance at UK meetings and occasional demonstrations in the UK regarding Biafran independence. Claimant claims that the Nigerian government is "after the extinction of the Biafran people, especially males." Is there any evidence of such government persecution of Biafran / Ibo ethnic groups.**

The information provided in the response is correct and balanced. Persons who have agitated for the creation of the Biafran nation may be arrested where such demands have been carried out in a way that violates the laws of the land. However no one is in danger of extinction for belonging to a particular ethnic group.

The recent development (although past the cut off date) should be noted of the arrest and release in December 2015 of Nnamdi Kalu, the Director of Radio Biafra and leader of the Indigenous People of Biafra, IPOB.

- 3. COI Request- Osugbo cult (02/16-057).Information on the Osugbo title/cult and any known rituals/ceremonies that it involves.**

The information in the response is accurate and the lack of materials on the Osugbo cult emphasises the fact that the activities of the group have over the years been weakened due to modernization and religion. It should be noted that membership of this cult is by joining and is not ordinarily passed down from father to child or rotate within a family. According to the Ijebu Community Association in Washington DC website: "There were no political parties as known in modern democracy, and yet the ancient administrative set-up which ruled Ijebu in those days was democratic in principle. There were political groups which each had functions in the administration of town. This included the OSUGBO." It goes on to describe the OSUGBO as a Cult, a Fraternity of Chiefs and Elders which was also the Executive Authority of the town. It has also a religious character. Two brass images known as "Edan" were the centre of worship in the Osugbo Cult. It was the highest group and

¹ <http://www.aljazeera.com/programmes/listeningpost/2015/12/bribes-brown-envelopes-nigeria-journalists-151227175941010.html> accessed 26 March 2016.

Cult and commanded the respect and obedience of all. Women were admitted into it by initiation but such women must have passed child bearing age.²

4. COI Request- Treatment of albino children (03/16-022). Information on how albino children are treated and viewed in Nigeria.

The response is comprehensive and well researched. It is necessary to stress the point that albino children do not face imminent danger or attacks in Nigeria. If they did, there will not be as mentioned in the response that almost 2 million Nigerians live with albinism. Although there are reports of isolated cases of attacks on them, children/persons with albinism continue to face discrimination and are stigmatised and there is little or no special provision made for them in the policies and programmes of Government. This affects their civil and political as well as their economic social and cultural rights. It is important to note that the information contained in paragraph 4 from the Eagle online article, 'Murder of albinos rising – Nigerian independent UN expert', dated 24 October 2015 does not necessary relate to Nigeria although the UN expert is Nigeria and does not reflect in accurate terms the picture of the plight of persons with albinism in Nigeria.

5. COI Request- Eiyé fraternity (05/15-012). Information on whether the Eiyé fraternity exists in 2004? If does the Eiyé Fraternity currently exist and is it influential? Is the Black Axe Fraternity currently influential? How are Black Axe Fraternity members treated by the Nigerian authorities? Or is there protection available from the authorities against this specific group?

The two cult groups are very much active today and wield influence in their communities all over the country. The response does not address two questions posed: how are Black Axe Fraternity members treated by the Nigerian authorities and what protection is available from the authorities against this specific group? These answers may be important in reaching a decision. The Black Axe Fraternity members like members of other cult groups are not given any special treatment and they have been known to be expelled from institutions, arrested and served jail terms. In reality little or no protection is given to former members or whistle blowers by the authorities.

Sources: The first source which was from "Gistmania" it appears to be a blog and the information contained in it may be subjective.

See the added link for more information.

Premium times newspaper article "Lagos cult clash: Court remands suspected Eiyé member for murder" 30th September 2013.³

6. COI Request- Inter-faith marriage (05/15-016). Information on attitudes to inter-faith marriage in Nigeria.

Interfaith marriage: the response focuses on the broad relationship between Muslims and Christians in Nigeria and not on the special context of interfaith marriages. Additional information is required. Many Nigerian's are involved in interfaith marriages and to a large extent still practise their separate religions without any fear of attacks. However living in certain parts of the country in the north may make such persons more susceptible to attacks. See Nigeria's deadly politics of interfaith love: A political power struggle masquerading as religious strife grips Nigeria - with mixed faith couples paying the price. <http://www.aljazeera.com/indepth/features/2014/07/nigeria-deadly-politics-interfaith-love-201472984354915150.html>.

² <http://www.ijeassociation.org/Discover-Ijebuland/Ourorigin1/ct/Details/mid/5740/itemid/171?SkinSrc=%5B%5Dskins%2FijeSkin%2Findex> accessed 26 March 2016.

³ <http://www.premiumtimesng.com/regional/ssouth-west/145738-lagos-cult-clash-court-remands-suspected-eiye-member-murder.html> accessed 30th March 2016.

However, as regards internal relocation, interfaith marriage will not be an issue if they relocate from Northern Nigeria to any of the other regions of Nigeria. In addition FGM is practised by both Muslims and Christians all over Nigeria and it is more a cultural issue than a religious one.

See the links below for more information.

Interfaith marriages: Bracing the odds for love <http://www.mynewswatchtimesng.com/inter-faith-marriagesbracing-odds-love/>; and

Nigeria Social attitudes toward religious intermarriage; treatment of intermarried couples and their children by society and the authorities; protection and services available to intermarried couples [NGA104212.E].⁴

- 7. COI Request- Neo Black Movement (05/15-068). Information on the size, membership and influence of the neo black Movement? Evidence that the Neo Black Movement circulate wanted posters, photographs or details of individuals wanted by the group? Website where they display such information? And any information on Bob Izua and his involvement with the Neo Black Movement?**

The response does not in anyway address the particular issue and does not determine if the fears of the claimant are founded or not. There is very little information available about the Neo Black movement and from my search the only website located does not provide information on the size and membership of the NBM but rather advertises events and philanthropic programmes of the movement. http://web.archive.org/web/20150531214817/http://www.37thnatconvention.org/about_us.

- 8. COI Request- Child born out of wedlock (08/15-046). Information on any evidence of societal disapproval of fatherless children? If so, how is this demonstrated? Would such children's life be at risk - from extended family or the general public? If so, what support is available to mothers and children subjected to such disapproval? What risk is there to mothers of such children from - extended family or the general public? Claimant also claims a fear of being gaoled on return to Nigeria as she was convicted of an offence in the UK and was gaoled here. Do the Nigerians routinely hold deportees or removed persons for any length of time once they reach Nigeria? If so, in what conditions and for how long? Do the Nigerians routinely gao individuals who have been gaoled for offences in other countries before their return? Would a child be kept with his mother in gao? If so, to what age? Who is responsible for feeding prisoners in if Nigerian gao? The claimant also claims to fear for the health of her child in Nigeria, especially from malaria. What is the current state of prevention and treatment of malaria in Nigeria, particularly for children?**

The response fairly covers a complex number of issues, which represent the reality. However the constitution prohibits discrimination on account of birth status and the courts have upheld it. Although societal attitudes are still a bit negative about children born out of wedlock, however it is not a death sentence and there has been an increase in the number of single parents. In relation to detention of children with mothers, should the mother be incarcerated, a number of factors will be considered such as the age of

4 RB - Immigration and Refugee Board of Canada: Nigeria: Social attitudes toward religious intermarriage; treatment of intermarried couples and their children by society and the authorities; protection and services available to intermarried couples [NGA104212.E], 19 November 2012 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/local_link/233221/341907_en.html (accessed 31 March 2016).

the child and a child will not ordinarily be detained with the mother. See the newspaper article by Business Day Online of 10 March 2016.

“According to Igbinedion, toddlers have become a common sight in Nigerian prisons because relations of many female inmates hardly bother to show up to check on them, as some female prisoners go to jail with their children if they are too young to be left alone and if there is nobody willing to take care of the child.

She further observed that many of the babies behind bars look unkempt and poorly fed, while many had died in jail for lack of adequate medical care.

The lawmaker stated that many female prisoners in Nigeria were allowed to carry their pregnancy in jail and nurse their babies in prisons, while some of the women who had their babies as young as two weeks old clutched to their chests when they were incarcerated”.⁵

In relation to malaria treatment there is the National Antimalarial Treatment Policy passed in 2005 by the Federal Ministry of Health which aims to cure the patient of the infection and thereby reduce morbidity and mortality and one element is that Insecticide treated nets and other materials should be available and accessible to persons at risk of malaria, particularly pregnant women and children under 5 years of age. The government has rolled out different programmes aimed at eliminating malaria. These include the National Malaria Elimination Programme. <http://www.nmcp.gov.ng/Who-We-Are>. This has seen them distribute mosquito nets nationwide. See their website for more information .

There is a programme called SuNMaP. It is a unique partnership Funded by UKaid/ Department for International Development (DFID), SuNMaP is strengthening the country's commitment to control and, one day, eliminate malaria with one common goal: a malaria free Nigeria. According to the SUNMAP Brochure “Malaria is a deadly disease which kills at least 300,000 Nigerian children every year”.

Additional Sources

See Nigeria Malaria Fact Sheet United States Embassy in Nigeria. On malaria and children in Nigeria <http://photos.state.gov/libraries/nigeria/231771/Public/December-MalariaFactSheet2.pdf>;

<http://article.sapub.org/10.5923.j.health.20150503.01.html>; and

<http://nigerianpilot.com/fighting-malaria-eradication-through-partnership/>.

9. COI Request- Educational and Social Support (09/15-030). Information on schools and social support available in Nigeria.

The response is comprehensive, detailed and accurate on education in Nigeria but does not speak a lot on social support available.

Paragraph 4 note that after J.S.S 3 students are divided into art, commercial or science class depending on their career aspiration, grades and sometimes wishes of their parents.

Some sort of social support is provided at the state levels through the Ministry of Women Affairs. There is also support provided by NGOs such as religious bodies and organisations working with children or vulnerable persons. The ability to access social support may also depend on location.

The Nigerian Government's 2014 report to the CEDAW Committee listed some organisations providing social support and what they do: Lagos state Government has a 156 bed shelter for women and children victims of GBV; National Agency for

⁵ Accessed at <http://businessdayonline.com/2016/03/nigerian-prison-reps-seek-adequate-feeding-of-children-born-by-inmates/> on 04/06/2016.

the Prohibition of Trafficking in Persons (NAPTIP) has eight (8) shelters across the country mainly for rescued victims of trafficking; Ekiti State Ministry of Women Affairs – Social Intervention Home Transition/temporary shelter for abused/displaced women; Abuja Federal Ministry of Women Affairs and Social Development has temporary shelter for abused women and victims of domestic violence; Kaduna State UNFPA/KD State Ministry of Women Affairs and Social Development Shelter – construction is at finishing stage; Osun State Ministry of Women Affairs – Temporary Shelter for battered women.⁶

Sources: The links provided to the 2 Thisday Newspaper articles are broken.

10. COI Request- Bakassi and nationality issues (11/15-042). Information on confirmation of the citizenship status of a Nigerian national born in the Bakassi region before the region was handed over to Cameroon. The subject was a recognised Nigerian national and entered the UK with a Nigerian passport. Does he now remain a citizen of Nigeria? Is there any evidence that Nigerian nationals from the Bakassi region are not considered as a national by the Nigerian state under the operation of its law?

The response is adequate and represents the current position on Nigerian nationals from the Bakassi region. They have not lost their Nigerian nationality and are still recognized as Nigerian citizens. See Premium Times Article "Buhari: No plan to challenge Cameroon's ownership of Bakassi Peninsula" July 29, 2015.

Annex A 4

Country Information and Guidance Nigeria: Gender-Based Discrimination/Harm/Violence Against Women

Prepared by

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April 2016

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OUTLINE

- 1. INTRODUCTION**
- 2. GENERAL COMMENTS**
- 3. SPECIFIC COMMENTS**
 - Applicable laws**
 - Structure**
 - Content**
 - Additional sources**

INTRODUCTION

Purpose of the Review

This review provides a commentary on the **Country Information and Guidance Nigeria: Gender-Based Discrimination/Harm/Violence Against Women** from August 2015 produced by the Home Office.

It gauges the accuracy of the information contained, with the objective of ensuring that it offers an up to date and comprehensive summary of the most relevant available source material reflecting the issues of Gender Based Discrimination/Harm/Violence against Women in Nigeria, and relating to the key issues raised in asylum claims made by Nigerian women relating to gender based discrimination/harm/violence against women. It evaluates the accuracy and relevance of the sources and provides alternative or more balanced sources of information. The aim is to have a document with adequate information which will aid decisions being taken on asylum claims.

This review has two sections: a section on general comments and the second on specific comments. I will be analysing the document using a framework as to the structure, content and additional sources.

GENERAL COMMENTS

STRUCTURE: The report is well structured and the lengths of the sections are acceptable.

CONTENT: The document is comprehensive in identifying issues affecting Nigerian women: rape, domestic violence, FGM, witchcraft, and forced marriage. However, it leaves out a number of key issues such as widowhood practices, sexual and reproductive rights, equal opportunities and women in conflict in light of the conflict which has been on going in northern Nigeria in the last 4 years. Nothing was mentioned of the abduction of the Chibok school girls and other women in the conflict. The data is largely correct and information is gotten from a wide variety of sources and is fairly recent. The information presented in the section on domestic violence is the most detailed and covers a broad range of issues. However, information in some sections is scanty like trafficking and freedom of movement.

SOURCES: There is no mention of information presented by Nigeria before international treaties bodies, although this can serve as a veritable source of the Government's position on various issues. For example the State's report to the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) and the 2014 report to the African Commission on Human and Peoples' Rights. Also where paragraphs are referred from reports, it is observed that the page number is missing in the citation, thus making it difficult to trace the paragraph in the original document.

NEW DEVELOPMENT: There has been an increase in instances where young girls and women are kidnapped, forced to convert to Islam and are married off. This raises not only the issue of forced marriage but the right to religion. See links below:

<http://www.vanguardngr.com/2016/03/the-ese-oruru-abduction-outrage/>;

<http://thenationonlineng.net/outrage-forces-eses-release/>; and

<http://www.thisdaylive.com/index.php/2016/03/13/northern-can-warns-against-abduction-forceful-conversion-of-christian-girls/>.

SPECIFIC COMMENTS

Women and girls – overview

4.1.1 - Note that the government of Nigeria also made commitments under the Beijing platform for Action and the Millennium Development Goals which have a large component that speaks directly of issues affecting women.

The last paragraph can be written as, "Following the 2015 elections, 14 women were elected to the House of Representatives members and 7 women were elected into the Senate.

4.1.2-The information on the number of women elected in the 2015 elections gotten obtained from the IPU Website is not accurate. See Daily Trust Article of 24 April 2015:

"...According to the Deputy Director Gender Division of the Independent National Electoral Commission (INEC) Mrs. Blessing Obidiegwu, 14 females were elected into the House of Representatives and eight women won as senators in the just concluded National Assembly election."¹

A lot of the discrimination faced by women in Nigeria is in fact and not necessary law, (de facto) practices that are not codified and thus harder to challenge, such as women not allowed to stand as surety for bail or requiring the consent of a person's husband in joining the police force, etc., or requiring the consent of the father of a child to obtain a passport for a child or take the child out of the country.

5 VIOLENCE AGAINST WOMEN

5.1.1 The legal context is very helpful as it sets the context within which women's rights can be realised in Nigeria. There have been recent developments which note should be taken. Many laws have been passed across different states in the country which protect various aspects of women's rights including domestic violence, harmful traditional practices, gender and equal opportunities, maternal health, laws prohibiting widowhood practices and FGM. Chief of these is the Violence Against Person Prohibition law which was passed in May 2015.

Ebonyi, Jigawa, Cross River, and Lagos were the only states to have enacted domestic violence laws... This is not entirely correct as at 2015 more states have now enacted a domestic violence/gender based violence or equal opportunity law such as the Ekiti State Gender-Based Violence (Prohibition) Law, 201.

5.1.2 *it is important to note that although the VAPP Act has been passed at the National level, its applicability is limited to the FCT Abuja and will not be directly applicable across the 36 states. For it to become a national law, it needs to be passed in 23 out of the 36 states of the Federation. Thus for states that are without a law having such colouration, women are still without any protection and can seek no redress in instances of violations.*²

5.2 Shari'ah Law: *The section on shariah law adequately reflects the position of the law and practise of sharia law in relation to women and is extremely balanced, noting that it is not all doom and gloom and sentences are rarely carried out. There have been instances where sentences of women accused of adultery have been overturned. See the Safiya case 2002 and Hajara Ibrahim, 2004 <http://www.panapress.com/Nigerian-court-overturns-Sharia-death-sentence-on-pregnant-woman--13-557526-18-lang1-index.html>. An article on the website of the Wilson Centre titled **Women, Muslim Laws and Human Rights in Nigeria gives a clear picture of the relationship between women and Sharia Law in Nigeria. In response to the question** "What does the implementation of Shari'a law in Nigeria mean for women's position and contributions to development in*

¹ How women performed in the 2015 general elections. <http://www.dailytrust.com.ng/news/home-front/how-women-performed-in-the-2015-general-elections/74832.html> accessed on 04/06/2016.

² See Section 46 VAPP LAW.

that nation?" In the Sharia courts over the past twenty to thirty years, the Sharia courts have increasingly recognized and upheld women's rights to inherit (especially to inherit land), to divorce on demand (often without, or with only token payments), to custody of their children, to being able to hold their children's property in trust, against forced marriages, and so on. The provisions of the Penal Codes are generally gender-neutral. However there are some exceptions – with the exceptions generally being in favour of men. As in the 1960 ('secular') Penal Code, the Sharia Penal Codes continue to permit husbands to beat wives. Nor do they recognise marital rape (which is not recognised in general secular law in Nigeria either). Some of the Penal Codes (Niger, Kano, and Birnin Kebbi states) specify that men's testimony will be worth more than that of women. The diya (monetary compensation in cases of hurt, if the victim or his/her family are willing to accept this instead of the stated punishment) to be paid for Muslim men is higher than that of Muslim women (or non-Muslims), although qisas (retaliatory punishment) can be applied regardless of gender. In one instance, men are subject to harsher punishments than women – in Kano State, never married men convicted of zina may not only be lashed but also subject to one year's imprisonment (never-married women would liable for lashing only).

In the Sharia Penal Codes, rape is treated as a form of zina – illicit sexual intercourse. Reporting rape is thus equivalent to confessing to zina. In the most probable situation of lack of two witnesses or a confession from the rapist, rape would be hard to prove, and so women would find themselves not only subject to zina punishments, but also liable for false witness in addition. Thus, the new Sharia Penal Codes deprive women of protection from rape and sexual assaults.

The Sharia acts also include general provisions that other issues of "Islamic law' even if not mentioned shall be law. It is possible that this might include the revival of issues such as ijbar (a fathers' right to arrange first marriages of 'virgin' daughters – which the Sharia courts have been finding ways of discouraging over the past few decades). Quite apart from the texts of the laws, there has been discriminatory implementation and improper procedures that vitiate women's rights in particular. By postulating that pregnancy outside marriage is evidence of zina (a minority position in Sharia which is not held by the Hanafi, Hanbali and Shafi schools, nor a variant of the Maliki school), women have been held to a different standard of evidence than have men 1. Non-married women are required to provide evidence to prove their innocence, but men are not. If the prosecution does not provide independent evidence, such as four eye-witnesses, men can simply walk away, unlike women. And yet, the Qu'ran specifies that whoever brings an allegation of zina without four witnesses, be they male or female, will themselves be guilty of bearing false witness and subject to punishment. More women than men have been both charged and convicted of zina. Women who ought not to even have been charged, have been convicted of zina and sentenced to death, by ignoring the well-established Maliki doctrine of the "sleeping embryo" (kwantace in Hausa), whereby a child born to a woman within a set period after the end of her marriage (in some areas up to seven years), is assumed to be the child of that marriage. Women have also been accused and convicted of zina as prostitutes, for instance, with neither confession nor the testimony of four witnesses to a willing act of sexual intercourse, nor even pregnancy, for evidence. This is having serious consequences for women's reproductive rights. For instance, sex education is being removed from school curricula. Attempts have been made to prevent non-governmental organizations from running sexuality education workshops (on family planning and reproductive health care, for example). The father's right to control the marriage of a never-married daughter (ijbar) is being re-asserted, and child marriage is being advocated again."³

3 By [Ayesha Imam](https://www.wilsoncenter.org/publication/women-muslim-laws-and-human-rights-nigeria) Accessed on <https://www.wilsoncenter.org/publication/women-muslim-laws-and-human-rights-nigeria>.

5.3 Prevalence of violence against women

The data presented may be challenged especially if it does not seem to come from any referenced research like the CLEEN Foundation research in the earlier paragraph. Also it is important to note that the VAPP law passed in May 2015 addresses sexual assault and states that: "There is also a sexual assault bill which is still at the National Assembly."

5.4. It is important to note the legal and policy environment applicable to rape. At the federal level the VAPP law prohibits rape. It carries a punishment upon conviction of life imprisonment. The VAPP law however makes provisions for where offenders are below 14 years and stipulates a maximum of 14 years.⁴ The VAPP law provides a minimum of 20 years imprisonment for the offence of gang rape. Note there is no governmental office tasked with addressing sexual harassment.

Other state laws prohibit rape and prescribe penalties such as the Child Rights Laws passed in 23 states out of 36; Cross Rivers State Law to Prohibit Domestic Violence against Women and Maltreatment. No. 10 of 2004; Ebonyi State Domestic Violence and Related Matters Law, Law No 003 of 2005; Ekiti State Gender-Based Violence (Prohibition) Law, 2011 and Lagos State Protection Against Domestic Violence Law 2007. On Monday December 1st 2015 the Lagos State Governor signed an Executive Order establishing a Sex Offenders' Register in the State. The major aim of the monitoring programme and the mandated reporting policy is to reduce repeat cases by providing names and personal details of convicted sex offenders in the State in a central database.⁵

On rape convictions see Premium Times Newspaper Article of 22 November 2014, INVESTIGATION: Inside Nigeria's growing rape epidemic.⁶

5.4.3 The information in this paragraph is very true and summarises the whole issue. However, the position here is slowly changing due to increased information/awareness of what constitutes rape and the power of social media and more reports of rape are coming out especially against minors.

5.5 DOMESTIC VIOLENCE

5.5.1. It is advised that the first paragraph should be the applicable framework to Domestic Violence: The VAPP law prohibits a range of acts in both public and private spheres. States have enacted laws against domestic violence including Lagos, Ebonyi, Cross-river and Osun States. A number of states have the bills at the house of assembly e.g Ogun State. The various domestic violence legislations protect women in unmarried intimate relationships and recognize sexual, emotional, physical and financial abuse as components of domestic violence.

5.5.2 For further information on spousal rape in Nigeria, see the Leadership Newspaper article of October 25 2014 Marital Rape: Who Will Push The Cause Of Victims?⁷

5.5.3 .This paragraph is absolutely spot on in reflecting the issue of domestic violence and the changing societal attitudes which has led to increased awareness and reporting. The Courts have also recorded a higher number of rape cases for prosecution.

The statement "Despite the changing attitudes, many cases of domestic assault are still not persecuted (sic). Only cases of murder and grievous bodily harm get charged to

4 Section 1(2)a VAPP Law 2015.

5 Establishment of Sex Offenders Register in Lagos <https://www.britishcouncil.org/about/press/establishment-sex-offenders-register-lagos>.

6 Accessed at <http://www.premiumtimesng.com/news/171717-investigation-inside-nigerias-growing-rape-epidemic.html>.

7 <http://leadership.ng/news/388170/marital-rape-will-push-cause-victims>.

court."This statement is correct as although the cases may be domestic violence cases, but even when a person is found guilty, it may be for murder or grievous bodily harm and not domestic violence.

5.6 FGM.

Legal Framework: There is a National Policy on Female Genital Mutilation (October 2000) and a National Strategic Plan of Action as a multi-sectoral approach to eliminate Female genital Mutilation; Bayelsa State, The Female Genital (Prohibition) Law, 2000; Cross River State Law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation in, 2009; Edo State Female Circumcision and Genital Mutilation (Prohibition) Law No.4 of 1999; Cross River State law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation in Cross River State, 2000; Rivers State Abolition of Female Circumcision Law, No. 2 of 2000. According to the CEDAW Report "Over the years government has intensified efforts towards the prohibition of female genital mutilation with a view to eliminate this harmful practice. Awareness raising activities including campaigns have been carried out by key stakeholders. Although at present there is no legislation at the federal level prohibiting FGM, but there are extant laws in 26 states (see Table 2.1 above). In effect, over two-third of the country have laws in place to protect the rights of women against any form of violence."⁸

The information provided in the section on FGM is detailed and precise, however it does not include information on consequences of refusal to undergo FGM which may include banning the female/her family, kidnapping ,discrimination and forced performance of the act among others.

5.7 WITCHCRAFT

There is not much information on this although it is a largely known fact. However due to its mystic nature even news houses may be hesitant to report it and it is not something that can be reported at the police station.

There is the increasing phenomenon of witch children especially in south east Nigeria. See links below

http://www.huffingtonpost.com/tihomir-kukuljica/witch-children-in-nigeria_b_5149931.html; and

Cases of children accused of 'witchcraft' rising in parts of West and Central Africa http://www.unicef.org/protection/nigeria_55301.html.

5.8 FORCED MARRIAGE:

Legal framework

23 States out of 36 have passed the Child's Rights Law which prohibits child marriage. Cross River State Law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation in, 2009.

The information provided in this section is adequate as it summarises the issues of child marriage and the conflict and complexities it entails, which has made it difficult for it to be addressed. The lack of clarity has created a fertile breeding ground for such acts to continue as no clear position has been taken by the government. It is all shrouded in religious/cultural sentiments thus making it difficult to get justice for such violations.

5.8.8 states that "For information about the treatment of women by Boko Haram including abduction, forced marriage, forced conversion, forced recruitment and sexual abuse" However, it is still pertinent that there be a paragraph on women in conflict as there are also ongoing ethnic and resource control conflicts in other parts of Nigeria and the Boko Haram conflict is a different context and presents different challenges from the above.

For example, according to the article The Travail of Women in the Crises in the Niger Delta Area by Emmanuel Osewe Akubor "In situation of crises, women bear the brunt of the problems arising from such crises. Apart from this, they (women) constitute about 70% of those who are poor in the world, in the developing world they are the poorest. In the Niger Delta, the situation is not different, as the women suffer both the confiscation of their agricultural land by the government and multinationals on the one hand, and rape and other assault by oil workers and soldiers on the other hand. They are also denied access to the oil wealth as well as remain the most vulnerable group to production of oil that has caused environmental crisis."⁹

6. Police responses to violence against women

This section should be titled "**The Criminal Justice System's Response to Women**" as it should reflect the attitudes of a broader range of criminal justice actors including the police as well as the courts to violence against women.

The section does not state the important fact that the police lack the adequate resources and capacity to be able to investigate cases of gender based violence such as rape. In an instance where forensic evidence cannot be adequately collected and kept, It is difficult to conduct a proper investigation into how much more to prosecute the accused.

There should also be a paragraph on support provided by government to victims of domestic violence. This include shelters and rehabilitation as well as hotline services. The Nigerian Government's 2014 report to the CEDAW Committee listed the government shelters across various states. Lagos state Government, a 156-bed shelter for women and children victims of gender based violence; National Agency for the Prohibition of Trafficking in Persons (NAPTIP), eight (8) shelters across the country mainly for rescued victims of trafficking, Ekiti State Ministry of Women Affairs - Social Intervention Home Transition, temporary shelter for abused/displaced women ,Abuja Federal Ministry of Women Affairs and Social Development, temporary shelter for abused women and victims of domestic violence, Kaduna State UNFPA/KD State Ministry of Women Affairs and Social Development, shelter construction is at finishing stage, Osun State Ministry of Women Affairs, temporary Shelter for battered women.¹⁰

The Nigerian Government's 2014 report to the CEDAW Committee lists a number of non-governmental organisations providing assistance to victims of gender based violence and trafficking.¹¹

It is important to note that organistions providing support may be limited by funds thus restricting the quality and quantity of support they can provide. Some shelters have rules where children cannot come in with their mother who has been a victim of domestic violence.

TRAFFICKING

The section on trafficking is too brief and scanty. I have suggested additional information to give a clearer idea of the problem and its impact on women.

The government passed the **Trafficking in Persons** (Prohibition) Enforcement and Administration. **Act,2015** which criminalises trafficking and establishes a transit shelter for victims of trafficking and provides a right to compensation/restitution.¹²

⁹ EO Akubor - 2011 "The Travail of Women in the Crises in the Niger Delta Area" accessed at <http://www.krepublishers.com/02-Journals/T-Anth/Anth-13-0-000-11-Web/Anth-13-1-000-11-Abst-Pdf/Anth-13-1-027-11-636-Akubor-E-O/Anth-13-1-027-11-636-Akubor-E-O-Tt.pdf>.

¹⁰ Page 19.

¹¹ See page 18 above.

¹² See Section 65 and 66 **Trafficking in Persons** (Prohibition) Enforcement and Administration. **Act,2015** accessed at <http://www.naptip.gov.ng/docs/GAZETTE%2020001.pdf>.

The website of the National agency for Trafficking in Persons (NAPTIP) an agency established by the **Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003** contains a lot of relevant information. The 2015 analysis from NAPTIP (The) "Out of the 570 cases reported, Two Hundred and Three (203) cases, representing 35.6% of the number were successfully investigated. The highest number of cases reported came from External trafficking for sexual exploitation, with 145 (25.4%), Child Labour, with 127 (22.3%), and Child Abuse, with 82 (14.4%) of the cases. The least reported cases came from Nigerians deported as illegal migrants, with 1 (0.2%), Forced Marriage, with 5 (0.9%), and Internal trafficking for sexual exploitation, with 15 (2.6%) cases." Rescue agencies included NAPTIP, Nigerian immigration, police, foreign police, Nigerian .police, Federal Ministry of women affairs etc.¹³

The Government has taken some steps to combat human trafficking. At the National level, the Child Right Act (CRA) under Section 30(2) (b) provides that 'a child shall not be used as a slave, or for practices similar to slavery such as trafficking of the child, debt bondage etc.' Sections 223-225 of the Criminal Code, applicable in Southern Nigeria, and Articles 278-280 of the Penal Code, applicable in Northern Nigeria provide for sanctions against human trafficking. Section 34 of the 1999 Constitution prohibits slavery and forced labour. Further, Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 prohibits trafficking in human persons and provides for the rehabilitation of victims of trafficking. In line with this Act, Nigeria established the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) in August 2003."¹⁴

FREEDOM OF MOVEMENT

Section 41 of the 1999 Nigerian Constitution guarantees the right to freedom of movement subject to the constitutional limitations relating to measures that are reasonably justifiable in a democratic society.

The information in this section is short but very balanced.

¹³ Nigeria CEDAW Combined seventh and eighth periodic report of States CEDAW/C/NGA/7-8 Page 28.

¹⁴ Ibid.

Annex A 5

Review of the UK Home Office Country Information and Guidance - Ukraine: Fear of Organized Criminal Gangs (November 2015)

Prepared for the Chief Inspector of Borders and Immigration & the Independent
Advisory Group on Country Information (IAGCI)

April 2016

By Oksana Matiash

Background of the reviewer

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1. Introduction

This Review considers the question of whether the *Country Information and Guidance (CIG) for Ukraine: Fear of organized criminal gangs* produced by the Home Office in November 2015 is accurate, balanced, relevant and up to date as much as possible. The Review is a commentary on the Report, which also examines responses to individual Country of Information (COI) requests. It is commissioned by the Independent Advisory Group on Country Information, and is therefore drafted in line with instructions received through the IAGCI Chair, Dr Laura Hammond.

1.1. Purpose of the Review

This Review is aimed at assessing the November 2015 COI Report on Ukraine ('Report') in terms of its accuracy and balance, with the objective of ensuring that it offers an up to date and comprehensive summary of the most relevant available source material reflecting the human rights situation in Ukraine, and relating to the key issues raised in asylum claims made by Ukrainian nationals.

The Review is based upon analysis of all of the sources and information cited in November 2015 Report on Ukraine. Further widely available sources on Ukraine were identified. Searches were also made for additional information that may be a useful addition to future COI reports on Ukraine or should have been included into the November 2015 report to make it more up to date and accurate.

1.2. Organisation of the Review

The Review is organised in three main sections. Section 2 concerns general issues about the Report, relating to the way the Report is presented, written and referenced, rather than to the information contained within the Report. Section 3 concerns specific issues raised within sections of the Report, relating more to the information contained in the Report. Additionally, the Review contains Section 4, dealing with the COI Requests.

2. General issues and recommendations

2.1. Structure and substance

The COI report on Ukraine from November 2015 was checked for errors, omissions, inconsistencies and its structure. Generally, both structure and substance of the report are extremely effective, providing well referenced and balanced information and covering most issues. However, some suggestions can be included to improve its content.

i. Range of sources

The Report mostly consists of excerpts from a wide range of relevant reports, press sources and other documentation that have been appropriately and accurately reflected in the document. At the same time, it lacks references to and citations from applicable laws that are of a great importance (especially for the sections 4 and 5 titles ‘Legal position’ and ‘Law enforcement’ respectively).

Given the above, extracts from the original legal texts and academic sources could assist in better understanding the context of the information provided by the Report. To improve its content, the Report may be alternated and/or complemented with the Ukrainian sources that are more authoritative on the basis of the topic under consideration.

ii. Relevance of information

Some sections of the Report very much need to include more up to date information that was not available at the time of publication of the Report. Especially, this concerns subsections ‘Government initiatives’ and ‘Corruption’ where references are made to law initiatives and bills, some of which have already been enacted. More recent and relevant, easily accessible information available online was suggested for replacing sources that are more than two years old.

Additional subsections have been suggested for inclusion to emphasise issues not currently addressed in the COI Report, for example, subsection 3.6 ‘Weapons smuggling’. Most suggestions concern additional sources detailing the current situation with the organised crime in Ukraine.

iii. Typos, errors and omissions

First, in some parts, the Report lacks unanimity in spelling words. For example, on p. 4 in Guidance one can notice use of the word ‘see’ in two ways: ‘see’ and ‘See’. Such cases shall be avoided for the purpose of ensuring solid substance of the Report.

Second, section numbers in the Contents of the Report appeared to be incorrect due to the mistake with the Report’s part in Policy Summary (*more on that below*).

2.2. Comments on Guidance

First, Contents of the Report and its Guidance contain Section 1 titled ‘Introduction’, which should have had two main parts: 1.1 Basis of Claim and 1.2 Other

Points to Note. However, there is no such section in the Report and there are no hyperlinks to its parts. **Therefore, relevant information outlining the substance of Section 1 of the Report, as well as hyperlinks should be added.**

Second, Contents do not include Policy Summary, which forms Section 3 of the Report, thereby creating problems with the general numbering in the Report. **It is necessary to insert Policy Summary into the Contents as Section 3 and change the subsection and paragraph numbers respectively. This will avoid any misunderstanding with the section numbers and paragraph numbers.**

On paragraph 2.3.1:

First, the paragraph says that “The overall presence of traditional organised crime groups in Ukraine is declining rapidly (see Trends of Organised Crime)”. Neither this nor further sentences in the paragraph provide the reader with an information on what criminal gangs shall be understood as traditional organised crime groups. The same concerns cross-reference to point 6.3.1, which does not specify the notion of traditional organised crime groups in Ukraine as well. This creates difficulties for the reader in perceiving such information, especially when he or she does not have an appropriate knowledge background. Therefore, **it is recommended either to remove word “traditional” or to add additional sentence into this paragraph specifying what criminal gangs can be considered as traditional in Ukraine.**

Second, paragraph 2.3.1 also states that “Ukrainian organised crime is mostly involved in human trafficking, drug trafficking, cyber crime, corporate raiding and smuggling of products to the European Union.” Given the current situation in the country (see [Ukraine: Crimea, Donetsk and Luhansk](#)), some types of organised criminal activities in Ukraine shall be specified here. In particular, this refers to the weapons smuggling¹ (more on this in subsection 3.6).

Therefore, it is recommended to paraphrase the sentence as follows:

“Ukrainian organised crime ~~is~~ **has** mostly **been** involved in human trafficking, drug trafficking, cyber crime, corporate raiding and smuggling of products to the European Union. **Smuggling of weapons is spinning up.**”²

On paragraph 2.3.2:

Given that organised criminal gangs have not stopped their activities in Crimea and the eastern Ukraine, ‘operated’ shall be changed into ‘operate’. Also, ‘prov-

¹ Tom Porter, Weapon smuggling following Ukraine war arming organised crime and terrorists in western Europe. <http://www.ibtimes.co.uk/poland-weapon-smuggling-following-ukraine-war-arming-organised-crime-terrorists-western-europe-1533683> Date accessed: 02 April 2016.

ince' shall be replaced by 'region', since the latter word gives a correct understanding of administrative structure of Ukraine and is used in country information and guidance on [Ukraine: Crimea, Donetsk and Luhansk](#).

Therefore, it is recommended that para 2.3.2 reads as follows:

“Most organised criminal gangs uncovered by the authorities operated in Crimea and the eastern ~~provinces~~ **regions** of Donetsk and Luhansk, and also in the bordering south-eastern ~~province~~ **region** of Zaporizhia and Odessa ~~province~~ **region** on the northern coast of the Black Sea (see Law enforcement). See also country information and guidance on [Ukraine: Crimea, Donetsk and Luhansk](#).”

On paragraph 2.3.3:

This paragraph states that “Contract killings continue to take place in low numbers (less than 20 per year)...”. The source of this data is the Organized Crime Observatory’s April 2015 report, which gives an information on the number of contract killings at the latest from 2012. Thereby, it is not recommended to put the data into Report collected 4 years ago. **Here, it is suggested either to remove ‘(less than 20 per year)’ or specify a year:**

“Contract killings continue to take place in low numbers ~~(less than 20 per year)...~~” or “Contract killings continue to take place in low numbers (less than 20 ~~per year~~ **in 2012**)...”.

However, to avoid misunderstanding, the first suggestion seems to be more relevant.

On paragraph 2.4.1:

Ukrainian Government has already restructured the work of agencies responsible for preventing and fighting organised crime and took relevant measures as a part of the reform (more on that in section ‘Legal position’), **so that para. 2.4.1. is recommended to be paraphrased as follows:**

“Ukraine has specific laws against organised crime (see [Law on organised crime](#)) and ~~is~~ **has** restructured the work of agencies responsible for preventing and fighting organised crime. The reform provides, amongst other things, for the establishment of an additional body in the fight against organised crime, the State Bureau of Investigation ~~-while the Security Service retain the operational and pre-trial investigative powers to fight organised crime~~ (see Government initiatives).”

On paragraph 2.4.4:

Some sources (more on that in section 8 ‘Corruption’) indicate that corruption still remains a problem for Ukraine. **Given the above, it is suggested to slightly change the following sentence of para.2.4.4:**

“Corruption has ~~in the past~~ been a serious problem in Ukraine.”

3. Specific comments by sections

3.1. Subsection 4.1 Nature of organised crime

On paragraph 4.1.1:

Although, the information provided in this paragraph by the Immigration and Refugee Board of Canada in 2012 is a reliable source, however **it is recommended in the next update of the report to remove such old sources in order to streamline the report.** It is presumed that older information may be included where more recent information is not available. Given that the April 2015 report of the Organized Crime Observatory provides the reader with the main areas of organised criminal activity, it is suggested to remove paragraph 4.1.1 which refers to the 2012 information given by the Immigration and Refugee Board of Canada.

Instead, it seems more relevant to include into subsection 4.1 extracts from other sources available at the date of publication of the Report, that can give a reader better understanding of the recent situation with organised crime in Ukraine, especially in its eastern part.

Suggested extracts and sources:

- “In the first decade of Ukrainian independence, the Donbas had the highest level of criminal activity in all of Ukraine. Between 1990 and 1993, total crime in the Donetsk region increased by 50 percent. In 1991 alone, the Donetsk police department fingered 2,186 criminal groups, which at that time had committed over 4,000 alleged crimes, including 33 murders, 212 robberies, 173 cases of extortion, and so on. Since 1991, the number of organized criminal groups identified by law enforcement agencies has increased steadily.” – Piotr H. Kosicki and Oksana Nesterenko, *Eastern Ukraine Has Been a Mafia State for Years. Can Kiev Break the Cycle of Violence?*, 5 June 2014, available at: <https://newrepublic.com/article/118010/eastern-ukraine-mafia-state-can-kiev-impose-rule-law>.

- “Organized crime has been intricately involved in the Ukraine crisis from the very beginning. From the start, local gangsters have been at the center of the violence and the money. Moreover, organized crime groups are also looking to profit off Russian development funds flowing into Crimea through both fraud and embezzlement. This year alone, the funds coming in could amount to \$4.5 billion. What’s more, organized crime groups around the world also stand to gain from the chaotic situation.” - John Haltiwanger, How The Ukraine Conflict Is Extremely Profitable For Gangsters, 11 November 2014, available at <http://elitedaily.com/news/politics/ukraine-conflict-making-organized-crime-rich/843687/>.

On paragraph 4.1.4:

It is highly recommended to remove the following extract due to the unreliable character³ of information it presents:

~~“What has to be borne in mind here is that is that [sic] it is not only with Russia that many of these Ukrainian mobsters have become aligned. Some too have found common cause with the country’s extreme right that played its part in the “Euro-maidan” protests in Kiev and recent fighting on the frontlines of eastern Ukraine. Oleksandr Muzychko, the Nationalist Right Sector leader, who was killed in a gun battle with security forces in Ukraine last March [2014], was wanted for membership of an organised crime gang...”~~

3.2. Subsection 4.2 Contract killing

This subsection is exclusively based on extracts from the Organized Crime Observatory’s April 2015 report, which provides a relatively outdated information of 2012. It is necessary to update this part with the recent information related to contract killings in Ukraine.

It is suggested to supplement subsection 4.2 with the following paragraph 4.2.2:

“4.2.2. Recent examples of contract killings in Ukraine include politicians, journalists and businessmen with the links to politics. For example, Oles Buzyna, former editor-in-chief of the daily newspaper Segodnya, known for his pro-Russian views and his criticism of President Petro Poroshenko’s government, was shot and killed on April 16, 2015. On April 17, the Kyiv police chief told media that the police suspected that Buzyna’s murder was a contract killing. The day before Buzyna’s

³ According to Ukrainian sources, Oleksandr Muzychko was not a Nationalist Rights Sector leader, but a coordinator of its Western Ukrainian branch. Moreover, facts of his death (whether this was or wasn’t a gun battle with the security forces) have not been established yet.

murder, Oleg Kalashnikov, a former member of parliament from Yanukovich's Party of Regions, was shot dead outside the door to his apartment in Kiev."⁴

Also, section 4.2 can be amended using information published on 3 April 2015 by Consortiumnews.com, the first investigative news magazine on the Internet. In the article titled 'Mysterious Deaths in Ukraine', the following was reported:

Jan. 29: Former Chairman of the local government of the Kharkov region, Alexey Kolesnik, hanged himself.

Feb. 24: Stanislav Melnik, a member of the opposition party (Partia Regionov), shot himself.

Feb. 25: The Mayor of Melitopol, Sergey Valter, hanged himself a few hours before his trial.

Feb. 26: Alexander Bordiuga, deputy director of the Melitopol police, was found dead in his garage.

Feb. 26: Alexander Peklushenko, former member of the Ukrainian parliament, and former mayor of Zaporizhia, was found shot to death.

Feb. 28: Mikhail Chechetov, former member of parliament, member of the opposition party (Partia Regionov), "fell" from the window of his 17th floor apartment in Kiev.

March 14: The 32-year-old prosecutor in Odessa, Sergey Melnichuk, "fell" to his death from the 9th floor.⁵

3.3. Sub-section 4.3 Link with politics

On paragraph 4.3.1:

This section begins with the extract from the April 2015 Organized Crime Observatory's report, providing information on the historical context, which actually repeats what has been stated earlier. **Therefore, it is suggested to remove the following paragraph and avoid duplication:**

~~"On the surface, today's Ukraine has moved past the rule of organized crime groups and the highly publicized contract killings of the lawless 1990s. But the small group of individuals who own much of Ukraine's wealth today almost all got their start in this lawless era, and most of them amassed their early fortunes through illicit activities, alliances with organized crime groups, and theft of state assets...Over time, the tools of economic capture have become more sophisticat-~~

⁴ Human Rights Watch, Ukraine: Pro-Russian Journalist Shot Dead in Kiev <https://www.hrw.org/news/2015/04/18/ukraine-pro-russian-journalist-shot-dead-kyiv> Date accessed: 11 April 2016.

⁵ Mysterious Deaths in Ukraine <https://consortiumnews.com/2015/04/03/mysterious-deaths-in-ukraine/> accessed 4 April 2016.

~~ed: instead of armed gangs, we see lawyers and notaries creating fraudulent ownership claims and falsified proxy battles, using multiple layers of shell companies served by off-shore banks. Still, the threat of violence underlies much of the corporate raiding that continues today, even if it has receded into the background. And self-enrichment remains the primary goal for many who serve in Ukraine's Parliament and at the highest levels of government, for whom conflicts of interest represent business opportunities, rather than moral dilemmas.²²~~

Instead, additional paragraph 4.3.3 may be added, using the following source:

“Eastern Ukraine has long been ruled by a nexus of political power, business interests, and criminal groups. An important power figure before the war was Ukrainian businessman Rinat Akhmetov, who enjoyed greater authority than many local governors or law enforcement officials. After the conflict erupted, corrupt local institutions collapsed as prewar officials and business leaders fled west or threw in their lot with separatists, leaving the separatist-held territories to devolve into lawlessness.”⁶

3.4. Subsection 4.4 Illicit drugs

On paragraph 4.4.2

Given that this paragraph is based on information from The US Department of State's 2015 International Narcotics Control Strategy Report, dated 18 March, **it is necessary to update it with the extracts from the 2016 Report.**

Therefore, paragraph 4.4.2 shall be read as follows:

“The US Department of State's 2016 International Narcotics Control Strategy Report published in March 2016, stated:

“Although Ukraine is not a major drug producing country, its location astride several important drug trafficking routes into Western Europe leaves it vulnerable as an important transit country. Ukraine's numerous ports on the Black and Azov Seas, its extensive river routes, and its porous northern and eastern borders make Ukraine an attractive route for drug traffickers into the European Union's (EU) illegal drug market.

Heroin from Afghanistan is trafficked through Russia, the Caucasus, and Turkey, before passing through Ukraine. Cocaine originating from South America is moved through Ukrainian seaports and airports for both domestic use and further transit to EU countries. Ukrainian law enforcement occasionally interdicts large shipments of drugs in commercial shipping transiting southern ports. In June

⁶ Paul Stronski, Broken Ukraine The Mess Isn't All Russia's Fault, 17 March 2015 <https://www.foreignaffairs.com/articles/eastern-europe-caucasus/2015-03-17/broken-ukraine>.

2015, a record 500 kilogram shipment of heroin was seized in transit arriving from Turkey through Illichivsk near Odesa, en route to Western Europe. More commonly, drugs are found in small quantities, ranging from several grams to several hundred grams. Russian aggression in eastern Ukraine, including arming, training, and fighting alongside separatists, has created a new vulnerability that could lead to increased drug transit through the region.

The use of synthetic drugs and psychotropic substances, especially amphetamines, has been rapidly increasing in Ukraine over the past decade, in line with international trends. Synthetic drugs are trafficked to Ukraine primarily from Poland, Lithuania, and the Netherlands, but they are also produced locally in small clandestine labs.

Most domestic drug abuse, however, continues to be focused on drugs made from illicit drug crops (cannabis and opium poppy) grown in the region. These account for more than 90 percent of the total drug market in Ukraine. In most instances, these drugs are either locally produced or supplied from Russia and Moldova.

The number of registered drug addicts was 68,220 as of May 2015. However, various experts estimate the actual total number of people with substance use disorders in Ukraine could be as high as 500,000.”⁷

3.5. Subsection 4.5 Human trafficking

In this section the Report refers to country information and guidance on Ukraine: Women fearing gender based violence. **However, the relevant hyperlink is not provided. It is necessary to insert it.**

3.6. Subsection 4.6 Smuggling of products

Given the recent publications on organised criminal activities in Ukraine, **it is recommended to include into Report the new sub-section 4.6 on smuggling of products, and therefore, make relevant amendments into the contents of the Report.**

It is suggested that Section 4.6 would be as follows:

4.6 Smuggling of products

4.6.1 An article in The Elite Daily published in November 2014 stated: “Odesa, one of Ukraine’s largest cities, has been a well known hub of smuggling for many years. In fact, one might characterise it as the heart of global trafficking for Russian organized crime. Drugs, guns and people are among the numerous illicit commodities brought through Odessa from all over the world.”

Mark Galeotti, a leading expert in transnational crime and Professor

⁷ US Department of State. 2016 International Narcotics Control Strategy Report; Volume I; Ukraine, dated March 2016. <http://www.state.gov/documents/organization/253655.pdf> Date accessed: 04 April 2016.

of Global Affairs at New York University explains that “these days, the Ukrainian port of Odessa is the smugglers’ haven of choice on the Black Sea. There’s Afghan heroin coming through Russia and heading into Western Europe through Romania and Bulgaria, stolen cars coming north from Turkey, unlicensed Kalashnikovs heading into the Mediterranean, Moldovan women being trafficked into the Middle East, and a whole range of criminal commodities head out of Odessa Maritime Trade Port, along with its satellite facilities of Illichivsk and southern ports. Routes head both ways, though, and increasingly there is an inward flow of global illicit goods: Latin American cocaine (either for retransfer by sea or else to be trucked into Russia or Central Europe), women trafficked from Africa, even guns heading to the war zone.”⁸

4.6.2 IB Times published in January 2016 the following:

“Since fighting broke out between pro-Moscow and Ukrainian government forces in May 2014, thousands of weapons, including high-powered Kalashnikov assault rifles, rocket launchers, and grenades, have entered the hands of rival militias, and seeped into the country’s black market.

Violence in east Ukraine between government forces and pro-Moscow militias has been sporadic since September. Under the terms of the recent Minsk ceasefire agreement, officials from the European Council for Security and Co-operation in Europe have begun overseeing the withdrawal of heavy weapons from the front line in Donetsk and Donbass. However, no efforts are being made by the agency to restrict the flow of small arms, and Ukrainian authorities claim that the smuggling of Russian weapons into the country continues unabated, though Moscow has long denied allegations of involvement.”⁹

3.7. Subsection 5.1 Law on organized crime

This section contains only a hyperlink to the Law of Ukraine on the organizational and legal foundations of struggle against corruption and organized crime.

First, the correct title of the law should be:

“Law of Ukraine on the organizational and legal foundations of struggle against ~~corruption and~~ organized crime”.

⁸ Mark Galeotti, How the Invasion of Ukraine Is Shaking Up the Global Crime Scene, 6 November 2014. <http://www.vice.com/read/how-the-invasion-of-ukraine-is-shaking-up-the-global-crime-scene-1106> Date accessed: 03 April 2016.

⁹ Tom Porter, Poland: Weapon smuggling following Ukraine war arming organised crime and terrorists in western Europe, 25 January 2016 <http://www.ibtimes.co.uk/poland-weapon-smuggling-following-ukraine-war-arming-organised-crime-terrorists-western-europe-1533683>.

Second, Ukraine's legal framework on fighting against organised crime is much more extensive than this one law. **Therefore, it is recommended to supplement paragraph 5.1.1 as follows:**

“Ukraine has a comprehensive legislation on the fight against organised crime, which is based on the Constitution of Ukraine and includes the Law of Ukraine on the organizational and legal foundations of struggle against organized crime, Criminal and Criminal Procedure Codes of Ukraine, Laws of Ukraine On Operative and Investigative Activities, On the National Police of Ukraine, On the Security Service of Ukraine, On Prosecution, On State Bureau of Investigation etc.”

3.8. Sub-section 4.2 Government Initiatives

On paragraph 5.2.2:

This paragraph is based on the May 2015 European Commission's report. Since that time, European Commission published its new report in December 2015 that shall be cited instead of an old one. Thereby, paragraph 5.2.2 shall be read as follows:

“In December 2015, the European Commission reported that:

On 26 May 2015 the President of Ukraine approved the National Security Strategy, which aims at defining the overall vision and direction of the reform process. The Strategy is a good step forward.

The complex reform process of the Ministry of Internal Affairs and the agencies responsible for preventing organised crime is ongoing. The authorities aim to establish competences of the law-enforcement agencies' remits clearly, including a clear chain of responsibility for the investigation and prosecution. Key elements of the reform, such as clear jurisdiction and preventing functions overlapping in the fight against organised crime should be further followed-up.

The Ukrainian authorities undertake efforts to **reduce the pre-trial investigative powers** of the Security Service for intelligence and counterintelligence. On 21 November 2015, the President signed the law aimed at the optimising law-enforcement powers in pre-trial investigation. The competence on the **pre-investigative powers** of illegal smuggling was transferred from the Security Service to the Ministry of Interior. The **specialisation of judges and prosecution** for organised crime cases has been further considered.

To ensure effective witness protection, the Ukrainian authorities will consider the allocation of resources for the next budgetary period. A new procedure for cooperation on witness protection issues and consistent application of witness protection orders is envisaged.

The preventing and fighting organised crime benchmark is deemed to have been achieved.”¹⁰

On paragraphs 5.2.3 and 5.2.4:

These paragraphs are based on extracts from The US Department of State’s 2015 International Narcotics Control Strategy Report. As can be seen above, a new 2016 Report has been published recently, and information it contains was suggested to be put into para 5.2.2. **That is why it is recommended to remove paragraphs 5.2.3 and 5.2.4 from the report to make subsection 5.2 more user-friendly and comprehensive.** Moreover, some information from this extract (in particular, corruption) is considered further in the Report.

On paragraph 5.2.5:

First, if the above suggestions are approved, this paragraph number shall be changed from 5.2.5 to 5.2.3.

Second, the paragraph is based on the 2015 European Commission Report; therefore it is necessary to paraphrase it using the updated information from the 2016 Report.

Given the above, it is suggested that this paragraph reads as follows:

“In December 2015, the European Commission reported that:

The National Anti-Drug **Strategy** and its related **action plan** is being implemented through the second action plan for the period 2015-2020.

The authorities considered consolidating the provisions regulating drugs in a single legal instrument. This will help to harmonise the legislation of Ukraine on drugs. The Ministry of Health ensures cooperation with other drug policy institutions that participate in implementing state policy on drugs control on regular basis. As part of the Action Plan for 2015 on the implementation Strategy of Drug Policy in 2020, the Ministry of Internal Affairs is involved in implementing of planned measures together with the Security Service, the State Border 9 Guard Service, and the State Fiscal Service, including conducting operative-preventive measures to detect and seize drugs, psychotropic substances, their analogues and precursors, and toxic and potent drugs. Between 1 January and 9 November 2015 the SBGS seized more than 200kg of drugs.

¹⁰ European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1. Preventing and fighting organised crime, terrorism and corruption. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 02 April 2016.

The anti-drug benchmark is deemed to have been achieved.”¹¹

On paragraph concerning creation of SBI:

Here **it is recommended to add new paragraph** that would contain information on the newly created State Bureau of Investigation as one of the very important Government initiatives.

It is suggested that a new paragraph will be read as follows:

“On 12 November, Parliament adopted a law creating a State Investigation Bureau, tasked with the investigation of alleged crimes committed by law enforcement officials. The law was pending presidential approval at the end of the year and was finally signed on 14 January 2016.¹²

On 29 February 2016, The Government of Ukraine, at an extraordinary meeting adopted a resolution on the establishment of the State Bureau of Investigation and approved six out of nine members of the Commission for the selection of an SBI chairman. The Bureau would start operation after its chairman was appointed and the entire structure of the SBI formed. With a separate decision there were approved six out of nine members of the Selection Commission who had been offered by the President of Ukraine and the Cabinet of Ministers. Another three candidates have to be delegated by the Verkhovna Rada, to which the Government appealed once again with the request.”¹³

3.9. Subsection 6.1 Police

On paragraph 6.1.4:

Keeping in mind that the State Bureau of Investigation was created, it is recommended to remove the following in this paragraph:

~~“Complaints and allegations of torture or ill-treatment are examined by the Public Prosecutor’s office which is reluctant to pursue complaints and, through its work on criminal investigations, has very close links with police forces. Article 216 of the new CCP provides for the creation within five years (as of 2012) of a State Bureau of Investigation to investigate allegations of human rights violations committed by judges, law enforcement officers and high-ranking officials. However, no progress has yet been made towards its creation.”²²~~

11 European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1.5. Drugs <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 5 April 2016.

12 Amnesty International, Annual Report: Ukraine 2015/2016. <https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/> Date accessed: 03 April 2016.

13 Government sets up the State Bureau of Investigation, 29 February 2016. <http://usa.mfa.gov.ua/en/press-center/news-from-ukraine/1246-uryad-stvoriv-derzhavne-byuro-rozsliduvany> Date accessed: 03 April 2016.

If it is approved to remove this part of the paragraph 6.1.4, then there is no need of its second part, since it gives the reader an unnecessary detailed information that is difficult to understand without a proper background.

In case of approval of the above suggestions, paragraph 6.1.4 shall be replaced by the following suggestions relating to the law enforcement cooperation:

“In December 2015, the European Commission stated in its Report:

Regarding inter-agency cooperation, reform of the Ministry of Internal Affairs is still ongoing. By the end of 2015, the Ministry is planned to be transformed into a civilian body, whose main purpose is to form a consistent state policy on internal affairs and direct the activities of other agencies (the National Police, the National Guard, the State Border Guard Service, the State Migration Service and State Emergency Service).

On 2 July 2015, the Parliament adopted the Law of Ukraine “On the National Police”, which entered into force on 7 November 2015. The law envisages the optimisation of the National Police, a clear separation of structural powers, and the elimination of duplicate functions in line with European standards. The Ministry’s reform efforts in this regard are very positive.

International cooperation with Ukraine’s law enforcement bodies is provided through Interpol and Europol channels for the prevention, detection and investigation of criminal offences. The law enforcement cooperation benchmark is deemed to have been achieved.¹⁴⁷”

3.10. Section 8 Corruption

This section very much needs to be updated due to the newly published reports on corruption in Ukraine.

On paragraph 8.1.1:

Given that the 2015 Corruption Perceptions Index was published, it is recommended to paraphrase para 8.1.1 as follows:

“Ukraine managed to gain only 1 additional point based on the results of the world Corruption Perceptions Index (CPI) 2015. At present CPI of the country is 27 out of 100 possible that is 1 point higher than it was last year. Ukraine is ranked 130 out of 168 positions. In 2014 it was 142 out of 175 positions. Such a result was achieved due to public judgment of corrupt officials, establishment of anti-corruption bodies and emergence of the whistleblowers’ movement. And the delay

14 European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.3. Law enforcement cooperation <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 5 April 2016.

with real punishment of bribe takers, and establishing corrupt relations between business and the Government do not allow Ukraine to take a decisive step forward according to the CPI.”¹⁵

On paragraph 8.1.2:

This paragraph contains a mistake in a year that needs to be corrected. Freedom House gave Ukraine a corruption rating of 6 for the year 2015, not 2014, as seen from the provided source. Therefore, this paragraph should be read as follows:

“Freedom House gave Ukraine a corruption rating of 6 for the year ~~2014~~ 2015; ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest”.

On paragraph 8.1.7:

Given that this paragraph contains extracts from the May 2015 European Commission report, it is necessary to paraphrase this paragraph, using the 2016 version. That is why **para. 8.1.7 should be read as follows:**

“The progress noted in the fifth report on anti-corruption policies, particularly the legislative and institutional progress, has continued. The adoption by the Parliament, on 8 October 2015 of legislative packages covering aspects of the report’s recommendations, is an important step forward. Civil society continued to play a key role in moving the anti-corruption agenda forward.

The National Anti-Corruption Bureau (NABU) was created, its head was appointed on 16 April 2015 following an open and competitive selection process, and around 100 investigators have been recruited and trained. The establishment of the NABU is therefore well-on track. However, the NABU cannot be fully operational without a specialised anti-corruption prosecution office.

While the setting-up of this new specialised anti-corruption prosecution office has begun, it nevertheless remains to be ensured that its independence and integrity are recognised beyond doubt. Shortcomings in the selection process for the leadership of the anti-corruption prosecution office, such as the lack of objective track-record criteria for the nomination of the members of the selection committee and the candidates, highlighted the need for the relevant legal and institutional framework to be further improved in order to fully ensure the office’s independence and integrity. To this end, the selection, appointment and dismissal procedures for the office’s leadership and staff must follow stricter independence and integrity safeguards.

¹⁵ Transparency International Ukraine, Ukraine Has Climbed Up For Only 1 Point in the World Ranking of Corruption Perception, 27 January 2016. <http://ti-ukraine.org/en/news/oficial/5741.html> Date accessed: 06 April 2016.

The specialised anti-corruption prosecution office should become operational as a matter of top priority; it is an indispensable component of an effective and independent institutional framework for combating high-level corruption. On 30 November, the General Prosecutor appointed the head of the specialised anti-corruption prosecution.

There has been progress in setting-up of the National Agency for the Prevention of Corruption (NAPC), especially since the new election of the Agency's board which took place on 28 August 2015. The Government is expected to approve the five-member board in December 2015. The law on prevention of corruption, adopted in October 2014, entered into force on 26 April 2015. It provides for mechanisms to check asset declarations. These tasks will be performed by the NAPC. The NAPC will also administer the web-portal of asset declarations, which is currently being developed. A law on political parties financing was adopted in 8 October 2015. A draft law on the National Asset Recovery Office (ARO) and the Asset Management Office (AMO) passed first reading in Parliament on 8 October 2015.

On 10 November, Parliament adopted in second reading a set of laws aimed at improving asset recovery procedures. Specifically, the draft laws: on ARO and AMO, on asset seizure and on special third-party confiscation. In the form proposed by the Government, the draft laws envisaged the establishment of an Asset Recovery Office, which also comprised management functions concerning frozen and confiscated assets, as well as provisions on the freezing and confiscation process. A number of amendments to the text in Parliament have limited the Agency's functions of active management of the seized assets, as well as the provisions on seizure and confiscation.

Progress made on legislative and institutional aspects can only bring significant end results if fully implemented.

Based on these commitments, the anti-corruption benchmark is deemed to have been achieved.”¹⁶

3.11. Sub-section 8.2 Justice

Given the small amount of information on the justice sector in Ukraine, it is suggested to supplement this subsection with the new paragraphs:

8.2.2 In November 2015, Atlantic Council published an article, stating:

“The most important reform may be the creation of an independent judiciary. As Anders Åslund pointed out this summer, there is a ‘nearly unanimous popular viewpoint’ in Ukraine that the country’s 10,279

¹⁶ European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1.3. Preventing and fighting corruption. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 5 April 2016.

judges and 20,367 prosecutors are ‘all corrupt’. The Democratic Initiatives Fund, a nonprofit Ukrainian think tank, found in a public poll last December that more than 80 percent of respondents did not trust the judiciary, believing that judges are dependent on politicians and oligarchs. Nearly 94 percent said that corruption is widespread among judges.”¹⁷

8.2.3 In April 2016, the International Development Law Organization stated:

“Ukraine has embarked on a wide-ranging process of reform, and the momentum is there to overcome a legacy of bureaucratic stagnation, arbitrariness and corruption. The government has committed itself to the long-term reform of the Ukrainian justice sector, and the President has developed a strategy that identifies the need for increased independence, transparency, competence, accountability and efficiency of the rule of law and justice institutions.”¹⁸

3.12. Sub-section Former President Yanukovich and oligarchic rule

This subsection n is made up of extracts from articles published in 2014 and needs to be updated with more recent information. First, it is suggested to change the current paragraph 8.3.1 as follows:

8.3.1 The following was published in July 2015 by the Guardian:

“Unlike in Russia, where the term ‘oligarch’ has been a misnomer since Vladimir Putin stripped them of real political clout more than 10 years ago, Ukraine has been an oligarchy in the true sense, with a few extremely wealthy men wielding huge power and influence.

The Maidan revolution in February last year was largely prompted by the obscene corruption of Viktor Yanukovich and his close associates. Many protesters wanted a new type of society, one that was not run by an oligarchic class that has been so influential in Ukraine ever since independence.”

8.3.2 The journalist turned MP, Serhiy Leshchenko (from the investigative website *Ukrainska Pravda*), looks at the difficulties in taking on Ukraine’s entrenched oligarchy in an article ‘Sunset and/or Sunrise of the Ukrainian oligarchs after the Maidan?’:

“One year after Viktor Yanukovich was ousted, his methods remain firmly entrenched in the reality of Ukrainian life. Despite the coun-

¹⁷ Joshua Solomon, Judiciary Reforms Take a Major Step Forward in Ukraine, 10 November 2015. <http://www.atlanticcouncil.org/blogs/new-atlanticist/judiciary-reforms-take-a-major-step-forward-in-ukraine> Date accessed: 07 April 2016.

¹⁸ International Development Law Organization, Ukraine: Supporting Criminal Justice Reform, 1 April 2016. <http://www.idlo.int/news/multimedia/photo-galleries/ukraine-supporting-criminal-justice-reform> Daye accessed: 07 April 2016.

try's Revolution of Dignity and continued Russian aggression against Ukraine, local oligarchs have become even more powerful and influential, and pose a significant threat to Ukraine's European development. Oligarchs control the state apparatus, mass media, and whole sectors of industry. Therefore, they can simply put the brakes on reform as soon as their financial interests are threatened.

After Yanukovich fled Ukraine, the EU imposed sanctions against 18 individuals who embodied the old regime. The list included Yanukovich himself along with his two sons Oleksander and Viktor Jr., other former government members, and Serhiy Kurchenko, the man behind multiple business schemes for the Yanukovich family. Interestingly, none of the influential oligarchs who accumulated wealth during Yanukovich's reign were on the list.

Even with Yanukovich's people removed from their posts, corrupt courts of justice have continued to pass judgement in the former president's favour: for example, one of the snipers who targeted people at the Maidan was released from house arrest, and the decree forbidding Ukrainian state payments to the electric plants owned by Yanukovich's family was cancelled.

In January 2015, Yanukovich was placed on the Interpol wanted list, accused of economic crimes. But Yanukovich was instrumental in reducing, by \$30 million, the financial obligations of a company that went on to buy the state telecommunications company, Ukrtelecom. The new owner of Ukrtelecom also appears to be associated with the Yanukovich family.”¹⁹

4. Review of responses to COI requests.

i. COI request – Discrimination against Africans/Nigerians.

Claimant fears her children will be persecuted because of their race (their father is Nigerian) and by association, she will also be persecuted. Are there attacks on ethnic minorities in Ukraine? Is there a prevalence of mistreatment amounting to persecution against people of African descent or specifically citizens of Nigeria? Is there an availability of protection from the authorities?

In general, the response **lacks structure and does not correspond with all the brought questions.** Some of the questions have not been addressed at all.

¹⁹ Serhiy Leshchenko, Sunset and/or sunrise of the Ukrainian oligarchs after the Euromaidan revolution? February 2015. <http://euromaidanpress.com/2015/06/02/sunset-and-or-sunrise-of-the-ukrainian-oligarchs-after-the-euromaidan-revolution/#arvlbdata> Date accessed: 05 April 2016.

In particular, **the specific question on the availability of protection from the authorities was left without addressing it.** In this regard, the researcher could refer to the European Commission Against Racism and Intolerance Report on Ukraine in 2012:

“A staff member of the Ombudsman’s office has been appointed to deal specifically with issues related to racism and xenophobia. The office reportedly receives around one hundred complaints each year concerning allegations of violations of the rights of persons belonging to national/ethnic minorities (for example concerning the language of school examinations) or committed on racially discriminatory grounds. The Ombudsman’s office also conducts its own monitoring of racist incidents.

ECRI notes with regret that despite a variety of initiatives over the years, comprehensive anti-discrimination legislation has not yet been adopted in Ukraine. The authorities have referred to a draft framework law drawn up by the Ministry of Justice, the contents of which have not been examined by ECRI; however, it appears that this draft has not yet been included on the agenda of the Parliament. The only relevant provision in force thus still appears to be Article 26 of the Civil Code, which provides that all individuals are equal in ability to have civil rights and obligations. There are no comprehensive civil and administrative anti-discrimination provisions covering different fields of life such as: employment; education; housing; access to public and social services as well as public places; and contractual relations between individuals. Nor are there any such provisions on providing for effective mechanisms of enforcement and redress. ECRI is particularly struck by the fact that none of its interlocutors were able to point to any legal texts already in force – other than the general principle of equality laid down in Article 24 of the Constitution – that might be of any assistance to an individual who considered that he or she had been a victim of racial discrimination.” - Council of Europe: European Commission Against Racism and Intolerance (ECRI), ECRI Report on Ukraine (fourth monitoring cycle), 21 February 2012, CRI(2012)6, available at: <http://www.refworld.org/docid/4f4500532.html>.

ii. COI response – Risk of political gangs.

Can you advise on the risk that would be faced by a pro-western supporter, from the Cherkasy Region, who has an outstanding arrest warrant for charges of embezzlement, this individual has been previously targeted by a criminal gang allegedly supported by a powerful Oligarch. Would you also be able to advise on the risk to a person, who is subject to potentially politically motivated criminal charges, in prison?

The response is well structured and site relatively recent sources. However, **the specific question in the request concerning risk of political gangs is not addressed enough in the response document.** To improve the response, reference shall be made to the article by Human Rights Watch titled “Ukraine: End Politically Motivated Abuses. Kidnappings, Mob Violence Threaten Journalists and Activists” available at: <https://www.hrw.org/news/2014/04/28/ukraine-end-politically-motivated-abuses>.

iii. COI response – Societal attitude to ethnic Russian Muslims.

The applicant has been the target of islamophobic attacks. On one occasion, the applicant’s arm was broken whilst she was on public transport. The applicant states that she was told by her attackers on this occasion that Ukraine does not tolerate people who wear headscarfs, and that Ukraine is not for Muslims or black people. The applicant further claims that she was subjected to another islamophobic attack whereby a knife was put to her throat and she was told to leave. Both of these attacks took place in July 2015. The attacks took place in the city of Lvov, where the applicant was residing. In light of the attacks suffered by this applicant, can you provide information on the current situation for ethnic minorities and Muslims in Ukraine. Can you provide information on what protection, if any, is available to this applicant. Further to this, can you also provide details of which parts of the country can be considered safe to live for the applicant.

The response does not include the specific information on what protection in Ukraine is provided for the representatives of religious minorities.

In this regard, the researcher may refer to the Report on Ukraine of the Special Rapporteur on minority issues, Rita Izsák, published on 27 January 2015:

“The Constitution of Ukraine (art. 11) requires that the State ‘promotes the consolidation and development of the Ukrainian nation, of its historical consciousness, traditions and culture, and also the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities’. The right to equality and non-discrimination is enshrined under article 24, which prohibits ‘privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic and other characteristics’

The 2001 Criminal Code of Ukraine criminalizes (art. 161) inciting national, racial or religious enmity and hatred, humiliation of national honour and dignity, insulting citizens’ feelings with respect to their religious convictions, and any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, colour of skin, political, religious and other

convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics. In 2009 amendments expanded the scope of provisions and penalties for inciting racial, national and religious hatred, intolerance and discrimination.

Ukraine has a wide range of religions, belief groups and religious freedoms and the rights of religious minorities are protected in practice.

Ukraine has a legislative and policy framework and environment that are generally consistent with the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and that are generally conducive to the protection of minority rights, including their civil and political and economic, social and cultural rights.”²⁰

Suggested sources:

- Bureau of Democracy, Human Rights and Labor International Religious Freedom Report for 2014, available at: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>; and
- Ukraine is ahead of the EU in terms of religious tolerance, Ukraine’s Mufti says, January 2016, available at: <http://khpg.org/index.php?id=1449438021>.

iv. COI response – Return to Luhansk.

Applicant claims he cannot return to Ukraine, more importantly his region Antratsyst in Lugansk. He has a settled partner and child but does not meet the rules, claims he cannot be expected to go back to Ukraine as it will be like committing suicide as he states many people have been killed or tortured there. If he were to return to Ukraine in general would he be in immediate danger?

The response contains references to the sources with information that has already been updated. It is necessary to compile a response, relying on the most recent data available. In particular, the response references to The Office of the United Nations High Commissioner for Human Rights Report on the Human Rights Situation released in June 2015. As of now, reference should be made to the latest March 2016 Report:

“Residents of territories under the armed groups’ control are particularly vulnerable to human rights abuses, which are exacerbated by the absence of the rule of law and any real protection. OHCHR continued to receive and verify allegations of killings, arbitrary and incommunicado detention, torture and ill-treatment in the ‘Donetsk people’s republic’ and ‘Luhansk people’s repub-

²⁰ Available at: http://www.ohchr.org/Documents/Issues/IEMinorities/A.HRC.28_MissionUkraine.pdf Date accessed: 8 April 2016.

lic'. In these territories, armed groups have established parallel 'administrative structures' and have imposed a growing framework of 'legislation' which violates international law, as well as the Minsk Agreements.

OHCHR documented allegations of enforced disappearances, arbitrary and incommunicado detention, and torture and ill-treatment, perpetrated with impunity by Ukrainian law enforcement officials, mainly by elements of the Security Service of Ukraine (SBU). OHCHR urges the Ukrainian authorities to ensure prompt and impartial investigation into each reported case of human rights violations, as well as the prosecution of perpetrators. Accountability is critical to bring justice for victims, curtail impunity, and foster long-lasting peace."²¹

The response contains nothing on examples of tortures or killings in the eastern part of Ukraine, therefore not all of the elements of the request are addressed. For the purpose of outlining this, the researcher should refer to the Report of Amnesty International released in May 2014 and titled 'Abductions and Torture in Eastern Ukraine':

"From the early stages of the conflict there have been concerns that those abducted by separatist armed groups may have been subjected to torture and other ill-treatment. On 22 April, the bodies of two men were found near the river Torets in Slovyansk bearing signs of torture. One of them has been identified as Volodymyr Rybak, a Horlivka city council member from the Batkivshchyna Party who was reportedly abducted on 17 April. Video footage taken that day and posted on a local news site showed the official being violently attacked by several men, one of whom was masked and wearing camouflage. According to the Kyiv Post, Volodymyr Rybak's body was found tied to a sandbag and with a slash across his stomach, and it is believed he was still alive when he was thrown into the river. Many former captives have subsequently described the treatment they received at the hands of their captors, which in many cases amounts to torture and other ill-treatment.

Other captives interviewed by Amnesty International have described being cut with knives, burnt with cigarettes and threatened with sexual violence or execution."²²

21 The Office of the United Nations High Commissioner for Human Rights - Report on the Human Rights Situation in Ukraine 16 November 2015 to 15 February 2016, released March 2016. http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016.pdf Date accessed 07 April 2016.

22 Amnesty International released in May 2014 and titled 'Abductions and Torture in Eastern Ukraine'. https://www.amnesty.nl/sites/default/files/public/ukraine_briefing_formatted_-_final.pdf Date accessed: 07 April 2016.

Suggested sources:

“On 11 January 2015, the Security Service of Ukraine (SBU) announced the introduction of the Temporary Order on Control of the Movement of People, Transport Vehicles and Cargo along the Contact Line in Donetsk and Luhansk regions (“Temporary Order”) which regulates movement into and out of the ATO zone and came into effect on 21 January 2015.¹ The Temporary Order requires all movement into and out of the ATO zone to be conducted through seven designated government controlled checkpoints located along seven main corridors.

The Temporary Order further requires that all persons and transport vehicles entering or leaving the ATO zone possess a special government-issued permit.

Permits should be issued within the established deadline of 10 days after the application has been received. Thereafter, the permit can be collected at the closest checkpoint to the contact line or district police station within government controlled territory, namely in Debaltseve/Artemivsk³, Starobilisk, Velyka Novosilka and Mariupol. Single or multiple entry permits may be issued and an application must specify the precise itinerary and period of time to be covered by the permit. Permit applications must contain detailed personal information including, but not limited to, a valid passport and documents justifying the necessity of travel.” - OSCE, Thematic Report, Protection of Civilians and their Freedom of Movement in the Donetsk and Luhansk Regions, 6 May 2015, available at: <http://www.osce.org/ukraine-sm-m/156791?download=true>.

v. COI response – Education/children.

Information is required regarding the school system in Ukraine, including the ages children attend school, whether it is universally accessible, the primary and secondary school system. The last COIS report to mention this is from 2006 so a more up to date version is required.

The response is well structured using pertinent and balanced sources. **References could also be made to A Nordic Recognition Network (NORRIC) Country Report, which contains a detailed overview of the educational system of Ukraine.** Available at: <http://norric.org/files/education-systems/Ukraine2009>.

Annex A 6

Review of the UK Home Office Country Information and Guidance - Ukraine: Victims of trafficking (November 2015)

Prepared for the Chief Inspector of Borders and Immigration & the Independent
Advisory Group on Country Information (IAGCI)

April 2016

By Oksana Matiash

Background of the reviewer

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1. Introduction

This Review considers the question of whether the *Country Information and Guidance (CIG) for Ukraine: Victims of trafficking* produced by the Home Office in November 2015, is as accurate, balanced, relevant and up to date as much as possible. The Review is a commentary on the Report, which also examines responses to individual Country of Information (COI) requests. It is commissioned by the Independent Advisory Group on Country Information, and is therefore drafted in line with instructions received through the IAGCI Chair, Dr Laura Hammond.

1.1. Purpose of the Review

This Review is aimed at assessing the November 2015 COI Report on Ukraine (“Report”) in terms of its accuracy and balance, with the objective of ensuring that it offers an up to date and comprehensive summary of the most relevant available source material reflecting the human rights situation in Ukraine, and relating to the key issues raised in asylum claims made by Ukrainian nationals.

The Review is based upon analysis of all of the sources and information cited in the November 2015 Report on Ukraine. Searches were also made for additional information that may be a useful addition to future COI reports on Ukraine or should have been included into the November 2015 report to make it more up to date and accurate.

1.2. Organisation of the Review

This Review is organised in three main sections. Section 2 concerns general issues about the Report, relating to the way the Report is presented, written and referenced, rather than to the information contained within the Report. Section 3 concerns specific issues raised within sections of the Report, relating more to the information contained in the Report. Additionally, the Review contains Section 4, dealing with the COI Requests.

2. General issues and recommendations

2.1. Structure and substance

The COI report on Ukraine from November 2015 was checked for errors, omissions, inconsistencies and its structure. Generally, both structure and substance of the report are extremely effective, providing well referenced and balanced information and covering most issues. However, some suggestions can be included to improve its content.

i. Range of sources

The Report mostly consists of excerpts from a wide range of relevant reports, press sources and other documentation that have been appropriately and accurately reflected in the document. At the same time, it lacks references to applicable laws and government agencies that are of a great importance (especially for section 4 Law on human trafficking and section 6 Prosecutions and government initiatives).

To improve its content, the Report may be alternated and/or complemented with the Ukrainian sources that are more authoritative on the basis of the topic under consideration.

ii. Relevance of information

Some sections of the Report very much need to include more up to date information that was not available at the time of publication of the Report. More recent and relevant, easily accessible information available online was suggested for replacing sources that are more than two years old.

An additional section has been suggested for inclusion to emphasise issues not currently addressed in the COI Report (section 6.5. ‘Government initiatives’). Most suggestions concern additional sources detailing the current situation with the human trafficking in Ukraine.

iii. Typos, errors and omissions

First, one lexical error was corrected in the Report (see comments on paragraph 2.4.1 below).

Second, section numbers in the Contents of the Report appeared to be incorrect due to the mistake with the Report’s part on Policy Summary (more on that below).

2.2. Comments on Guidance

First, Contents of the Report and its Guidance contain section 1 titled ‘Introduction’, which should have had two main parts: 1.1 Basis of Claim and 1.2 Other Points to Note. However, there is no such section in the Report and there are no hyperlinks to its parts. **Therefore, relevant information outlining the substance of section 1 of the Report, as well as hyperlinks should be added.**

Second, Contents do not include Policy Summary, which forms section 3 of the Report, thereby creating problems with the general numbering in the Report. **It is necessary to insert Policy Summary into the Contents as section 3 and change the paragraph numbers respectively. This will avoid any misunderstanding with the section numbers and paragraph numbers.**

On paragraph 2.3.2:

The paragraph contains outdated information on the amount of victims of trafficking in Ukraine and the gender ratio among them. **Therefore, the paragraph needs to be updated using the latest data from IOM in 2015¹:**

“Human trafficking in Ukraine affects both men and women. The gender ratio among victims of trafficking assisted by IOM Ukraine in ~~2014~~ **2015** was ~~58 per cent men and 42 per cent women~~ **379 women compared to 361 men**. IOM assisted ~~903~~ **740** victims in ~~2014~~ **2015** (see Prevalence of human trafficking).”

On paragraph 2.3.3:

This paragraph provides the reader with an information on the population of Ukraine, giving number of 40 million. **First, it is recommended to indicate a year, in which this data was collected, and second, to update the number with the latest information from the State Statistics Service of Ukraine.²**

Therefore, it is suggested that paragraph 2.3.2 reads as follows:

“According to ~~Ukrainian government statistics~~ **the State Statistics Service of Ukraine** the population of Ukraine (excluding Crimea) **at the beginning of 2016** is roughly ~~40~~ **42,8** million. Whilst there were a significant number of incidents of trafficking in Ukraine, the number when compared with the overall size of the population suggests that there is not a general risk of persons being trafficked. However, some populations are at increased risk of trafficking such as: children in state orphanages and vulnerable adults in state institutions; persons displaced due to the ongoing conflict in eastern Ukraine; members of the Roma community living in Ukraine; and women from some rural populations in western Ukraine. The onus is on the person to demonstrate that he or she would be personally at risk of being trafficked or re-trafficked.”

1 International Organisation for Migration. Ukraine. Counter-trafficking programme, updated March 2016. <https://www.iom.int/countries/ukraine/general-information> Date accessed: 02 April 2016.

2 Statistics on the population of Ukraine is available [in Ukrainian] at the official website of the State Statistics Service of Ukraine at: http://database.ukrcensus.gov.ua/MULT/Dialog/statfile_c.asp Date accessed: 03 April 2016.

On paragraph 2.4.1:

The word ‘Prescutions’ should read ‘Prosecutions’.

3. Specific comments by sections

3.1. Section 4 Law on human trafficking

First, this section titled ‘Law on human trafficking’ does not give any details on the legal regulation of human trafficking in Ukraine. **It is recommended to supplement this section with additional paragraphs outlining Ukraine’s legal framework applicable to human trafficking in a more detailed manner.** This will make this section more comprehensible and authoritative and the reader will more effectively perceive the given information. Here, one may use the information that was already available at the day of publication of the Report.

Therefore, it is suggested to add the following paragraphs:

4.1.1 Explanatory Note titled ‘Some aspects of Ukrainian legislative reform relating to combating against human trafficking’ published in May 2013 stated:

“Ukraine put in place legislative instruments to combat human trafficking. Thus, Ukrainian State Migration Policy Concept, Ukrainian Law “On counteraction to human trafficking” of 20.09.2011 No. 3739-VI, as well as Regulation of the Ukrainian Cabinet of Ministers of 18 January 2012 No. 29 “On national coordinator in the field of combat against human trafficking”, Regulation of the Ukrainian Cabinet of Ministers of 15 February 2009 No. 90-r “On Concept of the State Target-Oriented Social Program of Combat against Human Trafficking until 2015”, and Ukrainian Criminal Code (Law of 05.04.2011 No. 2341- III) represent a rather comprehensive set of legal instruments in the indicated field. In addition to that, starting from 2010, Ukraine is a party to the Council of Europe Convention on Action against Trafficking in Human Beings.”³

4.1.2 Article on combating human trafficking in Ukraine published in February 2016, stated:

“Ukraine declares its adherence to international standards for combating human trafficking. In addition to the Council of Europe Convention on Action against Trafficking in Human Beings, Ukraine ratified

³ Lyudmila Davydovych, Valentina Subotenko, Some aspects of Ukrainian legislative reform relating to combating against human trafficking, May 2013. http://www.carim-east.eu/media/exno/Explanatory%20Note_2013-40.pdf Date accessed: 06 April 2016.

the United Nations (UN) Convention Against Transnational Organized Crime (2004) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the UN Convention on the Rights of the Child (1991) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2003), the Convention on the Elimination of All Forms of Discrimination Against Women (1981) and its Optional Protocol (2003), and the following conventions elaborated under the International Labour Organization (ILO), relevant to combating human trafficking: the Convention Concerning Forced or Compulsory Labour (No. 29), the Convention Concerning the Abolition of Forced Labour (No. 105), and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).⁴

4.1.3 In December 2015, the European Commission reported that:

“Ukraine has taken a number of significant steps to develop an anti-trafficking policy and actions, through the adoption of a new State Program to Combat Trafficking in Human Beings, which is scheduled to enter into force on 1 January 2016.⁵”

Second, if the above suggestions are approved, **it is necessary to change the paragraph numbers**, so that current paragraph 4.1.1 will be transformed into paragraph 4.1.4 and so on.

Third, it is also recommended **to change section 4 title into ‘Legislation framework’, since it contains references not only to primary but also to secondary legislation.**

The last recommendation on this section would concern the necessity of adding a paragraph regarding such specific issues as legal measures on protecting trafficking victims.

The following information⁶ outlining this subject can be added:

Desk review for the United Nations Interregional Crime and Justice Research Institute stated:

4 Peter Roudik and Olena Yatsunskaya, Summary of Training Related to Combating Human Trafficking: Ukraine, February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

5 European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1.2. Trafficking in human beings. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 02 April 2016

6 Although this information was published in 2005, it is relevant and actual in 2016.

“Ukraine has a witness protection law (Law on provision of safety for persons acting in trials), granting the right to safety and protection for those involved in criminal proceedings as witnesses. There is an official department for witness protection, but officials in the department are thought to lack training and understanding of the special needs of trafficking witnesses. Experts also stress the lack of financial resources and technical possibilities to provide adequate protection. Besides, fullblown witness protection measures are not granted to trafficking persons during investigations. In many cases, law enforcement officials do not consider trafficking victims to be in need of such protection measures.

The witness protection law provides for confidentiality, anonymity, and close trials, but such provisions are rarely used in trafficking cases, because witnesses are frequently not informed on these possibilities. In most cases, NGOs provide assistance to the victims, accompanying them to court and preparing them for trial, in addition to providing safe shelters.”⁷

3.2. Section 5.2 Contributing factors

On paragraph 5.1.1:

This paragraph is an extract from the OHCHR Report on the human rights situation in Ukraine from November 2014. Therefore, it is recommended to replace it by a more recent, alternative, readily available source that will usefully supplement the substantive content of the report.

It is suggested that the new paragraph 5.1.1 reads as follows:

An article published in The Guardian in February 2016 stated:

Trapped in conflict with Russia and weakened by decades of government mismanagement, Ukraine is suffering a deepening economic malaise. It is the second poorest country in Europe by GDP; only its tiny neighbour Moldova is poorer.

An estimated 2.7 million people have fled their homes to escape conflict with pro-Russian separatists. Traffickers prey on them, with police intercepting dozens of displaced people in the hands of traffickers en route to Germany, Russia, Belarus, Poland and Israel. The inflated currency is pushing millions of people into destitution. Thousands are trying to find work abroad – by whatever means possible. According to a 2015 survey commissioned by the IOM, 41% of Ukrainians working abroad are doing so illegally – compared

⁷ Vittoria Luda di Cortemiglia, Desk review Trafficking in Minors for commercial sexual exploitation Ukraine http://www.unicri.it/topics/trafficking_exploitation/archive/minors/countries_partners/dr_ukraine.pdf Date accessed: 05 April 2016.

with 28% in 2011. That puts them at the mercy of criminals.”⁸

3.3. Section 5.2 Statistics

Many of the statistics here remain relevant, since more recent calculations are not readily accessible. There does not appear to be a more recent Equal Rights Trust Report, and Walk Free Foundation’s Global Slavery Index has not been since 2014. However, the quotes extracted from these sources remain useful as they outline the key figures related to the human trafficking in Ukraine. **It is however necessary to update this section to reflect changes in the human trafficking sphere in Ukraine that have taken place since then.**

The following can be used for the above purpose:

- *‘In its 11th Report on the human rights situation in Ukraine, dated 15 August 2015, OHCHR reported: “According to a survey by the International Organisation for Migration (IOM) released on 30 July 2015, Ukrainians (both men and women) are increasingly vulnerable to the risk of trafficking. The results of the survey suggest that approximately three million residents of Ukraine intend to seek work abroad. Due to the deteriorating economic situation and the conflict, they tend to disregard terms of contracts.”* - Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine 16 May to 15 August 2015, available at: <http://www.ohchr.org/Documents/Countries/UA/11thOHCHRreportUkraine.pdf> Date accessed: 04 April 2016.
- *“For the past four years, the number of trafficking victims referred to the IOM for assistance by Ukrainian law enforcement agencies has decreased by roughly half annually. In 2012, 2013, 2014, and 2015 there were 232, 105, 52, and 27 victims referred, respectively. These numbers are dramatically different from those of the IOM; the average number of victims identified annually by the IOM has remained close to one thousand.”* – Luke A. Drabyn, Ukraine Should Do More to Combat Human Trafficking, 12 January 2016 available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/ukraine-should-do-more-to-combat-human-trafficking> Date accessed: 04 April 2016.
- *“The numbers of victims identified continues to be very low. As of 19 November, the Ukrainian authorities granted the status of victim of trafficking (VOT) to 140 people: 60 women, 59 men and 21 minors.”* - European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1.2. Traffick-

⁸ Maxim Tucker, Sex, lies and psychological scars: inside Ukraine’s human trafficking crisis, 04 February 2016. <http://www.theguardian.com/global-development/2016/feb/04/sex-lies-psychological-scars-ukraine-human-trafficking-crisis> Date accessed: 04 April 2016.

ing in human beings. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 02 April 2016

It is also suggested to supplement this section with a paragraph outlining the recent features of trafficking in Ukraine. Such information can be found in an article titled ‘Trafficking in Human Beings: the Roots and Realities in Ukraine’:

“The scopes of human trafficking are difficult to quantify with reliable estimates, as it is generally an underreported crime, while victims are scared of reprisals from traffickers or penalization by state authorities. Most scientific sources agree that the majority of irregular migrants in Ukraine – including those who are smuggled or trafficked – are not recorded presently.

Presently, there is no single system of statistical information about human trafficking in Ukraine. Statistics of criminal cases related to trafficking are kept by the Ministry of Internal Affairs of Ukraine, while data on assistance provided to the victims of trafficking – by the State Service for Family, Child and Youth Affairs, data on providing assistance to child victims of human trafficking – by the Service for Child Affairs. The role of non-governmental sector is also very important: the International Organization for Migration (IOM) in Ukraine collects regular statistical information about assisted victims, as well as other civil society organizations and some international donors.”⁹

On paragraph 5.2.3:

Information contained in this paragraph was prepared by the OHCHR in 2014 and is relatively outdated as of now. Moreover, the new data on the number of victims of trafficking in Ukraine can be found in the suggested paragraph. 5.3.2 (see below). **Therefore, it is recommended to remove paragraph 5.2.3.**

3.4. Section 5.3 Forms of exploitation

In view of the character of information stated here, it seems wise to include a paragraph outlining the main categories of victims of trafficking in Ukraine.

Therefore, it is recommended to begin section 5.3 with a paragraph that reads as follows:

Explanatory Note titled ‘Human trafficking trends in Ukraine’ stated:

“Research carried out by Ukrainian experts has helped identify the categories of the Ukrainian population most vulnerable to human trafficking:

⁹ Ganna Gerasymenko, Institute for Demography and Social Studies, National Academy of Sciences of Ukraine, Trafficking in Human Beings: the Roots and Realities in Ukraine <http://goo.gl/Tf8Ful> Date accessed: 06 April 2016.

- Women aged 18-26, primarily single, with low or very low living standards, (as potential victims of sexual exploitation);
- Men aged 31-60, primarily married (vulnerable to labour exploitation); and
- Children (primarily girls) aged 13-18 from single-parent and “restructured” families.”¹⁰

On paragraph 5.3.2:

This paragraph contains information from the International Organisation for Migration provided in July 2015. **New statistics have been published in March this year and these should be used to update the Report with the most recent information.**

Therefore, it is recommended that paragraph 5.3.2 reads as follows:

The International Organisation for Migration stated the following in ~~July 2015~~ **March 2016**: “Ninety-one per cent of victims assisted by IOM Ukraine in ~~2014~~ 2015 suffered from labour exploitation. ~~The gender ratio among victims of trafficking assisted by IOM Ukraine in 2014 was 58 per cent men and 42 per cent women.~~ **Women slightly prevailed among victims identified in 2015 (379 women compared to 361 men).**”¹¹

It is also important to supplement section on forms of exploitation with the extracts from the most recent publications on this subject to keep the reader updated as much as possible.

For this purpose, it is suggested to add the following new paragraphs:

Article in The Guardian on Ukraine’s human trafficking crisis stated in February this year:

“Forced labour is difficult to detect. Traffickers deceive victims into travelling without valid visas, keep workers trapped in debt bondage and reliant on their employers for food and accommodation, or stop unpaid workers from leaving through violence and intimidation.

The economic crisis is now so deep we see so many people are willing to accept any offer, risky offers, just for the chance to work abroad, says Hanna An-

¹⁰ Oleksii Pozniak, Human trafficking trends in Ukraine, May 2013 http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-67.pdf
Date accessed: 06 April 2016.

¹¹ International Organisation for Migration. Ukraine. Counter-trafficking programme, updated March 2016. <https://www.iom.int/countries/ukraine/general-information> Date accessed: 02 April 2016.

tonova, the IOM's counter-trafficking programme coordinator in Ukraine.¹²

“According to IOM statistics, human trafficking for sexual exploitation has decreased from 34% in 2010 to 6% in 2014. However, human trafficking for labor exploitation saw a significant increase from 56% in 2010 to 91% by 2014.[8] In 2010 and 2011, the majority of the identified victims were women (64% in 2010 and 58% in 2011), but in 2012–2014 the number of male victims prevailed (56% in 2012, 52% in 2012, and 58% in 2014).”¹³

3.5. Section 5.4 Internal trafficking

This section accurately reflects some of the key tendencies of internal trafficking in Ukraine. However, it may be relevant to add a paragraph that refers to some Ukrainian publications, giving more specific information on this subject. **The following extract may be added here:**

“The most recent growing tendency in Ukraine is internal trafficking. According to a 2013 IOM report, the problem of internal trafficking within Ukraine is growing each year. Data show that the number of victims increased from 6 in 2007 to 26 in 2012, and 16 persons in 2013 and accounted for 4% of human trafficking victims in Ukraine. The Ukrainian Ministry of Social Policy in its annual report estimates that internal human trafficking is 8% of the total human trafficking in, from and to Ukraine in 2012. Risk categories for internal trafficking are children and young women, who are mainly trafficked for begging and forced sexual labour.”¹⁴

The above paragraph will help the reader to follow the main changes in Ukraine's internal trafficking in recent years, mainly its increase.

3.6. Section 5.5 Trafficking in children

Much of the material contained in this section will need to remain as its relevance continues, though it is recommended to outline some specific issues related to children trafficking in Ukraine, such as age group of children and applicable legal framework.

Therefore, it is suggested to supplement this section with the following paragraphs:

Findings of the International Programme on the Elimination of Child Labour on the child trafficking in Albania, Moldova, Romania and Ukraine published in 2005 stated:

¹² Maxim Tucker, Sex, lies and psychological scars: inside Ukraine's human trafficking crisis, 04 February 2016. <http://www.theguardian.com/global-development/2016/feb/04/sex-lies-psychological-scars-ukraine-human-trafficking-crisis> Date accessed: 04 April 2016.

¹³ Peter Roudik and Olena Yatsunska, Summary of Training Related to Combating Human Trafficking: Ukraine, February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

¹⁴ Anna Melnyk, Trafficking in Human Beings in Ukraine, October 2014 <http://www.dcaf.ch/Publications/Trafficking-in-Human-Beings-in-Ukraine> Date accessed: 06 April 2016.

“Most of the child victims of trafficking from this subregion are teenagers, on the threshold of adulthood, working age and independence. Younger children are also found among the victims of trafficking, however. Children as young as 11 or 12 may be sent into labour and fall victim to traffickers.

The survey in Ukraine also suggested that girls are most likely to end up in sexual exploitation, with boys being used as cheap labour or to peddle drugs. The children trafficked are generally between 13 and 18 years of age.

There was no specific criminal legislation relating to human or child trafficking in Ukraine before March 1998, when amendments to the Code on Marriage and Family led to amendments in the Criminal Code to accommodate articles related to penalties for illegal actions in regard to adoption and human trafficking. The Criminal Code of Ukraine includes provisions relating to liability for crimes against the life and health of children as well as for criminal actions relating to the exploitation of children.

The Ministry of Internal Affairs has prepared 14 intergovernmental agreements on cooperation against organized crime that regulate, among other things, human trafficking and illegal migration. These include agreements with Turkey, Israel, the Czech Republic, Poland, Hungary, France, Sweden, Romania and Moldova.”¹⁵

3.7. Section 6 Prosecutions and government initiatives

While this section is made of a good range of sources (primarily international), there are a few notable absences, the inclusion of which would undoubtedly add strength to the section, especially what concerns government’s actions.

Also, it is recommended **to change the title of section 6 from ‘Prosecutions and government initiatives’ to ‘Fighting Human Trafficking’**. This suggestion is made due to the content of the section and provided information. It seems more relevant to use title ‘Prosecutions and government initiatives’ separately for the specific subsections on these subjects contained in section 6 of the Report (see more on that below).

On Introduction:

This section is based on the extracts from The US Department of State’s report, outlining the results of government actions on fighting human trafficking. **However, it seems more reasonable if this section would begin with references to the government agencies responsible for fighting human trafficking in Ukraine, followed**

¹⁵ Child Trafficking-The People Involved, A synthesis of findings from Albania, Moldova, Romania and Ukraine, 2005 http://www.humantrafficking.org/uploads/publications/ipec_balkana_05.pdf Date accessed: 05 April 2016.

by the findings of The US Department of State’s report. Such an introduction would give the reader a comprehensive understanding of Ukraine’s system on combating human trafficking and the Report would be improved by delivering the content more effectively in the context of its goals.

Therefore, it is recommended to paraphrase paragraph 6.1.1 as follows:

An article on combating human trafficking in Ukraine published in February 2016, stated:

“According to Ukrainian legislation, the following government entities and officials are responsible for combating trafficking in human beings: President of Ukraine; Cabinet of Ministers of Ukraine; National executive agencies; Local state administrations; Diplomatic institutions of Ukraine abroad and Institutions providing assistance to victims of trafficking.

Interaction between all of these agencies is governed by the Law on Combating Trafficking in Human Beings and the Regulation No. 783 on Approval of the Procedure for Interaction of Agents for Combating Trafficking in Human Beings.

The Ministry of Social Policy of Ukraine performs the role of national coordinator of actions aimed at fighting human trafficking. The Ministry’s Department for Family, Gender Policy, and Combating Human Trafficking is responsible for coordinating anti-trafficking activities on a daily basis. The Ministry of Social Policy, as mentioned in Part I, is also responsible for the formal recognition of victims of human trafficking, including granting the status of a victim.”¹⁶

3.8. Section 6.2 Government protection and compensation for victims

On paragraph 6.2.3:

This paragraph on the identification of victims of trafficking, which is based on the 2014 GREAT Report, **is outdated and no longer has any informative value.** It is recommended to update this paragraph with an information from the recent reports available online to reflect measures that have already been taken by the Ukrainian Government.

¹⁶ Peter Roudik and Olena Yatsunska, Summary of Training Related to Combating Human Trafficking: Ukraine, February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

Therefore, it is recommended to paraphrase paragraph 6.2.3 using extracts from the latest Progress Report on Ukraine of the European Commission:

“The Ukrainian authorities introduced a formal procedure for identifying victims but the identification relies on the victims themselves applying for identification. A national mechanism to facilitate cooperation between relevant bodies involved in combating trafficking in human beings (THB) was also set up. The current anti-trafficking system focuses on Ukraine as a country of origin and only a few foreign victims of trafficking have been formally identified. Further attention should be paid to internal trafficking, especially in relation to internally displaced persons.

The monitoring system for the existing action plan still needs to be implemented as does evaluation from 2016 onward. This should include a clear role for non-governmental organisations, and sufficient funds for their effective participation. Ukraine would benefit from introducing a unitary statistical national monitoring system in the improving the process of identification of victims. Ukrainian authorities envisaged funding under the national referral mechanism for the NGOs. Training for officials on their role and responsibilities in relation to the victim identification process has been improved.

The trafficking in human beings benchmark is deemed to have been achieved.”¹⁷

3.9. Section 6.3 Law enforcement

A good variety of sources are used to support this section (including GRETA report, The US Department of State’s report, etc.) It is suggested here to supplement the section with more information on the specific law enforcement agencies, combatting human trafficking and their actions in this sphere to make the section as balanced as possible.

The following information may be used:

“The National Police of Ukraine is the main law enforcement agency involved in discovering crimes of human trafficking, identifying victims of trafficking and traffickers, and prosecuting the latter. For this purpose, the police conduct investigations and searches; perform administrative, procedural, informational, and other activities; and carry out research.

Since 2012, the Ministry of Internal Affairs has maintained the Unified State Registry of Crimes in Trafficking in Human Beings. This Registry consists of a

¹⁷ European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1.2. Trafficking in human beings. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 02 April 2016.

database that includes the personal data of the victims of human trafficking and their perpetrators in Ukraine. Statistical information contained in the Registry is publicly available on the official website of the Ministry of Internal Affairs.

In 2014, according to Order No. 1074 of the Ministry of the Internal Affairs, the Department for Combating Crimes Related to Human Trafficking was created. This Department is the structural unit of the Ministry of Internal Affairs and belongs to the Criminal Police.

According to statistic of the Ministry of Internal Affairs, from January to June 2015, eighty criminal offenses under article 149 (human trafficking) of the Criminal Code of Ukraine were registered. Eighty-six victims of trafficking in human beings (fifty-six women, twenty-six men, and four minors) were found.

Another law enforcement agency involved in the investigation of facts surrounding human trafficking is the State Border Guard Service of Ukraine. This Service monitors transportation means used by commercial shipping agents, controls passports and other documents that grant entry into and exit from the country, and prepares documents granting the right of stay in or return to Ukraine.

The State Border Guard Service repatriates foreigners and stateless persons who became victims of trafficking in human beings and forcibly departs from Ukraine foreigners and stateless persons guilty of violations of the laws, including laws on trafficking in human beings. During the first six months of 2015, the State Border Guard Service of Ukraine suppressed the activity of twenty-three “channels of illegal migration” and prosecuted illegal activities of sixty-eight people. Six Ukrainian nationals and two citizens of Poland were arrested for organizing five channels of human trafficking in four regions of the country.”¹⁸

Finally, it is suggested to include new section 6.5 titled ‘Government initiatives’ that would contain the following important information:

6.5.1. Article published on the Atlantic Council website in January 2016 stated:

“The Ministry of Social Policy plans to re-adjourn the interdepartmental council in early 2016, and has sent letters to NGOs in the anti-trafficking coalition requesting that they nominate representatives to the council. And throughout the past few years, the ministry has implemented campaigns to raise awareness about human trafficking through television and radio broadcasting, and the publishing and distribution of books and pamphlets.”¹⁹

¹⁸ Peter Roudik and Olena Yatsunska, Summary of Training Related to Combating Human Trafficking: Ukraine, February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

¹⁹ Luke A. Drabyn, Ukraine Should Do More to Combat Human Trafficking, 12 January 2016 available at: <http://www.atlanticcouncil.org/blogs/>

“In 2014, the Ministry of Social Policy of Ukraine—in cooperation with the IOM; the Ministry of Education and Science of Ukraine; and the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine—organized the regional informational campaign “Your Safe Way to the Dream.” The goal of this initiative was to increase public awareness of the risks of falling into a situation of trafficking in human beings and to prevent the various forms of trafficking in human beings. This campaign was aimed at young people, women and men aged sixteen to thirty-five, unemployed persons, and potential migrants who are searching for a better life or work abroad and often become the victims of trafficking in human beings.

In April 2012 the Ministry of Internal Affairs conducted training on human trafficking for twelve participants at the National Academy of Internal Affairs and in 2013 for twenty-six participants in the National Academy’s Institute for Postgraduate Education and thirty participants in the Kharkiv National University of Internal Affairs. In addition, sixty employees of the territorial police units participated in a series of workshops entitled “Capacity Building of Law Enforcement Agencies in Identifying and Investigating Human Trafficking Cases” in Odessa and Ivano-Frankivsk in 2013.”²⁰

3.10. Section 7 Assistance for victims of trafficking

It is considered that additional relevant information from the following source should be included in this section:

“Ukraine’s Ministry of Social Policy, with recommendations from domestic and international nongovernmental organizations, is currently in the final stages of updating the country’s five-year action plan on combating human trafficking. However, recent challenges—like Russia’s continued aggression in eastern Ukraine and the country’s 1.5 million internally displaced persons (IDPs)—have diverted the government’s attention and resources from meaningful anti-trafficking collaboration. The result has been an extreme over-reliance on nongovernmental organizations (NGOs) to raise awareness, assist victims of trafficking, and promote legislative reform to comply with international standards.”²¹

“The All-Ukrainian Coalition of NGOs for Combating Trafficking in Human Beings consists of twenty-eight NGOs from different parts of

[new-atlanticist/ukraine-should-do-more-to-combat-human-trafficking](http://www.atlanticcouncil.org/blogs/new-atlanticist/ukraine-should-do-more-to-combat-human-trafficking) Date accessed: 04 April 2016.

20 Peter Roudik and Olena Yatsunskaya, Summary of Training Related to Combating Human Trafficking: Ukraine, February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

21 Luke A. Drabyn, Ukraine Should Do More to Combat Human Trafficking, 12 January 2016 available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/ukraine-should-do-more-to-combat-human-trafficking> Date accessed: 04 April 2016.

the country. They perform awareness-raising activities for the general public and target groups such as school children, students, people in economically depressed areas, migrant workers, etc. They also provide training on human trafficking to different groups of professionals.”²²

4. Review of responses to COI requests

i. COI request – Treatment of Roma women.

The applicant, a female Ukrainian national, claims that she is of Gypsy ethnicity and appearance. The applicant claims that her granddaughter who is a dependant on her claim was assaulted by two masked hoodlums based on her gypsy appearance. She claims that her granddaughter was previously prevented from using a swimming pool in Uzhgorod in western Ukraine. She claims that she cannot return to Ukraine as gypsies are persecuted by the Ukraine people.

The COI request refers to the sources that are relatively new and contain necessary information. However, not all the elements of the request have been addressed. **First, no information is provided on the treatment of Roma people in the western part of Ukraine, while response is mainly concentrated on its eastern part. Second, the response lacks information on the availability of the protection means for Roma people in case of their persecution.** Also, it is suggested to supplement the response by adding information on the

To improve the request and address the missing parts it is recommended to use the following sources:

- **In November 2015, Ukrainian Ombudsman’s Office stated:**

“Romani people in Ukraine suffer from complicated procedures of obtaining identification documents” stated Serhiy Ponomariov, the head of the non-discrimination department of Parliamentary Secretariat on Human Rights.

“The Ombudsman has highlighted the problem of Romani-people rights as a priority in 2012. Since then, representatives of the Office together with representatives of civil society organizations has been carrying a systematic monitoring and visits to the Roma community. They analyze the legislation in order to determine what prevents Romani people from the access to obtaining documents. The conducted monitoring showed that the situation in different regions of Ukraine varies. Thus, the most difficult situation is in the Zakarpattia, Odesa and Cherkasy regions, in other regions, these problems also exist, but it is less sharp,” said Ponomariov.

²² Peter Roudik and Olena Yatsunska, Summary of Training Related to Combating Human Trafficking: Ukraine, February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

“According to him, the situation is complicated because the representatives of ethnic group do not trust the public authorities. At the same time public authorities have rather passive attitude to the problems of the Roma community.”²³

- **A brief overview of the situation with Roma in Ukraine published in March 2014 provided that:**

“The biggest population of Roma is in the Transcarpathian (Western Ukraine), Odesa (Southern Ukraine), and Cherkasy (Central Ukraine) regions. They live in settlements (“tabory”) isolated in large part from other communities. There has been no effort by the state to address Roma issues at the national level.

The government approved National Roma Strategies several times but no practical steps had been made. Last year, under Ukraine’s obligation in preparation for signing the EU Association Agreement, the President of Ukraine signed the National Strategy of Social Protection and Integration of the Roma People in Ukrainian Society. There is no special governmental body in charge of national minorities.

The Ministry of Culture became responsible for implementing the Roma strategy and developing the Action Plan. The coalition of Roma NGOs developed their recommendations for improving the Action Plan. The International Renaissance Foundation, the office of the Ombudsman, and a number of partner NGOs expressed their concerns regarding the document. The recent country-wide protests brought a number of challenges for the state as well as for civil society. The biggest one has to do with Crimea.

Being a vulnerable group, the Roma, particularly in Crimea, face a number of new problems that are consequences of existing ones (ID documents, lack of education, and isolation of their communities). The Chirikli Roma women’s foundation, which coordinates the Roma mediators project in Ukraine, is in constant communication with Roma mediators in Crimea who report that the situation is very tense. They have stressed that the Roma people they have spoken with want to leave Crimea after it was illegally united with the Russian Federation following the March 16 referendum.

Educated and skilled Roma community leaders have been active participants in the decision-making process. Myroslav Horvat (Uzhgorod, Transcarpathian region), Olena Fyudr (Cherkasy region), Chirikli, Roma Council of Ukraine, and others took an active part in the elaboration of the Roma National Strategy and Action Plan.”²⁴

23 Romani people in Ukraine face complicated procedures for getting IDs, 19 November 2015 <http://112.international/society/romani-people-in-ukraine-face-complicated-procedures-for-getting-ids-1535.html> Date accessed: 07 April 2016.

24 Olga Zhmurko, 25 March 2014 http://www.irf.ua/en/knowledgebase/news/brief_overview_of_the_situation_with_roma_in_ukraine/ Date accessed: 07 April 2016.

- “The Working Group that deals with implementation of the Strategy on protection and integration into Ukrainian society of the Roma minority for the period 2020 has been established by Resolution of the Cabinet of Ministers of Ukraine № 993 dated 25 November 2015.”²⁵
- **The OSCE Situation Assessment Report on Roma in Ukraine published in August 2014 stated:**

“Violence against Roma and their property remains a serious problem in Ukraine. Ukrainian legislation addresses hate crimes based on racial, national or religious bias and includes both general⁵¹ and specific penalty enhancement⁵² provisions for committing hate crimes. In addition, Article 161 (2) of the Criminal Code provides for criminal responsibility for deliberate actions that aim to incite ethnic, racial or religious animosity, or the direct or indirect restriction of rights accompanied with violence, deception or threats. Hate crime provisions are, however, rarely invoked by prosecutors and judges.⁵³ Ukrainian authorities tend to prosecute racist offences as ordinary offences or to reclassify them as “hooliganism.”⁵⁴ In this context, official figures of the total number of recorded hate crimes as reported to ODIHR are very low, with three in 2012, five in 2011 and five in 2010. Moreover, these data include hate crimes, cases of incitement to hatred and cases of discrimination. There are no official statistics on hate crimes committed because of an anti-Roma bias. International and local NGOs have reported numerous violent attacks against Roma in Ukraine, as illustrated by the following reports. In July 2013, two men set a Roma settlement on fire in Berezniaky, Kyiv.

In June 2013, a Roma settlement in the Darnytskyi district of Kyiv was attacked by a group of ten and burnt down. In May 2012, a Roma settlement of about 70 people in Kyiv was set on fire by unknown perpetrators who threatened to kill Roma if they did not leave the city.⁶¹ In September 2012, a group of young men in masks threw Molotov cocktails into a Roma settlement in Uzhgorod. In November 2010, in Makiyivka, Donetsk region, two brothers attacked and killed a Roma woman with a screwdriver. It also worth noting that many hate crimes and incidents go unreported because Roma lack confidence in the police and justice systems and fear further persecutions.”²⁶

ii. COI request – Security situation including ethnic Russians

The applicant claims that she is an ethnic Russian with Ukrainian citizenship and therefore would be exposed to persecution upon return to Ukraine. She previously

²⁵ Current issues of the Roma community in Ukraine were discussed in the Ministry of Culture of Ukraine http://mincult.kmu.gov.ua/control/en/publish/article;jsessionid=C48C7C6BC772FF320338DE7CB44D6135.app2?art_id=245053795&cat_id=35054 Data accessed: 07 April 2016.

²⁶ <https://www.osce.org/odihr/124494?download=true> Date accessed: 07 April 2016.

resided in Donetsk and fears returning to Eastern Ukraine. Would you be able to confirm if ethnic Russians are persecuted in Ukraine, and if they are, if that treatment would amount to torture or inhuman or degrading treatment under Article 3?

Please could you also provide an update on the security situation in Ukraine with regards to Article 15(c) of the EU Qualification Directive. A request was previously made in 07.2014, however it has almost been a year since that request and the applicant claims that the situation has considerably worsened.

The response to this request is outdated and needs to be revised using the latest information from the published reports. Also, it lacks information on the treatment of the ethnic Russians in Ukraine. **Therefore, it is recommended to redraft this response using the following sources:**

On the security situation:

- The latest report on the human rights situation in Ukraine published by the OHCHR in March 2016 stated:

“The number of civilian casualties caused by armed conflict continued to decrease. Between 16 November 2015 and 15 February 2016, OHCHR recorded 78 conflict-related civilian casualties in the conflict-affected areas of eastern Ukraine: 21 killed (13 men and eight women), and 57 injured (41 men, eight women, six boys and two girls) - compared to 178 civilian casualties recorded (47 killed and 131 injured) during the previous reporting period of 16 August – 15 November 2015. Overall, the average number of monthly civilian casualties during the reporting period was among the lowest since the beginning of the conflict.

The number of civilian casualties recorded by OHCHR since the Minsk cease-fire agreement entered into force on 15 February 2015 reached 843: 235 killed (125 men, 61 women, 10 boys and six girls, and 30 adults and three children whose sex is unknown) and 608 injured (299 men, 164 women, 31 boys, 12 girls, and 101 adults and one child whose sex is unknown).

In total, from mid-April 2014 to 15 February 2016, OHCHR recorded 30,211 casualties in the conflict area in eastern Ukraine, among Ukrainian armed forces, civilians and members of the armed groups. This includes 9,167 people killed and 21,044 injured. There was a total of 381 casualties during the reporting period: 69 killed, including 21 civilians, and 312 injured, including 57 civilians.”²⁷

- The UN Security Council was told during briefing on 11 December 2015 that the situation in Eastern Ukraine remains ‘tense and volatile’:

²⁷ OHCHR, Report on the human rights situation in Ukraine from 16 November 2015 to 15 February 2016 http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016.pdf Date accessed: 07 April 2016.

“Despite a reduction in clashes following the recent ceasefire agreement, the situation in eastern Ukraine remained “tense and volatile”, characterized by widespread human rights violations and a deteriorating humanitarian situation, senior United Nations officials told the Security Council today, in the first meeting to be held on the matter in six months.

Ivan Šimonović, Assistant Secretary-General for Human Rights, provided the Council with an assessment of the human rights situation based on the work of the Monitoring Mission of the Office of the High Commissioner for Human Rights (OHCHR). Noting a recent decrease in the overall number of civilian casualties, he nevertheless said that the absence of the rule of law made the human rights situation in the self-proclaimed “Donetsk People’s Republic” and “Luhansk People’s Republic” very difficult. In Crimea, meanwhile, the human rights situation had shown no signs of improvement in 2015.”²⁸

On the situation with ethnic Russians:

- **Report of the Special Rapporteur on minority issues produced in January 2015 stated:**

“Ethnic Russians consulted in Donetsk, Kyiv and Odesa strongly expressed their views that the Euromaidan movement represented an explicit anti-Russian agenda with potential implications for their future rights and security. Some stated concern over the role of far-right and Ukrainian nationalist groups including the All-Ukrainian Union “Svoboda” (Freedom) and “Pravyi Sektor” (Right Sector), that have openly expressed anti-Russian and anti-Semitic sentiments and have nationalist agendas. It is evident that dialogue between the Government and ethnic-Russian groups in eastern and southern Ukraine is weak, while it is essential to build confidence that minority rights guarantees will be put in place and respected. The Special Rapporteur notes the poor election results of far-right and allegedly anti-Russian parties in the May 2014 elections.

The Special Rapporteur was not provided with evidence that anti-Russian sentiment was widespread. There have been few incidents of discrimination, harassment or abuse of individuals or groups on the basis of their Russian identity in Kyiv or other localities. Russians and ethnic Ukrainians frequently stated that their relations remained good. Incidents of intercommunal violence were extremely rare or non-existent in most localities at the time of the Special Rapporteur’s visit. However, in the current situation of conflict in 1. some regions, it is necessary for all relevant actors, including the United Nations human rights monitoring team, to identify incidents or trends that indicate that violence or intimidation on the grounds of ethnicity, language or religion are increasing.

²⁸ Situation in Eastern Ukraine Remains ‘Tense and Volatile’ Despite Post-Ceasefire Reduction in Fighting, Security Council Told during Briefing, 11 December 2015 <http://www.un.org/press/en/2015/sc12154.doc.htm> Date accessed: 07 April 2016.

In April and May 2014, unrest in southern and eastern Ukraine escalated significantly with public buildings in localities including Donetsk, Kharkiv, Odesa and Slovyansk falling under the occupation of pro-Russian activists and violent incidents as Ukrainian authorities responded. Vaguely defined pro-Russian elements, including organized and illegally armed groups, often emerged in previously peaceful locations, sometimes with tragic consequences. Such incidents have the potential to further divide communities along ethnic and linguistic lines and create the conditions for the escalation of tensions.

Russian minority representatives acknowledged that, prior to the unrest, they did not face a repressive environment, widespread discrimination, exclusion, or violence based on their identity. They commonly reflected their greatest concerns as being in the fields of language and education and expressed their perception that the Euromaidan movement and pro-European Government would diminish the status of the Russian language and culture, reinforced by attempts to abolish the 2012 language law. Some ethnic Russians viewed the territory and people of Ukraine as historically and culturally Russian and strongly rejected the label “minority” being applied to them.”²⁹

iii. COI request – Military conscription

Are Ukrainian residents at risk of being drafted into the Ukrainian military or other military groups to fight the pro-Russian separatists?

The response cites relevant sources, however more updated information is needed, given the introduced amendments to the legislation on the military conscription. Also, references to the Ukrainian sources, including those available at the date of issuing the response, are recommended to add in order to strengthen the content of the response.

Therefore, it is suggested to supplement the response with the following:

- **In an article ‘Fear of mobilization: Myths and Reality’ published in the Ukrainian Week on April 2015 it was stated:**

“The minute every new round of mobilization goes into full swing, the Kyiv district recruitment offices (DROs) get endless letters from “well-meaning” residents hinting that, supposedly, this or that bad neighbor is avoiding the draft, while this other alkie/druggie/hooligan needs to get a call-up notice, go to war and straighten out his life or at least do penance.

Too many Ukrainians still perceive the army as a penal system, meting out punishment, not to distant Russian militants, but to those being called up to serve. “The way things are right now, no point in my joining the army” is the position of most reservists. Unfortunately, starting with the first round of mobilization a year ago, the many wrong steps taken by both the government and military leadership have been changing the broadly patriotic mood and desire

²⁹ Report of the Special Rapporteur on minority issues, Rita Izsák, 27 January 2015 <http://goo.gl/nVFN6K> Date accessed: 07 April 2016.

to defend their homeland to growing skepticism and distrust in the purpose of joining the Armed Forces of Ukraine.

Before the fourth mobilization began, General Headquarters gave the DROs a clearly defined objective: to provide a far better quality of call in 2015 than the previous year. One of the key criteria was ensuring the proper level of professional skills and training among reservists being mobilized into the Ukrainian Armed Forces. The plan was that only experienced individuals with those military occupational specialty (MOS) needed by the given army unit would be put “under the gun.”

It turned out that to mobilize 1,000 men into the army, they would need to issue nearly 40,000 calls, numbers that recruitment offices said they had no means of vetting, realistically. Instead, they had to be satisfied with simply taking whoever wasn't hiding from their local recruitment office and had normal results from their physical.”³⁰

- **In February 2016 Reuters published the following:**

“War-weary Ukraine is struggling to recruit soldiers to fight pro-Russian separatists in the east, with enthusiasm sapped by reports of ill-equipped troops and poor treatment of families of missing soldiers. When fighting began in mainly Russian-speaking east Ukraine almost two years ago, patriotism soared and recruitment offices in Ukraine’s capital, Kiev, were inundated with volunteers. Now, with a year-old ceasefire barely holding and the death toll still rising, Ukraine’s military faces a battle to find replacements for about 40,000 servicemen expected to be demobilised in March.

Kiev’s last recruitment drive in August 2015 attracted little over half the 25,000 soldiers the military wanted. While it is illegal to dodge the draft, potential recruits can do so by bribing officials or simply leaving the country. The low numbers are no surprise to one veteran, who served in an infantry brigade between Feb. 5 and Dec. 4 of last year and said those risking their lives were expected to buy a lot of their own equipment. “There’s no desire to return,” he said, speaking on condition of anonymity. “There were many things we had to buy ourselves, or volunteers donated them.” “Officially they gave us two pairs of socks for the whole period, useless old boots, a uniform from flammable fabric, which is freezing in winter and sweaty in summer.”

“Now it’s a big problem - the evasion of mobilisation and conscription,” said Dmytro Tymchuk, a lawmaker and defence expert. “There’s been negative publicity from the conflict zone ... There were problems with nutrition, medicines and the winter uniform. Patriotism is falling.”³¹

³⁰ Ukrainian Week, Fear of Mobilization: Myths and Reality An inside look at how the army is being formed, 17 April 2015 <http://ukrainianweek.com/Society/134926> Date accessed: 07 April 2017.

³¹ Nataliya Zinets, Ukraine struggles to recruit soldiers for war in east, 4 February 2016 <http://uk.reuters.com/article/uk-ukraine-crisis-military->

- Daily Nation published in February 2016:

“The president of Ukraine, Mr Petro Poroshenko has suggested an amendment that would allow him to start military mobilisation without announcing it beforehand. The measure was proposed after only 60 per cent of draftees were enlisted in the previous run. Over the two years that have passed since the armed coup in Kiev dramatically changed Ukraine, the new government declared six waves of mobilization.

It’s a special kind of military draft separate from regular conscription that is used to respond to an emergency. The draft was needed to boost military units sent to fight the rebellious eastern regions of Donetsk and Lugansk.

Ukraine nearly doubled the strength of its army from the initial 130,000 to 232,000 in 2014 and wants to have 250,000 standing troops, 210,000 people were drafted overall, some of them already demobilised. The war effort, however, became increasingly difficult to maintain. The initial surge of volunteers dwindled while the number of people who would rather risk prosecution for dodging the draft than put their necks on the line increased.”³²

iv. COI request – 2012 election result

Which political party (and MP) won the seat for the city of Irpin (also spelt Irpen) in the Kiev Oblast (Kiev District) for the 2012 Parliamentary Elections in Ukraine.

The role of Yaroslav (Jaroslav) Gonchar in Ukrainian politics.

Only one suggestion is made here with regard to a clear answer on the 2012 election results in Irpin. Here, it is recommended to refer to the Ukrainian source translated into English:

Central Election Commission reported in November 2012:

“District 95: Vyacheslav Kutovyi (‘Batkivschyna’ Party) won with 26.90% of votes, the second place took Petro Melnyk (Party of Regions) - 22.42%.”³³

v. COI request - Punishment for draft evasion

If a Ukrainian civilian draft evader were to be convicted of draft evasion under Article 336 of the Ukrainian Criminal Code (draft evasion), would they be sentenced to imprisonment in a military prison or civilian prison? Secondly, is Article 336 being enforced, and if so are evaders being imprisoned?

[idUKKCN0VD21Q](#) Date accessed: 07 April 2016.

³² Ukraine plans new big military draft, 16 February 2016 <http://www.nation.co.ke/news/world/Ukraine-plans-new-big-military-draft-/1068/3078198/-/x1qrp1/-/index.html> Date accessed: 07 April 2016.

³³ Results of election in the Kyiv region, 04 November 2012 <https://www.rbc.ua/ukr/news/itogi-vyborov-po-mazhoritarke-v-kievskoy-obl-v-lderah-30102012131800> Date accessed: - 07 April 2016.

On the issue of treatment conditions in Ukrainian prisons it may be relevant to refer to the 2014 Report of the Ukrainian Parliament Commissioner for Human Rights titled ‘Monitoring places of detention in Ukraine’:

“During visits to Dykanivska (#12) and Pervomaysky (#117) correctional colonies, and interviews with the convicted persons, members of monitoring groups received information about numerous violations of the rights of convicted persons, as well as identified instances of ill-treatment that can amount to torture, cruel, inhuman, or degrading treatment or punishment. The so-called correction measures start from the moment of convicted persons’ arrival to the facility when the staff and “active” inmates offer newcomers to clean toilets and other places in the quarantine, diagnostics, and allocation units. The personnel and “active” prisoners subject those who refuse to mop the floors, to physical violence in the form of “stretches”.

Among other things, there are cases of arbitrary restriction of the legal rights of convicted and detained persons:

- There are violations of the right to telephone conversations. Due to the limited number of phones and schedule designed in the interests of administration, the length does not exceed 3-5 minutes;
- There have been numerous complaints by convicted persons and prisoners on failure to follow the requirements of food preparation, as it does not have proper quality and organoleptic qualities. There are almost no fresh vegetables or sufficient amount of fats in prisoners’ nutrition;
- There are cases of using free labour of convicted persons who are taken to production units for longer than the period established by the legislation, or their working hours are not recorded properly. In addition, there are instances when items produced by prisoners are counted as production of the so-called “active” unit (brigadiers);
- Amount of allocations for compensation of the work of prisoners assigned for household services does not allow for payments of minimum monthly wage (1218 UAH). In practice, they are paid only 0.25 or 0.5 of the minimum wage. There is no compensation for work on weekends and holidays in accordance with the Labour Code of Ukraine;
- In almost every facility, there are instances of insufficient provision of individual protection means and additional nutrition for workers.”³⁴

34 Ukrainian Parliament Commissioner for Human Rights, Monitoring Places of Detention in Ukraine, 2015 http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/AnnualReport2014_Ukraine.pdf Date accessed: 07 April 2015.

Annex B 1

CPIT Responses to IAGCI Reviews/ Recommendations

Home Office Response to IAGCI Review

Ukraine Country of Origin Information Requests (COIRs)

03 May 2016

Summary

The Home Office would like to thank the reviewer for the suggested additional sources/ material. However, COIRs are time and case-specific and we do not intend to revisit or update these. However, the observations may be useful for future use if a similar issue arises or if we determine that a CIG is required on a given topic. As stated in places, we have already done this for particular topics.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>1. i. COI request – Discrimination against Africans/ Nigerians</p> <p><i>Claimant fears her children will be persecuted because of their race (their father is Nigerian), and by association she will also be persecuted. Are there attacks on ethnic minorities in Ukraine? Is there a prevalence of mistreatment amounting to persecution against people of African descent or specifically citizens of Nigeria? Is there an availability of protection from the authorities?</i></p> <p>In general, the response lacks structure and does not correspond with all the brought questions. Some of the questions have not been addressed at all. In particular, the specific question on the availability of protection from the authorities was left without addressing it. In this regard, the researcher could refer to the European Commission Against Racism and Intolerance Report on Ukraine in 2012.</p>	<p>Accepted</p>	<p>However we do not propose to amend the response. The response was time and case specific but observation may be useful for future use if a similar issue arises.</p>

Review Conclusions/Recommendations	Response	Home Office Comments
<p>2. ii. COI response – Risk of political gangs</p> <p><i>Can you advise on the risk that would be faced by a pro-western supporter, from the Cherkasy Region, who has an outstanding arrest warrant for charges of embezzlement. This individual has been previously targeted by a criminal gang allegedly supported by a powerful Oligarch. Would you also be able to advise on the risk to a person, who is subject to potentially politically motivated criminal charges, in prison?</i></p> <p>The response is well structured and sites relatively recent sources. However, the specific question in the request concerning risk of political gangs is not addressed enough in the response document.</p> <p>To improve the response, reference shall be made to the article by Human Rights Watch titled “Ukraine: End Politically Motivated Abuses. Kidnappings, Mob Violence Threaten Journalists and Activists”.</p>	Accepted	However we do not propose to make this suggested amendment at the current time – the response was time and case specific but the additional material suggested will be helpful for future use.
<p>3. iii. COI response – Societal attitude to ethnic Russian Muslims</p> <p><i>The applicant has been the target of islamophobic attacks. On one occasion, the applicant’s arm was broken whilst she was on public transport. The applicant states that she was told by her attackers on this occasion that Ukraine does not tolerate people who wear headscarfs, and that Ukraine is not for Muslims or black people. The applicant further claims that she was subjected to another islamophobic attack whereby a knife was put to her throat and she was told to leave. Both of these attacks took place in July 2015. The attacks took place in the city of Lvov, where the applicant was residing. In light of the attacks suffered by this applicant, can you provide information on the current situation for ethnic minorities and Muslims in Ukraine. Can you provide information on what protection, if any, is available to this applicant. Further to this, can you also provide details of which parts of the country can be considered safe to live for the applicant.</i></p> <p>The response does not include the specific information on what protection in Ukraine is provided for the representatives of religious minorities. In this regard, the researcher may refer to the Report on Ukraine of the Special Rapporteur on minority issues, Rita Izsák, published on 27 January 2015.</p>	Accepted	As above.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>4. iv. COI response – Return to Luhansk <i>Applicant claims he cannot return to Ukraine, more importantly his region Antratsyst in Lugansk. He has a settled partner and child but does not meet the rules, claims he cannot be expected to go back to Ukraine as it will be like committing suicide as he states many people have been killed or tortured there. If he were to return to Ukraine in general would he be in immediate danger?</i></p> <p>The response contains references to the sources with information that has already been updated. It is necessary to compile a response, relying on the most recent data available. In particular, the response references to The Office of the United Nations High Commissioner for Human Rights Report on the Human Rights Situation released in June 2015. As of now, reference should be made to the latest March 2016 Report. The response contains nothing on examples of tortures or killings in the eastern part of Ukraine, therefore not all of the elements of the request are addressed. For the purpose of outlining this, the researcher should refer to the Report of Amnesty International released in May 2014 and titled ‘Abductions and Torture in Eastern Ukraine’.</p>	Accepted	<p>However we do not propose to make this suggested amendment at the current time. The response was time and case specific. Since the response was prepared, separate and more comprehensive country information and guidance has been issued on the security and humanitarian situation throughout Ukraine.</p>
<p>5. v. COI response – Education/children Information is required regarding the school system in Ukraine, including the ages children attend school, whether it is universally accessible, the primary and secondary school system. The last COIS report to mention this is from 2006, so a more up to date version is required.</p> <p>The response is well structured using pertinent and balanced sources. References could also be made to A Nordic Recognition Network (NORRIC) Country Report, which contains a detailed overview of the educational system of Ukraine.</p>	Accepted	<p>However we do not propose to make this suggested amendment at the current time. The response was time and case specific, but the additional material suggested will be helpful for future use.</p>

Review Conclusions/Recommendations	Response	Home Office Comments
<p>6. vi. COI request – Treatment of Roma women</p> <p><i>The applicant, a female Ukrainian national, claims that she is of Gypsy ethnicity and appearance. The applicant claims that her granddaughter who is a dependant on her claim was assaulted by two masked hoodlums based on her gypsy appearance. She claims that her granddaughter was previously prevented from using a swimming pool in Uzhgorod in western Ukraine. She claims that she cannot return to Ukraine as gypsies are persecuted by the Ukraine people.</i></p> <p>The COI request refers to the sources that are relatively new and contain necessary information. However, not all the elements of the request have been addressed. First, no information is provided on the treatment of Roma people in the western part of Ukraine, while the response is mainly concentrated on its eastern part. Second, the response lacks information on the availability of the protection means for Roma people in case of their persecution. Also, it is suggested to supplement the response by adding information on the [].</p> <p>To improve the request and address the missing parts, it is recommended to use the following sources.....:</p>	Accepted	As above
<p>7. vii. COI request – Security situation including ethnic Russians</p> <p><i>The applicant claims that she is an ethnic Russian with Ukrainian citizenship and therefore would be exposed to persecution upon return to Ukraine. She previously resided in Donetsk and fears returning to eastern Ukraine. Would you be able to confirm if ethnic Russians are persecuted in Ukraine, and if they are, if that treatment would amount to torture or inhuman or degrading treatment under Article 3? Please could you also provide an update on the security situation in Ukraine with regards to Article 15(c) of the EU Qualification Directive. A request was previously made in July 2014; however, it has, however it has almost been a year since that request and the applicant claims that the situation has worsened considerably.</i></p> <p>The response to this request is outdated and needs to be revised using the latest information from the published reports. Also, it lacks information on the treatment of the ethnic Russians in Ukraine. Therefore, it is recommended to redraft this response using the following sources:.....</p>	Accepted	<p>However we do not propose to make this suggested amendment at the current time. The response was time and case specific.</p> <p>Since the response was prepared, separate and more comprehensive country information and guidance has been issued on the security and humanitarian situation throughout Ukraine.</p>

Review Conclusions/Recommendations	Response	Home Office Comments
<p>8. viii. COI request – Military conscription <i>Are Ukrainian residents at risk of being drafted into the Ukrainian military or other military groups to fight the pro-Russian separatists?</i></p> <p>The response cites relevant sources; however, more updated information is needed, given the introduced amendments to the legislation on the military conscription. Also, references to the Ukrainian sources, including those available at the date of issuing the response, are recommended to add in order to strengthen the content of the response. Therefore, it is suggested to supplement the response with the following:.....</p>	Accepted	As above, since the response was prepared, separate and more comprehensive country information and guidance has been issued on military service in Ukraine. The more recent material suggested by the reviewer will be included in the next version of that CIG.
<p>9. COI request – 2012 election result <i>Which political party (and MP) the seat for the city of Irpin (also spelt Irpen) in the Kiev Oblast (Kiev District) for the 2012 Parliamentary Elections in Ukraine.</i> <i>The role of Yaroslav (Jaroslav) Gonchar in Ukrainian politics.</i></p> <p>Only one suggestion is made here with regard to a clear answer on the 2012 election results in Irpin. It is recommended to refer to the Ukrainian source translated into English.</p>	Accepted	However we do not propose to make this suggested amendment at the current time. The response was time and case specific.
<p>10. ix. COI request - Punishment for draft evasion <i>If a Ukrainian civilian draft evader were to be convicted of draft evasion under Article 336 of the Ukrainian Criminal Code (draft evasion), would they be sentenced to imprisonment in a military prison or civilian prison? Secondly, is Article 336 being enforced, and if so are evaders being imprisoned?</i></p> <p>On the issue of treatment conditions in Ukrainian prisons it may be relevant to refer to the 2014 Report of the Ukrainian Parliament Commissioner for Human Rights titled ‘Monitoring places of detention in Ukraine’.</p>	Accepted	Since the response was prepared, separate and more comprehensive country information and guidance has been issued for prisons in Ukraine. The more additional material suggested by the reviewer will be included in the next version of that CIG.

Annex B 2

Ukraine: Fear of Organised Criminal Gangs (November 2015)

03 May 2016

Summary

The Home Office would like to thank the reviewer for the positive overall assessment of the CIGs. We have accepted all of the recommendations.

It was particularly helpful that the review identifies specific passages from new sources for inclusion and also gives suggested alternative forms of words. This has considerably simplified the process of updating the document. As such, and subject to the discussion at the May 2016 meeting, we have an updated version ready for publication.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>1. General issues and recommendations Structure and substance The COI report on Ukraine from November 2015 was checked for errors, omissions, inconsistencies and its structure. Generally, both structure and substance of the report are extremely effective, providing well referenced and balanced information and covering most issues. However, some suggestions can be included to improve its content.</p>	Accepted	<p>We welcome this positive review and the constructive recommendations made by the reviewer and, as set out below, we will incorporate them in the next version.</p> <p>It was particularly helpful that the review identifies specific passages from new sources for inclusion and also gives suggested alternative forms of words which will simplify considerably the process of updating the document.</p>

Review Conclusions/Recommendations	Response	Home Office Comments
<p>2. Range of sources</p> <p>The Report mostly consists mostly of excerpts from a wide range of relevant reports, press sources and other documentation that have been appropriately and accurately reflected in the document. At the same time, it lacks references to and citations from applicable laws that are of a great importance (especially for the sections 4 and 5 titles 'Legal position' and 'Law enforcement' respectively).</p> <p>Given the above, extracts from the original legal texts and academic sources could assist in better understanding the context of the information provided by the Report. To improve its content, the report may be alternated and/or complemented with the Ukrainian sources that are more authoritative on the basis of the topic under consideration.</p>	Accepted	<p>Versions of national laws in the English language and accessible on the internet are often unavailable. Wherever possible we would quote directly from the original legislation and source it to that. Where that is not possible we cite what other reliable sources report. We are grateful for the additional sources identified by the reviewer and will include them in the next version.</p>
<p>3. Relevance of information</p> <p>Some sections of the Report very much need to include more up including more up to date information that was not available at the time of publication of the report. Especially, this considers subsections 'Government initiatives' and 'Corruption' where references are made to law initiatives and bills, some of which have already been enacted. More recent and relevant easily accessible information available online was suggested for replacing sources that are more than two years old.</p> <p>Additional subsections have been suggested for inclusion to emphasise issues not currently addressed in the COI report, for example, subsection 3.6 'Weapons smuggling'. Most suggestions concern additional sources detailing the current situation with organised crime in Ukraine.</p>	Accepted	<p>The next version will be altered to reflect the material which has been published since the CIG was produced and also the other additional material which has been identified.</p>

Review Conclusions/Recommendations	Response	Home Office Comments
<p>4. Typos, errors and omissions</p> <p>First, in some parts, the Report lacks unanimity in spelling words. For example, on p. 4 in Guidance one can notice use of the word ‘see’ in two ways: ‘see’ and ‘See’. Such cases shall be avoided for the purpose of ensuring solid substance of the Report.</p> <p>Second, section numbers in the Contents of the Report appeared to be incorrect due to the mistake with the Report’s part on Policy Summary (<i>more on that below</i>).</p>	Accepted	These points will be addressed in the next version.
<p>5. Comments on Guidance</p> <p>First, Contents of the Report and its Guidance contains Section 1 titled ‘Introduction’, which should have had two main parts: 1.1 Basis of Claim and 1.2 Other Points to Note. However, there is no such section in the report and there are no hyperlinks to its parts. Therefore, relevant information outlining substance of Section 1 of the Report, as well as hyperlinks should be added.</p> <p>Second, Contents do not include Policy Summary, which forms Section 3 of the report, thereby creating problems with the general numbering in the report. It is necessary to insert Policy Summary into the Contents as Section 3 and change the subsection and paragraph numbers respectively. This will avoid any misunderstanding with the section numbers and paragraph numbers.</p>	Accepted	We will fix this formatting error in the next update.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>6. <i>On paragraph 2.3.1:</i></p> <p>First, the paragraph says that “The overall presence of traditional organized crime groups in Ukraine is declining rapidly (see Trends of Organised Crime)”. Neither this nor further sentences in the paragraph provide the reader with an information on what criminal gangs shall be understood as traditional organised crime groups. The same concerns cross reference to point 6.3.1, which also does not specify the notion of traditional organised crime groups in Ukraine. This creates difficulties for the reader in perceiving such information, Therefore, it is recommended either to remove the word ‘traditional’ or to add an additional sentence into this paragraph specifying what criminal gangs can be considered as traditional in Ukraine.</p> <p>Second, paragraph 2.3.1 also states that “Ukrainian organised crime is mostly involved in human trafficking, drug trafficking, cyber crime, corporate raiding and smuggling of products to the European Union.” Given the current situation in the country (see <u>Ukraine: Crimea, Donetsk and Luhansk</u>), some types of organised criminal activities in Ukraine shall be specified here. In particular, this refers to the weapons smuggling (more on this in sub-section 3.6).</p>	Accepted	This paragraph will be amended in the next version along the lines suggested by the reviewer.
<p>7. <i>On paragraph 2.3.2:</i></p> <p>Given that organised criminal gangs have not stopped their activities in Crimea and the eastern Ukraine, ‘operated’ shall be changed into ‘operate’. Also, ‘province’ shall be replaced by ‘region’, since the latter word gives a correct understanding of administrative structure of Ukraine and is used in country information and guidance on <u>Ukraine: Crimea, Donetsk and Luhansk</u>.</p> <p>Therefore, it is recommended that para 2.3.2 reads as follows:</p> <p>“Most organised criminal gangs uncovered by the authorities operated in Crimea and the eastern provinces regions of Donetsk and Luhansk; and also in the bordering south eastern province region of Zaporizhia and Odessa province region on the northern coast of the Black Sea (see Law enforcement). See also country information and guidance on <u>Ukraine: Crimea, Donetsk and Luhansk</u>.”</p>	Accepted	This will be amended in the next version.

Review Conclusions/Recommendations		Response	Home Office Comments
8.	<p><i>On paragraph 2.3.3:</i></p> <p>This paragraph states that “Contract killings continue to take place in low numbers (less than 20 per year)...”. The source of this data is the Organized Crime Observatory’s April 2015 report, which gives information on the number of contract killings at the latest from 2012. Thereby, it is not recommended to put data collected 4 years ago into the Report. Here, it is suggested either to remove ‘(less than 20 per year)’ or specify a year:</p> <p>“Contract killings continue to take place in low numbers (less than 20 per year)...” or “Contract killings continue to take place in low numbers (less than 20 per year in 2012)...”.</p> <p>However, to avoid misunderstanding, the first suggestion seems to be more relevant.</p>	Accepted	The revised text suggested will be adopted in the next version.
9.	<p><i>On paragraph 2.4.1:</i></p> <p>Ukrainian Government has already restructured the work of agencies responsible for preventing and fighting organised crime and took relevant measures as a part of the reform (more on that in section ‘Legal position’), so that para. 2.4.1. is recommended to be paraphrased as follows:</p> <p>“Ukraine has specific laws against organised crime (see <u>Law on organised crime</u>) and is has restructured the work of agencies responsible for preventing and fighting organised crime. The reform providesd, amongst other things, for the establishment of an additional body, the State Bureau of Investigation, in the fight against organised crime (see Government initiatives).”</p>	Accepted	As above.
10.	<p><i>On paragraph 2.4.4:</i></p> <p>Some sources (more on that in section 8 ‘Corruption’) indicate that corruption still remains a problem for Ukraine. Given the above, it is suggested to slightly change the following sentence of para.2.4.4:</p> <p>“Corruption has in the past been a serious problem in Ukraine.”</p>	Accepted	As above.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>11. 3.1 Sub-section 4.1 Nature of organised crime <i>On paragraph 4.1.1:</i> Although the information provided in this paragraph by the Immigration and Refugee Board of Canada in 2012 is a reliable source, however it is recommended in the next update of the report to remove such old sources in order to streamline the Report. It is presumed that older information may be included where more recent information is not available. Given the April 2015 report of the Organized Crime Observatory provides the reader with the main areas of organised criminal activity, it is suggested to remove paragraph 4.1.1 which refers to the 2012 information given by the Immigration and Refugee Board of Canada.</p> <p>Instead, it seems more relevant to include into subsection 4.1 extracts from other sources available at the date of publication of the report that can give a reader better understanding of the recent situation with organised crime in Ukraine, especially in its eastern part.</p>	Accepted	The revised text suggested will be adopted in the next version.
<p>12. <i>On paragraph 4.1.4:</i> It is highly recommended to remove the following extract due to the unreliable character of information it presents [According to Ukrainian sources, Oleksand Muzychko was not a Nationalist Rights Sector leader, but a coordinator of its western Ukrainian branch. Moreover, facts of his death (whether this was or wasn't a gun battle with the security forces) have not been established yet].</p> <p>“What has to be borne in mind here is that is that [sic] it is not only with Russia that many of these Ukrainian mobsters have become aligned. Some too have found common cause with the country’s extreme right that played its part in the “Euromaidan” protests in Kiev and recent fighting on the frontlines of eastern Ukraine. Oleksandr Muzychko, the Nationalist Right Sector leader, who was killed in a gun battle with security forces in Ukraine last March [2014], was wanted for membership of an organised crime gang...”</p>	Accepted	This will be omitted form the next version.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>13. 3.2 Subsection 4.2 Contract killing</p> <p>This subsection is exclusively based on extracts from the Organized Crime Observatory’s April 2015 report, which provides a relatively outdated information of 2012. It is necessary to update this part with the recent information related to contract killings in Ukraine.</p> <p>It is suggested to supplement subsection 4.2 with the following paragraph 4.2.2:</p> <p>4.2.2. “Recent examples of contract killings in Ukraine include politicians, journalists and businessmen with the links to politics. For example, Oles Buzyna, former editor in chief of the daily newspaper Segodnya, known for his pro Russian views and his criticism of President Petro Poroshenko’s government, was shot and killed on April 16, 2015. On April 17, the Kyiv police chief <u>told media</u> that the police suspected that Buzyna’s murder was a contract killing. The day before Buzyna’s murder, Oleg Kalashnikov, a former member of parliament from Yanukovich’s Party of Regions, was shot dead outside the door to his apartment in Kiev.”</p> <p>Also, section 4.2 can be amended, using information published on 3 April 2015 by Consortiumnews.com, the first investigative news magazine on the Internet, in the article titled ‘Mysterious Deaths in Ukraine.</p>	<p>Accepted</p>	<p>This additional information will be included in the next version.</p>

Review Conclusions/Recommendations	Response	Home Office Comments
<p>14. 3.3 Subsection 4.3 Link with politics <i>On paragraph 4.3.1:</i> This section begins with the extract from the April 2015 Organized Crime Observatory’s report, providing information on the historical context, which actually repeats what has been stated earlier. Therefore, it is suggested to remove the following paragraph and avoid duplication: “On the surface, today’s Ukraine has moved past the rule of organized crime groups and the highly publicized contract killings of the lawless 1990s. But the small group of individuals who own much of Ukraine’s wealth today almost all got their start in this lawless era, and most of them amassed their early fortunes through illicit activities, alliances with organized crime groups, and theft of state assets...Over time, the tools of economic capture have become more sophisticated: instead of armed gangs, we see lawyers and notaries creating fraudulent ownership claims and falsified proxy battles, using multiple layers of shell companies served by off-shore banks. Still, the threat of violence underlies much of the corporate raiding that continues today, even if it has receded into the background. And self-enrichment remains the primary goal for many who serve in Ukraine’s Parliament and at the highest levels of government, for whom conflicts of interest represent business opportunities, rather than moral dilemmas.” Instead, additional paragraph 4.3.3 may be added, using the following source: “Eastern Ukraine has long been ruled by a nexus of political power, business interests, and criminal groups. An important power figure before the war was Ukrainian businessman Rinat Akhmetov, who enjoyed greater authority than many local governors or law enforcement officials. After the conflict erupted, corrupt local institutions collapsed as prewar officials and business leaders fled west or threw in their lot with separatists, leaving the separatist held territories to devolve into lawlessness.”</p>	Accepted	The suggested revision will be adopted in the next version.

Review Conclusions/Recommendations		Response	Home Office Comments
15.	<p>3.4 Subsection 4.4 Illicit drugs <i>On paragraph 4.4.2</i></p> <p>Given that this paragraph is based on information from The US Department of State's 2015 International Narcotics Control Strategy Report, dated 18 March, it is necessary to update it with the extracts from the 2016 Report.</p>	Accepted	The updated information will be included in the next version.
16.	<p>3.5 Subsection 4.5 Human trafficking</p> <p>In this section the Report refers to country information and guidance on Ukraine: Women fearing gender based violence. However, the relevant hyperlink is not provided. It is necessary to insert it.</p>	Accepted	This will be corrected in the next version.
17.	<p>3.6 Subsection 4.6 Smuggling of products</p> <p>Given the recent publications on organised criminal activities in Ukraine, it is recommended to include into the Report the new subsection 4.6 on smuggling of products, and therefore make relevant amendments into the contents of the report.</p>	Accepted	The additional material will be included in the next version.
18.	<p>3.7 Subsection 5.1 Law on organised crime</p> <p>This section contains only a hyperlink to the Law of Ukraine on the organizational and legal foundations of struggle against corruption and organized crime.</p> <p>First, the correct title of the law should be: "Law of Ukraine on the organizational and legal foundations of struggle against corruption and organized crime".</p> <p>Second, Ukraine's legal framework on fighting against organised crime is much more extensive than this one law. Therefore, it is recommended to supplement paragraph 5.1.1 as follows: <i>[text suggested].</i></p>	Accepted	The will be corrected and supplemented as suggested in the next version.
19.	<p>3.8 Subsection 4.2 Government Initiatives <i>On paragraph 5.2.2:</i></p> <p>This is based on May 2015 European Commission's report. Since that time, European Commission published its new report in December 2015 that shall be cited instead of an old one. Thereby, paragraph 5.2.2 shall read as follows: <i>[text suggested].</i></p>	Accepted	The new material will be included in the next version.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>20. <i>On paragraphs 5.2.3 and 5.2.4:</i> These paragraphs are based on extracts from The US Department of State's 2015 International Narcotics Control Strategy Report. As can be seen above a new 2016 Report has been published recently, and information it contains was suggested to be put into para 5.2.2. That is why it is recommended to remove paragraphs 5.2.3 and 5.2.4 from the report to make subsection 5.2 more user-friendly and comprehensive. Moreover, some information from this extracts (in particular, corruption) is considered further in the Report.</p>	Accepted	
<p>21. <i>On paragraph 5.2.5:</i> First, if the above suggestions are approved, this paragraph number shall be changed from 5.2.5 to 5.2.3. Second, the paragraph is based on the 2015 European Commission Report, therefore it is necessary to paraphrase it using the updated information from the 2016 Report.</p>	Accepted	
<p>22. <i>On paragraph concerning creation of SBI:</i> Here it is recommended to add new a paragraph that would contain information on the newly created State Bureau of Investigation as one of the vey important Government initiatives. <i>[text suggested].</i></p>	Accepted	The new material will be included in the next version.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>23. 3.9 Subsection 6.1 Police <i>On paragraph 6.1.4:</i> Keeping in mind that the State Bureau of Investigation was created, it is recommended to remove the following in this paragraph: “Complaints and allegations of torture or ill-treatment are examined by the Public Prosecutor’s office which is reluctant to pursue complaints and, through its work on criminal investigations, has very close links with police forces. Article 216 of the new CCP provides for the creation within five years (as of 2012) of a State Bureau of Investigation to investigate allegations of human rights violations committed by judges, law enforcement officers and high-ranking officials. However, no progress has yet been made towards its creation.” If it is approved to remove this part of the paragraph 6.1.4, then there is no need of its second part, since it gives the reader an unnecessary detailed information that is difficult to understand without a proper background. In case of approval of the above suggestions, paragraph 6.1.4 shall be replaced by the following suggestions relating to the law enforcement cooperation: “In December 2015, the European Commission stated in its Report: [Extract suggested].</p>	Accepted	
<p>24. 3.10 Section 8 Corruption This section very much needs to be updated due to the newly published reports on corruption in Ukraine. <i>On paragraph 8.1.1:</i> Given that the 2015 Corruption Perceptions Index was published, it is recommended to paraphrase paragraph 8.1.1 as follows: <i>[text suggested].</i></p>	Accepted	This section will be updated with the new material in the way suggested by the reviewer.
<p>25. <i>On paragraph 8.1.2:</i> This paragraph contains a mistake in a year that needs to be corrected. Freedom House gave Ukraine a corruption rating of 6 for the year 2015, not 2014, as seen from the provided source.</p>	Accepted	This will be corrected in the next version.

Review Conclusions/Recommendations		Response	Home Office Comments
26.	<p><i>On paragraph 8.1.7:</i></p> <p>Given that this paragraph contains extracts from the May 2015 European Commission report, it is necessary to paraphrase this paragraph, using the 2016 version.</p>	Accepted	This will be updated in the next version.
27.	<p>3.11 Subsection 8.2 Justice</p> <p>Given the small amount of information on the justice sector in Ukraine, it is suggested to supplement this subsection with the new paragraphs: [source material suggested].</p>	Accepted	Separate background country information and guidance is in the course of being prepared which will, amongst other things, include more detail about the judicial system. It may be more appropriate to cross reference to that rather than duplicate information here. This will be considered when drafting the next version.

Annex B 3

Ukraine: Victims of trafficking (November 2015)

03 May 2016

Summary

The Home Office would like to thank the reviewer for the positive overall assessment of the CIGs. We have accepted all of the recommendations.

It was particularly helpful that the review identifies specific passages from new sources for inclusion and also gives suggested alternative forms of words. This has considerably simplified the process of updating the document. As such, and subject to the discussion at the May 2016 meeting, we have an updated version ready for publication.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>1 General issues and recommendations Structure and substance</p> <p>The COI Report on Ukraine from November 2015 was checked for errors, omissions, inconsistencies and its structure. Generally, both structure and substance of the Report are extremely effective, providing well referenced and balanced information and covering most issues. However, some suggestions can be included to improve its content.</p>	Accepted	We welcome this positive review and the constructive recommendations made by the reviewer to improve the content. As set out below, we will incorporate them in the next version.
<p>2 Range of sources</p> <p>The Report mostly consists of excerpts from a wide range of relevant reports, press sources and other documentation that have been appropriately and accurately reflected in the document. At the same time, it lacks references to applicable laws and government agencies that are of a great importance (especially for section 4, Law on human trafficking and section 6, Prosecutions and government initiatives).</p> <p>To improve its content, the Report may be alternated and/or complemented with the Ukrainian sources that are more authoritative on the basis of the topic under consideration.</p>	Accepted	As above.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>3 Relevance of information</p> <p>Some sections of the Report very much need to include more need including more up to date information that was not available at the time of publication of the Report. More recent and relevant, easily accessible information available online was suggested for replacing sources that are more than two years old.</p> <p>Additional section has been suggested for inclusion to emphasise issues not currently addressed in the COI Report (section 6.5. ‘Government initiatives’). Most suggestions concern additional sources detailing the current situation with the human trafficking in Ukraine.</p>	Accepted	The next version will be updated to reflect the new information identified by the reviewer.
<p>4 Typos, errors and omissions</p> <p>First, one lexical error was corrected in the Report (see comments on paragraph 2.4.1 below).</p> <p>Second, section numbers in the Contents of the Report appeared to be incorrect due to the mistake with the Report’s part on Policy Summary (more on that below).</p>	Accepted	These will be corrected in the next version.
<p>5 Comments on Guidance</p> <p>First, Contents of the Report and its Guidance contain section 1 titled ‘Introduction’, which should have had two main parts: 1.1 Basis of Claim and 1.2 Other Points to Note. However, there is no such section in the Report and there are no hyperlinks to its parts. Therefore, relevant information outlining substance of section 1 of the Report, as well as hyperlinks should be added.</p> <p>Second, Contents do not include Policy Summary, which forms section 3 of the Report, thereby creating problems with the general numbering in the Report. It is necessary to insert Policy Summary into the Contents as section 3 and change the paragraph numbers respectively. This will avoid any misunderstanding with the section numbers and paragraph numbers.</p>	Accepted	These issues will be corrected in the next version.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>6 <i>On paragraph 2.3.2:</i></p> <p>The paragraph contains outdated information on the amount of victims of trafficking in Ukraine and the gender ratio among them. Therefore, the paragraph needs to be updated using the latest data from IOM in 2015:</p> <p>“Human trafficking in Ukraine affects both men and women. The gender ratio among victims of trafficking assisted by IOM Ukraine in 2014 2015 was 58 per cent men and 42 per cent women 379 women compared to 361 men. IOM assisted 903 740 victims in 2014 2015 (see <u>Prevalence of human trafficking</u>).”</p>	Accepted	The updated material will be included in the next version.
<p>7 <i>On paragraph 2.3.3:</i></p> <p>This paragraph provides the reader with an information on the population of Ukraine, giving number of 40 million. First, it is recommended to indicate a year, in which this data was collected, and second, to update the number with the latest information from the State Statistics Service of Ukraine.</p>	Accepted	As above.
<p>8 <i>On paragraph 2.4.1:</i></p> <p>The word ‘Prescutions’ should read ‘Prosecutions’.</p>	Accepted	This will be corrected in the next version.
<p>9 Specific comments by sections</p> <p>3.1 Section 4 Law on human trafficking</p> <p>First, this section titled ‘Law on human trafficking’ does not give any details on the legal regulation of human trafficking in Ukraine. It is recommended to supplement this section with additional paragraph outlining Ukraine’s legal framework applicable to human trafficking in a more detailed manner. This will make this section more comprehensible and authoritative and the reader will more effectively perceive the given information. Here, one may use the information that was already available at the day of publication of the Report.</p> <p>.... it is also recommended to change section 4 title into ‘Legislation framework’, since it contains references not only to primary but secondary legislation as well.</p> <p>Last recommendation on this section would concern the necessity of adding a paragraph regarding such specific issue as legal measures on protecting trafficking victims.</p>	Accepted	The section will be retitled and the suggested additional paragraphs will be added to the next version.

Review Conclusions/Recommendations		Response	Home Office Comments
10	<p>3.2 Section 5.2 Contributing factors</p> <p><i>On paragraph 5.1.1:</i></p> <p>This paragraph comprises an extract from the OHCHR Report on the human rights situation in Ukraine from November 2014. Therefore, it is recommended to replace it by a more recent, alternative, readily available source that will usefully supplement the substantive content of the report.</p>	Accepted	This will be included in the next version.
11	<p>3.3 Section 5.2 Statistics</p> <p>Many of the statistics here remain relevant, since more recent calculations are not readily accessible. There does not appear to be a more recent Equal Rights Trust Report, and Walk Free Foundation's Global Slavery Index has not been since 2014. However, the quotes extracted from these sources remain useful as they outline the key figures related to the human trafficking in Ukraine. It is however necessary to update this section to reflect changes in human trafficking sphere in Ukraine that have taken place since then.</p> <p>It is also suggested to supplement this section with a paragraph outlining the recent features of trafficking in Ukraine. Such information can be found in an article titled 'Trafficking in Human Beings: the Roots and Realities in Ukraine'.</p>	Accepted	As above.
12	<p><i>On paragraph 5.2.3:</i></p> <p>Information contained in this paragraph was prepared by the OHCHR in 2014 and is relatively outdated as of now. Moreover, the new data on the number of victims of trafficking in Ukraine can be found in the suggested paragraph. 5.3.2 (see below). Therefore, it is recommended to remove paragraph 5.2.3.</p>	Accepted	This paragraph will be omitted from the next version.
13	<p>3.4 Section 5.3 Forms of exploitation</p> <p>In view of the character of information stated here, it seems wise to include a paragraph outlining the main categories of victims of trafficking in Ukraine. Therefore, it is recommended to begin section 5.3 with a paragraph that reads as follows: [text suggested].</p>	Accepted	This will be included in the next version.

Review Conclusions/Recommendations		Response	Home Office Comments
14	<p><i>On paragraph 5.3.2:</i></p> <p>This paragraph contains information from the International Organisation for Migration provided in July 2015. New statistics have been published in March this year and these should be used to update the Report with the most recent information.</p> <p>It is also important to supplement section on Forms of exploitation with the extracts from the most recent publications on this subject to keep the reader as updated as possible.</p>	Accepted	This more recent material will be included in the next version.
15	<p>3.5 Section 5.4 Internal trafficking</p> <p>This section accurately reflects some of the key tendencies of internal trafficking in Ukraine. However, it may be relevant to add a paragraph that refers to some Ukrainian publications, giving more specific information on this subject.</p>	Accepted	The additional sources suggested will be included in the next version.
16	<p>3.6 Section 5.5 Trafficking in children</p> <p>Much of the material contained in this section will need to remain as its relevance continues, though it is recommended to outline some specific issues related to children trafficking in Ukraine, such as age group of children and an applicable legal framework.</p>	Accepted	This will be included in the next version
17	<p>Section 6 Prosecutions and government initiatives</p> <p>While this section is made of a good range of sources (primarily international), there are a few notable absences, the inclusion of which would undoubtedly add strength to the section, especially what concerns government's actions.</p> <p>Also, it is recommended to change the title of section 6 from 'Prosecutions and government initiatives' to 'Fighting Human Trafficking'.</p> <p>This suggestion is made due to the content of the section and provided information. It seems more relevant to use title 'Prosecutions and government initiatives' separately for the specific sub-sections on these subjects contained in section 6 of the Report (see more on that below).</p>	Accepted	The section will be retitled and additional sources suggested will be included in the next version.

Review Conclusions/Recommendations		Response	Home Office Comments
18	<p><i>On Introduction:</i></p> <p>This section is based on the extracts from The US Department of State's report, outlining the results of government actions on fighting human trafficking. However, it seems more reasonable if this section would begin with references to the government agencies responsible for fighting human trafficking in Ukraine, followed by the findings of The US Department of State's report. Such introduction would give the reader a comprehensive understanding of Ukraine's system on combatting human trafficking and the Report would be improved to deliver the content more effectively in the context of its goals.</p>	Accepted	This re-organisation of the material will be adopted in the next version.
19	<p>3.8 Section 6.2 Government protection and compensation for victims</p> <p><i>On paragraph 6.2.3:</i></p> <p>This paragraph on the identification of victims of trafficking, which is based on the 2014 GREAT Report, is outdated and has no informative value any more. It is recommended to update this paragraph with an information from the recent reports available online to reflect measures that have already been taken by the Ukrainian Government.</p> <p>Therefore, it is recommended to paraphrase paragraph 6.2.3 using extracts from the latest Progress Report on Ukraine of the European Commission.</p>	Accepted	This will be updated as suggested in the next version.
20	<p>3.9 Section 6.3 Law enforcement</p> <p>A good variety of sources are used to support this section (including GRETA report, The US Department of State's report, etc.) It is suggested here to supplement the section with more information on the specific law enforcement agencies, combatting human trafficking and their actions in this sphere to make the section as balanced as possible.</p>	Accepted	The additional sources will be included in the next version
21	<p>3.10 Section 7 Assistance for victims of trafficking</p> <p>It is considered that additional relevant information from the following source should be included in this section:</p> <p>[text suggested].</p>	Accepted	As above.

Annex B 4

Iran: Background information, including actors of protection and internal relocation (December 2015)

03 May 2016

Summary

The Home Office would like to thank the reviewer for the positive overall assessment of the CIGs. We have accepted the vast majority of the recommendations. Although in places we have 'partially accepted' the recommendation, this is largely due to the material post-dating the publication of the CIG and a conflict with the Terms of Reference for the review:

6. Reviewers should follow these specific 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.

Nevertheless, we appreciate the suggested additional sources/material and, where appropriate, will include in the next update of this CIG. We believe others would be better placed in our topic-specific Iranian CIGs (notably on Women, and on Bahai'is) rather than the Background CIG and we will include in future updates to those.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>1 Section: summary</p> <p>This document offers a rich selection of sources and topics that are accurate, relatively recent and balanced regarding the situation of human rights in Iran.</p> <p>It does lack adequate information regarding two important issues that impact the lives of young Iranians. This may be due to the demographics specific to the current body of applicants. However, the reviewer recommends adding two section, to this document: 'The right to education' and 'forced and early marriage'.</p>	<p>Partially accepted</p>	<p>As above, we welcome and appreciate the positive overall assessment.</p> <p>The sections covered by the background CIG's are kept under review with education being a subject currently under consideration for inclusion. The suggested sources may be included in the next version of the CIG if the topic of education is included in future.</p> <p>The subject of forced marriages is already covered in separate country information and guidance on Iran: Women.</p>
<p>2 Page 5, 2.1.1 Other forms of serious abuse committed by security forces include surveillance, intimidation, and confiscation of personal or business properties. With regards to acts of torture, these may include sexual harassment, abuse and torture, such as virginity tests and rape.</p>	<p>Partially accepted</p>	<p>The comments on the guidance section of the CIG fall outside the remit of the review.</p> <p>However some of the suggested sources may be more appropriate to the CIGs dealing with the risk category concerned and cross referenced from this CIG.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>3 Page 5, 2.1.2 Among other challenges with the justice system in Iran are:..</p> <ul style="list-style-type: none"> a. Lack of uniformity in application of national laws and codes. b. Lack of compatibility between Iran’s national codes and its international commitments. c. Repeated occurrence of vague laws that lack clarity in terms of definition, application or both. d. The notion of elm-e ghazi, or knowledge of the judge, as an element of jurisprudence, which allows the judge to rule based on his own understanding and without any reference to evidence or information. e. Varied presence and levels of influence by intelligence officials in the judiciary throughout the country, meaning in some locations, such as Semnan, the justice system is highly influenced by MOIS officials and agendas resulting in serious and systematic barring of access to justice for dissidents, minorities or even ordinary citizens. f. Lack of independence of lawyers within the judiciary ... 	<p>Partially accepted</p>	<p>The comments on the guidance section of the CIG fall outside the remit of the review.</p> <p>This section will be updated in the next version to reflect what is said in the country information section.</p>
<p>4 Page 5, 2.2.2 In certain cases, such as moving to universities in locations other than a female applicants’ city, women are required to secure permission of the male head of their household in order to move to the different city. When denied permission, this does bar women from accessing their rights, in this case, the right to education.</p>	<p>Partially accepted</p>	<p>The comments on the guidance section of the CIG fall outside the remit of the review.</p> <p>The source of this information will however be useful to include in the next version of the separate country information and guidance on Iran: Women</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>5 Page 5, 4.1.1 Employment in the small to medium size segment of the private sector can be restricted for women and minorities due to informal pressure by state and intelligence officials. Most medium to large businesses in the private sector are controlled and/or owned by various arms of the state and as such are not private as traditionally defined in the West. This means that involvement and advancement of those portions of the population that do not enjoy their full rights in government employment also face restrictions, harassment and inequalities in this sector.</p>	<p>Accepted</p>	<p>We believe the material cited would be better suited for inclusion in the country information and guidance on Iran: Women and Iran: Bahai as it is specific to these two groups.</p>
<p>6 Page 5, 4.1.2 The last section of the CIA Factbook for 2016 now reads: “Almost two years into his term, Ruhani has achieved some success, including reining in inflation and, in July of 2015, securing the promise of sanctions relief for Iran by signing the Joint Comprehensive Plan of Action (JCPOA) with the P5+1. The JCPOA, which severely limits Iran’s nuclear program in exchange for unfreezing Iranian assets and reopening Iran to international trade, should bolster foreign direct investment, increase trade, and stimulate growth. In spite of Ruhani’s efforts, Iran’s growth was tepid in 2015, and significant economic improvement resulting from sanctions relief will take months or years to materialize.” (Please see: https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html)</p>	<p>Partially accepted</p>	<p>The material concerned was not available at the time of publication. However, the paragraph concerned will be updated appropriately in the next version.</p>
<p>7 Page 6, 4.1.3 The updated World Bank report states: “The government estimates that 8.5 million jobs should be created in the following two years to reduce the unemployment rate to 7% by 2016.” However, another World Bank report that should be cited entitled “Women, Business and the Law 2016” places Iran as the third most discriminatory country whose laws disable women’s progress in the realm of business. It points out that Iran is one of the remaining countries that are not party to CEDAW or the United Nations Convention on the Elimination of All Forms of Discrimination Against Women or the changes in law over the past two years that have increased gender parity.</p>	<p>Accepted</p>	<p>These suggested additions are specific to women in Iran and would be better reflected in the country information and guidance on Iran: Women. We will include the material there as appropriate when that is next updated.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>8 Page 6, 4.1.5 In addition, according to the most recent report submitted by the UN Special Rapporteur on the Situation of Human Rights in Iran in March 2016, “On 1 February 2016, Iran’s parliament voted for the general text of a bill that would reduce the working hours of women with ‘special circumstances’ from 44 to 36 hours a week without reducing their total salaries. The bill would primarily affect women who head households, those with children under the age of seven, and those with children or spouses with disabilities or incurable and chronic diseases. If the bill is adopted by parliament and becomes law it gives an option to women who fall in these categories to either request the law be applied or seek two days of additional vacation. During parliamentary discussions there was a proposal to make this option available to all the women. Some feared this would contribute to the already high unemployment rate among women in the country and there are criticisms that in the absence of anti-discrimination laws affecting the hiring process the plan will backfire and lead to higher unemployment among women.” (Please see: http://shaheedoniran.org/wp-content/uploads/2016/03/SR-HRC2016-Annex-.pdf).</p>	Partially accepted	The material concerned was not available at the time of publication. See also comment on point 7.
<p>9 Page 6, 4.1.6 The UN Secretary General’s annual report in 2016 highlights that “Iran was ranked 141 out of 145 countries in terms of women’s economic participation and opportunity, with unemployment for women reaching 19.8 per cent compared with 8.6 per cent for men.” (Please see: http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf).</p>	Partially accepted	The material concerned was not available at the time of publication. See also comment on point 7.
<p>10 Page 6, 5.1.4 Although Iran’s population doubled by 2006, its median age has now risen by 10 years to 27 in 2011. This means Iran’s once mostly young population and workforce is heading towards middle age, as “the proportion of the elderly population ages 65 and over is expected to grow rapidly from 6 percent in 2011 to 20 percent by 2050, as the baby boomers of 1970s and 1980s reach age 65.” (Please see: http://iranprimer.usip.org/blog/2015/jun/08/nuke-deal-could-benefit-irans-youth).</p>	Accepted	This will be included in the next version.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>11 Page 6, 5.1.5 Another population living in Iran who face discrimination and persecution are the Afghans. Although due to the government’s failure to process and issue the necessary documentation for this segment of the Iranian population poses significant challenges to accurately indicate the size of this significant minority residing in Iran, as recent as December 2015, UNHCR indicated at least 950,000 Afghans resided in Iran. (Please see: http://www.unhcr.org/pages/49e486f96.html). Furthermore, in addition to the recognised religious minorities, there are members of the Baha’i Faith and other communities who reside in Iran. It should be noted that due to state-enforced policies that pose considerable challenges to freedom of belief, the actual statistics on religions practised may not be entirely accurate.</p>	Not accepted	The background CIG is meant to give a general overview of the country situation. We do not feel it relevant to include information about the treatment of third country nationals in Iran. We also already have a CIG on Baha’is.
<p>12 Page 7, 8.1.1 The description is worded in such a manner that may impart the impression that such a system belongs in the past. In this light the verbs such as “controlled” or “held” stand in need of correction in order to accurately communicate the fact that this description applies to the state in Iran of today.</p>	Not accepted	This is a direct quote from the source (US State Department).
<p>13 Page 7, 8.1.2 Although figures such as Nasrin Sotoudeh may have been freed from prison, however, the number of prisoners who include lawyers, journalists, academics and activists have increased in number, as has the intensity of their harassment. In addition, in the case of Nasrin Sotoudeh, the Bar Association in Iran, an entity controlled by the state apparatus, has placed a three-year ban, later reduced to nine months following appeals by Sotoudeh and supporters, on her practicing as a lawyer.</p>	Partially accepted	Some of the sources suggested will be included in the next version; but others relate to specific instances of detention and do not add any information to the section ‘political system’.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>14 Page 7, 9.1.4 In addition, the Amnesty International 2015/2016 report indicates: “The authorities carried out cruel punishments, including blinding, amputation and floggings. Courts imposed death sentences for a range of crimes; many prisoners, including at least four juvenile offenders, were executed.” These human rights violations are escalating to the extent that despite thawing of relations between the Islamic Republic and western countries, “In March, the UN Human Rights Council renewed the mandate of the UN Special Rapporteur on the situation of human rights in Iran” in order to remain vigilant about the violations committed by the Islamic Republic against citizens in Iran. (Please see: https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/).</p> <p>Furthermore, various sources indicate Iran’s rate of execution, which amounts to 82% of all executions in the Middle East over the last year, has hit an alltime high over the past twenty years, including at least 4 juveniles. (Please see: http://iranprimer.usip.org/blog/2016/mar/11/un-iran-executions-hit-two-decade-high).</p>	Partially accepted	The suggested sources post-date the publication of the CIG. However, we will review and include as appropriate in the next version.
<p>15 Page 7, 9.2.1 The new head of the LEF is Brigadier General Hossein Ashtari, with strong ties to the IRGC. However, Moghadam continues to remain on the US Treasury SDN list as a well as a number of other Iranian officials. As recent as 26 March 2016 two British nationals were also placed on the list for trading with Iran’s Mahan Air, closely tied to IRGC. For a full and up to date list, please visit and search: https://sanctionssearch.ofac.treas.gov.</p>	Partially accepted	We will need to find a publically available source for the information. Without that we cannot refer to it in the country information. We will include information about sanctions in the next version.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>18 Page 8, 9.3.3 As recent as February 2016, Iran's Fars (Please see: http://www.farsnews.com/newstext.php?nn=13941129000245) and Sepah News (Please see: http://sepahnews.com/index.php/news/topnews/item/504 ی-ادش-هر اودای-رد-روپکاپ-ر ادرس-ن-انگی-یر ایش تس م-روض ح-ن یر باص-هژی و-ن-انگی-ن-مش د-ی ارب-ار-هص ر ع-اهز ر م-ی و س-ن-آرد-ن یر باص-ی-داقت ع-ای-اهز ر م-هب-هم-ج-ه-تص ر ف-تس ا-هدر ک-گن ت-م-ی-هد-ی-من-ن-مش-د-هب-ار-ی-ن-ی-جز-ر-س-و.html) admitted to the presence of Saber Unit, part of the ground forces of the IRGC, in both Damascus and Baghdad.</p>	Partially accepted	Neither of the sources quoted are in English so cannot be readily used. Alternative English language sources will be sought for inclusion as appropriate in the next version.
<p>19 Page 8, 9.4.1 In addition to the materials provided in this section, please note the first and most in depth study in the west on Basij, or the Sazman-e Basij-e Mostazafan, was published in June 2015; see references in 9.5.1. "Captive Society: The Basij Militia and Social Control in Iran" offers perhaps the most reliable statistics and facts on this entity (Please see: http://cup.columbia.edu/book/captive-society/9780231704427). According to this source then the more accurate figures, including 50,000 Basij bases, as well as 4 to 5 million members nationwide, provides more than 80% of the police recruits. The Basij were also in charge of chain murders of dissidents and reformists between 1988 and 1998.</p>	Not accepted	The source quoted is from a book to which we do not have access.
<p>20 Page 8, 9.5.12 Furthermore, according to reports received from Iran, Basij forces are in charge of monitoring hijab worn by women drivers. According to a November 2015 report published by the International Campaign for Human Rights in Iran, at least 10,000 drivers had been issued warnings. (Please see: https://www.iranhumanrights.org/2015/11/hijab-new-restrictions/).</p>	Accepted	This source will be included in the next version

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>21 Page 8, 9.6.2 The MOIS is actively involved in monitoring Kurdish Iranians outside Iran's borders. According to the 2013 report by the Danish Refugee Council, "An NGO working with asylum seekers and refugees in Iraq stated that the Iranian intelligence agents are present in KRI, and they have good relations with some of the Iraqi Kurdish political parties in KRI. Formerly, the Iranian intelligence service assassinated Iranians living in KRI but since 2009 this has no longer taken place. Sardar Mohammad and Asos Hardi (Awene Newspaper) pointed to the strong presence of the Iranian intelligence in KRI and their ability to monitor Iranian nationals and their activities in the area. The source added that many Iranians residing in KRI have received threats from the Iranian intelligence service or have had their telephones tapped." (Please see: https://drc.dk/media/1309699/Fact-finding-Iranian-Kurds-2013.pdf).</p>	<p>Accepted</p>	<p>This additional material will be better included in the country information and guidance on Iran: Kurds (rather than the general background CIG) and will be included as appropriate in the next version.</p>
<p>22 Page 8, 9.7.1- 9.7.7 In addition to the reports cited, in a joint letter addressed to the member states of the UN Human Rights Council and signed by almost three dozen human rights organisations it was highlighted that (Please see: https://www.hrw.org/sites/default/files/supporting_resources/gl.2016.3.17._joint_letter_to_member_states_of_the_human_rights_council_iran.pdf).</p>	<p>Partially accepted</p>	<p>A very useful source but not specifically related to 'human rights violations and impunity' by law enforcement agencies. Some of the quoted section will be used in the next version.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>23 Page 9, 10.2.1 A further development worth noting was highlighted in a special report published by Amnesty International regarding an amendment in Iran’s Code of Criminal Procedures “which limits the right to access an independent lawyer of one’s choice during primary investigations in certain criminal cases, including those related to national security.” Given the fact that Iran uses the charge of “threatening national security” to cover a wide range of cases this may potentially result in serious human rights violations in terms of access to fair trial for those facing primary investigation and beyond. According to the amendment, approved by the Guardian Council on 17 June 2015, “individuals facing national security-related charges may only select their legal counsel for the investigation phase, which may last for months, from a roster of lawyers approved by the Head of the Judiciary. The same restriction is imposed on individuals accused of involvement in organized crimes which are subject to such punishments as the death penalty, life imprisonment, and amputation.” (Please see: https://www.amnesty.org/en/documents/mde13/1943/2015/en/). Furthermore, in the 2016 report to the Human Rights Council highlights “Executions for drug-related offences ... account for over 70 per cent of all executions in Iran” and “are often carried out after trials that did not meet international fair trial standards.” (Please see: http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf).</p>	<p>Accepted</p>	<p>This will be included in the next version.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>24 Page 9, 10.2.2 In addition, according to the UN Secretary General’s February report “the situation of human rights defenders in Iran remains worrisome. The Government has taken no practical measures to open up space for human rights activists and lawyers. Most of the prominent human rights activists and lawyers are serving prison terms or are subjected to travel bans and bans on the exercise of their profession.” Furthermore, in a report published by the International Campaign for Human Rights in Iran “More than two dozen prominent lawyers, including well-known human rights defenders, have been disqualified from running in next month’s election for the Iranian Bar Association’s board of directors... The disqualified include human rights lawyers Farideh Gheirat, Mohammad Saleh Nikbakht, Abdolsamad Khorramshahi, Ramazan Haji Mashhadi, and former Tehran University law professor, Ghasem Sholeh Sadi.” The bar association has only published the names of the approved candidates on its website. (Please see: https://www.iranhumanrights.org/2016/02/top-lawyers-disqualified-for-bar-association-elections/ and the original in Persian on the Bar’s website at: http://icbar.ir/Default.aspx?tabid=55&ctl=Edit&mid=435&Code=22542). Furthermore, activists in Iran are facing increasing pressure, discrimination and limitations. In some cases these conditions affect their family and friends. Harsh sentences are setting in motion a wave of threats and terror against activists. An example includes the case of Atena Daemi who, according to Human Rights Watch, was “sentenced ... to 14 years in prison on charges that included “assembly, collusion and propaganda against the state” and “insulting the Supreme Leader and religious sanctities” for her peaceful activism as a child and civil rights activist, while the former Tehran Prosecutor Saeed Mortazavi was acquitted “of charges related to the torture and death of three protesters held at Kahrizak detention facility following their arrest during the 2009 post-election protests.” (Please see: https://www.hrw.org/world-report/2016/country-chapters/iran)</p>	<p>Partially accepted</p>	<p>The suggested sources post date the publication of the CIG. However, they will be included as appropriate in the next version.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>25 Page 10, 10.2.6 According to a statement published by Human Rights Watch on 24 March 2016, “Nine months after Iran’s new criminal procedure expanded detainees’ access to a lawyer during the investigative phase, authorities are denying people charged with national security and political crimes access to an independent legal defense... Iran’s new criminal procedure law was approved in 2014, and entered into force in June 2015... However, three days before the law went into effect, parliament passed new amendments that further restricted the rights of people charged with national security crimes. The amended article 48 now requires people accused of certain offenses to select their counsel from a pool of lawyers approved by the head of the judiciary... Iran has consistently failed to prevent torture in detention and to investigate allegations of such abuse. Revolutionary courts use confessions obtained under torture as evidence in court. As a result, the right to access a lawyer from the time of an arrest is an important safeguard against abuses in detention.” HRW findings are based on interviews with lawyers representing journalists, teachers, a Lebanese national, and activists among others whose documents and accounts point to Iran’s violations of the rights of detainees on a system-wide level. (Please see: https://www.hrw.org/news/2016/03/24/iran-detainees-denied-fair-legal-representation).</p>	<p>Partially accepted</p>	<p>The suggested sources post date the publication of the CIG. However, they will be included as appropriate in the next version.</p>
<p>26 Page 10, 10.2.7 The 3 March 2016 report to the Human Rights Council states, “the UN Secretary-General remains alarmed at the staggering rate of executions carried out in Iran. At least 900 executions including women and children... drug-related offences, which amount to a violation of international law, account for over 70 per cent of all executions in Iran. These executions are often carried out after trials that did not meet international fair trial standards.” (Please see: http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf).</p>	<p>Not accepted</p>	<p>The material is not specifically related to ‘fair trials’ which is the subject of this section.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>27 Page 10, 10.3.3 Please replace this response by one dated 29 September 2014, available online at: https://www.justice.gov/sites/default/files/pages/attachments/2015/12/07/irn104955.e.pdf</p>	<p>Not accepted</p>	<p>We have quoted directly from the original source (A joint Danish Immigration Service, Norwegian LANDINFO and Danish Refugee Council Fact Finding Report 2013). The suggested source update is actually a response compiled by the Canadian IRB that quotes the original source.</p>
<p>28 Page 11, 10.4.4 Please add the following from a response by Immigration and Refugee Board of Canada issued in 2014 stating: “In correspondence with the Research Directorate, a UK-based Iranian lawyer, who advises on Iranian law and human rights issues, said that the Criminal Procedures Code of 1999 was repealed in 2012 and that a new Criminal Procedures Code was approved by Parliament in March 2014 (Lawyer 19 Sept. 2014). He said that, while similar to the former Code “in substance,” there “are major changes in the process of investigation as well as arraignment and trial” in the new Code (ibid.). He quoted the following articles of the new Code that relate to the issuance of arrest warrants: Article 182: The arresting officer after serving the arrest warrant on the accused shall invite the accused to accompany him to appear before the magistrate. Should the accused refuse to do so, the arresting officer should arrest the accused and bring him before the magistrate and if so required obtain assistance from other officers. (Ibid.) Article 183: The accused shall be arrested, except in emergency circumstances, in the daylight and shall be brought before the magistrate or a duty judge for determination. (Ibid.) Article 184: In case the accused is a fugitive of justice and the same is proven to the magistrate who will issue the arrest warrant for a limited period and request the law enforcement officers of the Ministry of Justice to arrest the accused wherever he is found to be brought before the magistrate. (Ibid.)” (Please see: https://www.justice.gov/sites/default/files/pages/attachments/2015/12/07/irn104955.e.pdf).</p>	<p>Accepted</p>	<p>This source will be included in the next version.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>29 Page 11, 11.1.1 The 2015 Corruption Perception Index (CPI) published on 27 January 2016 ranks Iran 130 out of 168 [Iran was ranked 136 out of 175 in 2014] with a score of 27, where “A country or territory’s score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean.” (Please see: https://www.transparency.org/country/#IRN).</p> <p>According to Trading Economics “Corruption Rank in Iran averaged 123.62 from 2003 until 2015, reaching an all time high of 168 in 2009 and a record low of 78 in 2003.” (Please see: http://www.tradingeconomics.com/iran/corruption-rank).</p> <p>The widening gap between various political fronts in Iran is now exposing some of this systemic corruption by scapegoating individuals from the opposing camp, see the case of Babak Zanjani, a truck driver turned billionaire, who along with two others was “convicted of fraud and economic crimes.” Previously, Zanjani was “blacklisted by the US and EU for helping Iran evade oil sanctions.” (Please see: http://www.bbc.co.uk/news/world-middle-east-35739377). In addition to Zanjani’s case, millions have gone missing from Iran’s public funds and other cases involve non payment, pointing out that “trying former government officials for embezzlement and financial corruption demonstrate an undeniable truth about life in the Islamic Republic of Iran: that public funds often find their way into private hands, and that the arbitrariness and weak rule of law that characterize the Islamic Republic’s judicial system also cripple the country’s economy”. Such cases include the loan non payment case, the National Copper Company case, the Qeshm case and the Mahafarid Khosravi vase, totalling between 2011 and 2015 to the sum of US\$ 17,738,759,689. (Please see: http://oiac.org/infographic-government-corruption-iran/). While it is too soon to ascertain, it has been publicised that Iranian officials are among those whose cases are included in the Panama Papers pointing to further corruption cover up. (Please see: http://www.usatoday.com/story/news/2016/04/03/panama-papers-explainer-what-you-should-know/82591116/).</p>	<p>Partially accepted</p>	<p>Three of the suggested sources postdate the publication of the CIG. However, they will be included as appropriate in the next version.</p> <p>(Please note that the oiac link provided does not work)</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>30 Page 11, 12.2.1 This section may be updated to the 2016 report which states the exact same text without referring to the case of journalist Shamsolvaezin: “Freedom of movement is restricted, particularly for women and perceived opponents of the regime. Women are banned from certain public places, such as sports stadiums, and can obtain a passport to travel abroad only with the permission of their fathers or husbands. Many journalists and activists have been prevented from leaving the country.” (Please see: https://freedomhouse.org/report/freedom-world/2016/iran).</p>	<p>Partially accepted</p>	<p>The suggested sources post date the publication of the CIG. However, they will be included as appropriate in the next version.</p>
<p>31 Page 12, 13.1.3 A legal translation of the Civil Code is also on the website of an Iranian Law Firm, Alavi and Associates: http://www.alaviandassociates.com/documents/civilcode.pdf. Unlike the REF World link, this site includes a complete translation of Book 2.</p>	<p>Accepted</p>	<p>This will be updated in the next version</p>
<p>32 Page 12, 14.1.1 Please note <i>shenasnameh</i> is in fact the Persian word for birth certificate and not “a document similar to a passport”. Instead, it may be more similar to a residency card prevalent in many counties. Details and requirements about this card in English are on the website of the Iranian Embassy in The Netherlands, available online at: http://iranianembassy.nl/en/consular.php?content=27012.</p>	<p>Accepted</p>	<p>This will be included in the next version</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>33 Page 12, 15.1.4 In recent news published on 10 February 2016: “An Iranian passport forger known as ‘The Doctor’ was arrested... and admitted links to human trafficking rings as well as selling passports to people from Iran, Syria and Iraq attempting to escape conflict, Bangkok Post reported... The majority of forged passports sold by ‘The Doctor’ were used by people wanting to travel into Europe, although it is not known if any were sold to people attempting to enter Europe in the current refugee crisis.” (Please see: http://www.ibtimes.co.uk/iranian-professional-passport-forger-known-doctor-caught-thailand-1543099). In addition, according to a report published on 24 January 2016, two individuals attempted to enter the UK on fake Israeli passports from Chennai, India. (Please see: http://www.timesofisrael.com/iranians-caught-in-india-with-fake-israeli-passports/). There are a number of Iran nationals among the migrants who are awaiting entry into the UK. A few showed their frustration at their situation and the authorities decision to demolish part of the camp, by conducting a hunger strike and sewing their lips. They ended their strike following the Iranian New Year on 25 March 2016. (Please see: http://www.dailymail.co.uk/wires/afp/article-3509715/Calais-Jungle-Iranians-sewed-mouths-shut-end-hunger-strike.html).</p>	Accepted	This will be included as appropriate in the next version.

Annex B 5

Iran: Country of Origin Information Requests (COIRs)

03 May 2016

Summary

The Home Office would like to thank the reviewer for the suggested additional sources/material. However, COIRs are time and case-specific and we do not intend to revisit or update these. However, the observations may be useful for future use if a similar issue arises or if we determine that a CIG is required on a given topic.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>1 COI Request: Khalq-e Arab/Abadan- Khuzestan/ exile</p> <p>‘A similar response provided by Immigration and Refugee Board of Canada provides more detailed background (Please see: http://www.refworld.org/docid/3ae6aabf48.html) as well as a more comprehensive understanding of the dynamics in the southwest of Iran where a majority of the Arab Iranian population reside. It might be of assistance to study section 2 on page 6 of a report by the UK based Justice for Iran (Please see: http://justice4iran.org/wp-content/uploads/2013/10/Al-Hiwar-Report-EN-21FEB.pdf). For the latest information on the situation of the Kurdish community in Iran, references from the Kurdish Human Rights Network are most reliable. (Please see: http://kurdistanhumanrights.net/en/?p=884)’.</p>	<p>Partially accepted</p>	<p>The Canadian IRB source cited is over 20 years old and we are unable to access the attachments cited in this response. The second source (justice for Iran) has some helpful additional information; however we do not propose to amend the response. The response was time and case-specific, but observation may be useful for future use if a similar issue arises.</p> <p>The Kurdish link is not relevant to the question being asked by the caseworker.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>2 COI Request: Buddhism/female marriage to non Muslim</p> <p>'The key issue in this request is that of laws of the country and not treatment by "ordinary Iranian citizens". In essence then the legal fact of her husband being a Buddhist, an unrecognized religious minority, is not addressed. According to Article 13 of the Islamic Republic Constitution: "Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education." (Please see: http://www.iranonline.com/iran/iran-info/government/constitution-1.html). Many Iranians are turning to religions other than Islam, including Buddhism, a fact the Islamic Republic disapproves of. (Please see: http://www.theguardian.com/world/2013/feb/17/iran-confiscates-buddha-statues). Buddhism has roots in Iran's history and culture. However, Islam bans the use of statues and as such Iranian authorities engage in a policy of "cleansing" the country from Buddhist statues and symbols.'</p>	Accepted	As per comment 1 we do not propose to amend the response. The response was time and case-specific, but observation may be useful for future use if a similar issue arises.
<p>3 COI Request: Nationality/citizenship</p> <p>The right of Iranian women to pass on their Iranian nationality to their children born of Iraqi or Afghan fathers was once again rejected by the Iranian Parliament that voted on a draft bill on 27 September 2015 (Please see: http://shaheedoniran.org/wp-content/uploads/2016/03/SR-Report-HRC2016FF.pdf). However, whether a citizen or not, all those residing in Iran over the age of 15 must possess a valid National Identity Card.</p>	Accepted	As per comment 1 we do not propose to amend the response. The response was time and case-specific, but observation may be useful for future use if a similar issue arises.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>4 COI Request: Monitoring of bloggers overseas</p> <p>The legal framework as it pertains to blogging and other forms of activity online is not included in the response. There is no reference to the Computer Crime Law, that according to Article 19 “flagrantly violates international human rights law and is an affront to freedom of expression principles”. (Please see: https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf) or FATA, the Iranian Cyber Police (Please see p. 13: http://shaheedoniran.org/wp-content/uploads/2016/03/SR-Report-HRC2016FF.pdf) , vis a vis their role in arrest and death of bloggers, including the case of Sattar Beheshti (Please see: http://www.dailydot.com/news/iranian-blogger-tortured-death-facebook/).</p>	Partially accepted	The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (2 nd link cited) post dates the response.
<p>5 COI Request: Treatment of musicians</p> <p>This response is adequate and needs updating to show the most recent case of musicians facing possible execution. (Please see: http://www.dailymail.co.uk/news/article-3454413/Iranian-heavy-metal-band-face-execution-charged-blasphemy-writing-satanic-music-speaking-foreign-radio-stations.html).</p>	Not accepted	As per comment 4. This link post dates the response
<p>6 COI Request: Treatment of KDP supporters</p> <p>KDP or PDK, or in case of Iran, PDKI, refer to the organised body of the Democratic Party of Kurdish nation. Contrary to the opening statement, there are internet and other sources for this important body. Examples include:</p> <ol style="list-style-type: none"> 1. Democratic Party of Iranian Kurdistan: http://www.pdki.org/english/; a 2. In their own words: Human rights violations against Iran’s Kurdish minority by IHRDC available online at: http://www.iranhrdc.org/english/publications/reports/1000000111-in-their-own-words-human-rights-violations-against-irans-kurdish-minority.html. 	Not accepted	The decision maker has specifically stated they are not referring to the Democratic Party of Iranian Kurdistan.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>7 COI Request: Treatment of Sufis The latest annual report published by Amnesty International states: “Members of religious minorities, including Baha’is, Sufis, Yaresan (Ahl-e Haq), Christian converts from Islam, Sunni Muslims, and Shi’a Muslims who became Sunni, faced discrimination in employment and restrictions on their access to education and freedom to practise their faith. There were reports of arrest and imprisonment of dozens of Baha’is, Christian converts and members of other religious minorities, including for providing education for Baha’i students who are denied access to higher education.</p>	Not accepted	This link post dates the response
<p>8 COI Request: What languages different Kurds can understand No comments</p>	N/A	N/A
<p>9 COI Request: Punishment for smuggling alcohol No comments</p>	N/A	N/A
<p>10 COI Request: Muslim women married to non-Muslim man No comments</p>	N/A	N/A

Annex B 6

Iran: Illegal exit (January 2016)

03 May 2016

Summary

We believe some of the recommendations are already covered by, or would be better placed in, our topic specific Iranian CIGs rather than this one on Illegal Exit.

We will attempt to locate a publically available source for the recommendations at 6. and 7.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>1 Pg 12, 1.1.1 The person may have left Iran legally but changes in circumstances may result in persecution of serious harm upon return to Iran.</p>	<p>Not accepted</p>	<p>The comments on the guidance section of the CIG fall outside the remit of the review. This CIG deals solely with the consequences of illegal departure. Guidance on other particular risk categories is contained in the respective CIG on that issue.</p>
<p>2 Pg 12, 2.2.3 Members of religious, ethnic or sexual minority communities may also constitute a significant factor, as might women who have escaped domestic abuse without the consent of their husbands.</p>	<p>Not accepted</p>	<p>See comment 1 above.</p>
<p>3 Pg 12, 3.1.2 The sentence “as such is a risk factor which must taken into account” is missing the word “be” between “must” and “taken”.</p>	<p>Accepted</p>	<p>The word ‘be’ will be inserted when the CIG is next updated</p>

Review Conclusions/ Recommendations		Response	Home Office Comments
4	Pg 12, 4.1.2 According to a report by the UK based Justice for Iran, in addition to the issues mentioned, airport authorities have the right to refuse women entry or access to their flights due to what they may deem as inappropriate hijab. (Please see p. 3: http://justice4iran.org/wp-content/uploads/2014/03/IRAN-UPR-Submission-JFI.pdf). Furthermore, those associated with the person whose movements have been monitored may also be subject to persecution.	Accepted	This information will be included in the next version (but in section 4.2 Exit Procedures rather than 4.1 Entry Procedures).
5	Pg 13, 4.2.3 Activists, artists, journalists, key dissidents or members of minority communities may also be refused the right to travel outside of Iran. As many are now dubbed as 'political' cases, including those who are ethnic or religious minorities, Mr. Hosein Abdy's statement that "Persons who have been politically active are not subject to any exit ban" is not universally applicable. An example is the case of Iranian poet Hila Sedighi, reported by Reuters on 9 January 2016, who was arrested at the airport. According to Reuters, "Sedighi was awarded the Hellman/Hammett prize for free expression by Human Rights Watch in 2012. Another Iranian recipient of that prize, journalist Isa Saharkhiz, was arrested in November." This is a significant point as there is a false perception among western policymakers that those who enjoy international recognition may be immune from persecution in Iran. Although this may have been the case in recent years, it is no longer valid. (Please see: http://www.reuters.com/article/us-iran-rights-idUSKCN0UN0KR20160109).	Accepted	This information will be used in the next version.
6	Pg 13, 4.2.4 The relatives may also face confiscation of personal properties in addition to harassment and possible arrest or interrogation.	Not accepted	The reviewer has not indicated any public domain source for this information. Without that we cannot cite it in the country information.
7	Pg 13, 5.1.5 Those in Iran who have encountered this problem indicate the sum varies according to the authority they may encounter.	Not accepted	See comment 6 above.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>8 Pg 13, 5.1.9 Illegal crossing across the Iranian border is not exclusive to the Kurdish minority nor are the cases exclusive to crossings between Iran and Iraq. In general, Iran is growing anxious about its borders and is placing increasing levels of security, which do carry out acts of human rights violation against Iranian nationals and others who may cross the border illegally, including execution. An example as reported by Tolo News involved an Afghan mother. Due to increased pressure many Afghan refugees are leaving Iran for Turkey and other destinations, including Afghanistan. (Please see: http://www.tolonews.com/en/afghanistan/22463-irans-border-police-shoot-afghan-mother).</p>	<p>Not accepted</p>	<p>The example given is of an Afghan person being shot leaving Iran. This CIG is solely about Iranian nationals and the consequences for them of departing the country illegally if returned.</p>

Annex B 7

Background information, including actors of protection, and internal relocation CIg, June 2015

03 May 2016

Summary

The Home Office would like to thank the reviewer for the positive overall assessment of the CIgs. We have accepted the majority of the recommendations. The majority of those not accepted or partially accepted are due to either lack of relevance to the purpose of the CIgs or because of a lack of a source.

Review Conclusions/ Recommendations	Response	Home Office Comments
1. Introduction/Content, p3. ...The document is well informed about actors of protection but does not contain information on internal relocation.	Not accepted	This is perhaps a misunderstanding. Internal relocation is a decision making assessment rather than an information heading. The background information relevant to considering whether an individual can relocate includes freedom of movement (both theoretical and practical), geography and demography, socio-economic conditions, etc. Information on these subjects is provided in the CIg.

Review Conclusions/ Recommendations		Response	Home Office Comments
2.	Sources, p3. Clarifications / corrections... When a document is quoted the footnotes should include the page number for ease of reference.	Accepted	Thank you for the sources/clarifications. Our standard practice is to include page / paragraph numbers, although we have overlooked these on occasion in this CIG. We will ensure that these are included in an updated CIG.
3.	Recent events, p4-5.	Accepted	We will include the sources, assuming the material is not superseded by more recent information.
4.	Sections 2.1 and 2.2, additional sources and updates.	Accepted	Thank you for the sources. We will include reference to the Nigeria Embassy site for its country background. We will also refer to sources that provide an up to date picture of the economy when we review the CIG subject to the material continuing to be accurate and current. For example, The Economist article is perhaps already out of date as oil prices have begun to increase.
5.	Section 2.3. A number of key pieces of information are missing in this paragraph. In terms of geography they include: the climate of Nigeria; and the number of states and regions that Nigeria is made up of (36 states divided into 6 regions of the South, South East, South West, North East, North West and North Central). In terms of Demography they include the number of ethnic groups in Nigeria. See links below for more information.	Partially accepted	We do not consider climate as relevant to decision making. However we will include reference to the number of states, regions and ethnic groups.
6.	Para 2.4.1 Additional information on alterations to the Constitution.	Accepted	We will include reference to the additional amendments to the Constitution.

Review Conclusions/ Recommendations		Response	Home Office Comments
7.	Para 2.5.1 Omission of reference to the high Court in the FCT.	Accepted	We will include this.
8.	Section 2.6. The section is too long making it unbalanced against the information contained in the section on the armed forces.	Partially accepted	We will review the section in the next update to ensure that it is relevant and to the point. However, since the police are likely to be the main possible source of protection in many cases, it is important to thoroughly cover its conduct and performance.
9.	First paragraph of 2.6.9 moved to start of section.	Accepted	With the caveat that when the CIG is reviewed, that this source is retained.
10.	Para 2.6.13 further information on the complaints process.	Accepted	This information is interesting, however it appears un-sourced.
11.	2.6.20 Section should be titled 'Human rights violations and impunity by actors of protection'.	Not accepted	While a minor point, since this is a subsection of 'Actors of protection' this seems an unnecessary qualification.
12.	Para 2.6.22 ... the last sentence seems out of place.	Partly accepted	The comment appears incomplete. We agree that much of the sentence appears irrelevant to the section, although the final point about inquiry into deaths in custody does belong since it touches on the matter of a lack of accountability within the security forces.
13.	Para 2.7.1. Various inaccuracies in the source cited.	Accepted	The source appears inaccurate. We will review and revise using the sources suggested.
14.	Para 2.7.3. Observations about problems around financial autonomy of the judiciary.	Accepted	Thank you for the sources.

Review Conclusions/ Recommendations		Response	Home Office Comments
15.	Fair trial, p.10. 'The first paragraph should focus on the Government's obligation to ensure a fair trial...'	Accepted	We will update in the next CIG.
16.	Para 2.7.4. 2.7.4 '... seems better suited for the section on fair trial than independence of the judiciary.'	Accepted	We will move from the section on Independence to Fair trial.
17.	Para. 2.7.10. Error in the quote.	Accepted	This appears an error in the text itself. We will add a clarification.
18.	Shari'a courts, p10-11. Additional source material.	Accepted	Thank you for the additional sources. We will review and include reference to the sources.
19.	Section 8: Freedom of movement, additional sources.	Accepted	Thank you for the additional sources.
20.	Section 9: Corruption, additional sources.	Partially accepted	Thank you for the sources. This is partially accepted as we do not intend to include all the information but a selection of sources to illustrate the ongoing problem of corruption.
21.	Section 10: Forged documents, Para 2.10.1 "He said that even if arrests are made and investigations are carried out by the Nigerian Police Special Fraud Unit, "the guilty party/ parties will walk away unpunished" (ibid.)". It is important to clarify that this is most likely to happen where it involves politicians or people with connections/money not poor or disempowered persons.	Not accepted	There is no qualification in the source itself. If the reviewer has source has material that sets out this logical inference that would be helpful.
22.	Para 2.10.1: Nigerian citizens use an ECOWAS passport issued by the Nigerian Immigration Service. It is a recognised travel document valid for travels within the Sixteen (16) Countries of ECOWAS and gives free entry and residence for 90 days in an ECOWAS State.	Partially accepted	The information appears un-sourced. We will attempt to find a publically disclosable source for the information.
23.	Faulty links.	Accepted	We will correct the links in the next update, assuming they are retained as being still accurate.

Annex B 8

Nigeria: Country of Origin Information Requests (COIRs)

03 May 2016

Summary

The Home Office would like to thank the reviewer for the suggested additional sources/material. The point about source assessments is acknowledged and accepted. However, COIRs are time and case specific and we do not intend to revisit or update these. Nevertheless, the observations may be useful for future use if a similar issue arises or if we determine that a CIG is required on a given topic.

Review Conclusions/ Recommendations		Response	Home Office Comments
1.	<p>COI Request- Availability of forged newspaper articles (02/16-066).</p> <p>Information of evidence of journalists/editors/publishers accepting payment to plant stories to support asylum claims, immigration applications or to provide evidence for official purposes and, if this is the case, how widespread is it.</p> <p>The information contained in the response is balanced and adequate. The sources are largely accurate.</p>	Accepted	Thank you for the observations and the additional source about journalists' pay.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>2. COI Request- State attitude to Biafran activists (03/15-208) information on whether the Nigerian authorities are interested in those involved in Biafran independence. If so, at what level. What treatment would a Biafran activist, who only talks to others and attends occasional meetings, receive upon return to Nigeria. Is the Nigerian intelligence gathering capability such that they would be aware of attendance at UK meetings and occasional demonstrations in the UK regarding Biafran independence. Claimant claims that the Nigerian government is “after the extinction of the Biafran people, especially males.” Is there any evidence of such government persecution of Biafran / Ibo ethnic groups.</p> <p>The information provided in the response is correct and balanced.</p>	Accepted	Thank you for the observations.
<p>3. COI Request- Osugbo cult (02/16-057). Information on the Osugbo title/cult and any known rituals/ceremonies that it involves.</p> <p>The information in the response is accurate and the lack of materials on the Osugbo cult emphasises the fact that the activities of the group has over the years been weakened due to modernisation and religion.</p>	Accepted	Thank you for the observations and the suggested source.
<p>4. COI Request- Treatment of albino children (03/16-022). Information on how albino children treated and viewed in Nigeria.</p> <p>The response is comprehensive and well researched.</p>	Accepted	Thank you for observations.

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>5. COI Request- Eiye fraternity (05/15-012). Information on whether the Eiye Fraternity exists in 2004? If the Eiye Fraternity currently exist and are influential? Is the Black Axe Fraternity currently influential? How are Black Axe Fraternity members treated by the Nigerian authorities? Or is there protection available from the authorities against this specific group?</p> <p>The two cult groups are very much active today and wield influence in their communities all over the country. The response does not address two questions posed how Black Axe Fraternity members are treated by the Nigerian authorities and what protection is available from the authorities against this specific group? These answers may be important in reaching a decision. The Black Axe fraternity members like members of other cult groups are not given any special treatment and they have been known to be expelled from institutions, arrested and serve jail terms. In reality little or no protection is given to former members or whistleblowers by the authorities.</p> <p>Sources: The first source which was from “Gistmania”. It appears to be a blog and the information contained in it may be subjective.</p> <p>See the added link for more information.</p> <p>Premium times newspaper article “Lagos cult clash: Court remands suspected Eiye member for murder” 30th September 2013.</p>	Accepted	<p>Thank you for the observations about critically assessing sources, including blogs, and additional information.</p> <p>We agree that we need to take a critical approach towards all sources.</p> <p>Given that the response was case and time specific, we do not propose to update. However the comments and additional material will be useful for future CIG on this issue.</p>
<p>6. COI Request- Inter-faith marriage (05/15-016). Information on attitudes to inter-faith marriage in Nigeria.</p> <p>Interfaith marriage: the response focuses on the broad relationship between Muslims and Christians in Nigeria and not on the special context of interfaith marriages. Addition information is required. Many Nigerian’s are involved in interfaith marriages and to a large extent still practise their separate religions without any fear of attacks. See the links below for more information.</p>	Accepted	<p>Thank you for the observations.</p> <p>Given that the response was case and time specific, we do not propose to update. However the comments and additional material will be useful for future CIG on this issue.</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>7. COI Request- Neo Black Movement (05/15-068). Information on information of the size, membership and influence of the Neo Black Movement? Evidence that the Neo Black Movement circulate wanted posters, photographs or details of individuals wanted by the group? Website where they display such information? And any information on Bob Izua and his involvement with the Neo Black Movement?</p> <p>The response does not in anyway address the particular issue and does not determine if the fears of the claimant are founded or not. There is very little information available about the neo black movement and from my search the only website located does not provide information on the size and membership of the NBM but rather advertises events and philanthropic programs of the movement. (http://web.archive.org/web/20150531214817/http://www.37thnatconvention.org/about_us) .</p>	Accepted	<p>As the reviewer notes, the difficulty is the lack of information. Thank you for the source. Given that the response was case and time specific, we do not propose to update. However the comments and additional material will be useful for future CIG on this issue</p>
<p>8. COI Request- Child born out of wedlock (08/15-046). Information on any evidence of societal disapproval of fatherless children? If so, how is this demonstrated? Would such children's life be at risk - from extended family or the general public?</p> <p>If so, what support is available to mothers and children subjected to such disapproval? What risk is there to mothers of such children from - extended family or the general public?</p> <p>Claimant also claims a fear of being gaoled on return to Nigeria as she was convicted of an offence in the UK and was gaoled here. Do the Nigerians routinely hold deportees or removed persons for any length of time once they reach Nigeria? If so, in what conditions and for how long? Do the Nigerians routinely gaol individuals who have been gaoled for offences in other countries before their return? Would a child be kept with his mother in gaol? If so, to what age? Who is responsible for feeding prisoners if Nigerian gaols?</p> <p>The claimant also claims to fear for the health of her child in Nigeria, especially from malaria. What is the current state of prevention and treatment of malaria in Nigeria, particularly for children?</p> <p>The response fairly covers a complex number of Muslims constitution prohibits discrimination on account of birth status and the courts have upheld it.</p>	Accepted	<p>Thank you for the observations and additional information. Given that the response was case and time specific, we do not propose to update. However the comments and additional material will be useful for future CIG on this issue</p>

Review Conclusions/ Recommendations	Response	Home Office Comments
<p>9. COI Request- Educational and Social Support (09/15-030).Information on schools and social support available in Nigeria.</p> <p>The response is comprehensive, detailed and accurate on education in Nigeria but does not speak a lot on social support available.</p>	Accepted	<p>Thank you for the observations and additional information. Given that the response was case and time specific, we do not propose to update. However the comments and additional material will be useful for future CIG on this issue</p>
<p>10. COI Request- Bakassi and nationality issues (11/15-042) Information on Confirmation of the citizenship status of a Nigerian national born in the Bakassi region before the region was handed over to Cameroon. The subject was a recognised Nigerian national and entered the UK with a Nigerian passport. Does he now remain a citizen of Nigeria? Is there any evidence that Nigerian nationals from the Bakassi region are not considered as a national by the Nigerian state under the operation of its law?</p> <p>The response is adequate and represents the current position on Nigerian Nationals from the Bakassi region. They have not lost their Nigerian nationality and are still recognised as Nigerian citizens. See Premium Times Article “Buhari: No plan to challenge Cameroon’s ownership of Bakassi Peninsula” July 29, 2015.</p>		<p>Thank you for the observations and additional information. Given that the response was case and time specific, we do not propose to update. However the comments and additional material will be useful for future CIG on this issue</p>

Annex B 9

Country Information and Guidance Nigeria: Gender-Based Discrimination/Harm/Violence Against Women, August 2015

03 May 2016

Summary

The Home Office would like to thank the reviewer for the positive overall assessment of the CIGs. We have accepted the vast majority of the recommendations. We also appreciate the suggested additional sources/material and, where appropriate, will include in the next update of this CIG. In other places, we have “partially accepted” the recommendation whilst we attempt to identify a source for the material. For some of the suggestions, we believe they are already covered by, or would be better placed in, our topic-specific Nigerian CIGs (notably on Boko Haram, and the Background CIG) and we will include in future updates to those. The suggested material on trafficking will be considered as we finalise a topic specific CIG on this.

Review Conclusions/Recommendations	Response	Home Office Comments
<p>1. General comments / content, p3. ‘However it leaves out a number of key issues such as widowhood practices, sexual and reproductive rights, equal opportunities and women in conflict in light of the conflict which has been on-going in northern Nigeria in the last 4 years. Nothing was mentioned of the abduction of the Chibok school girls and other women in the conflict.’</p>	Partially accepted	<p>The CIG does touch upon these issues directly and indirectly in the Overview section, bar the situation of women in conflict. The CIG also provides a link to a British Council report which provides details on all these, as well as on reproductive rights, in greater depth. As such, there is information available as context if needed. Women in conflict, including the abduction of the girls from Chibok, is covered in our CIG on Boko Haram. However, we will review the CIG in light of these comments to ensure these issues are covered and provide a link to the Boko Haram CIG.</p>
<p>2. General comments / sources, p3. No mention of the governments report to the CEDAW.</p>	Accepted	We will include reference to the report where appropriate.
<p>3. General comments / New developments, p3. Various sources.</p>	Accepted	Thank you.
<p>4. 4.1.1 Further material re government position and election results.</p>	Partially accepted	Is the reviewer able to provide sources for this information?
<p>5. 4.1.2 Information source not accurate, suggested an alternative.</p>	Accepted	We will amend in the updated CIG.
<p>6. 5.1.1 Suggested changes in light of recent developments / information provided not accurate.</p>	Partially accepted	We will review and in the updated CIG, subject to finding publically disclosable source(s) of information.

Review Conclusions/Recommendations		Response	Home Office Comments
7.	5.1.2 Points about the applicability of VAPP act.	Accepted	We will revise in the updated CIG.
8.	5.3 Additional source.	Accepted	
9.	5.3 Data about domestic abuse from NHS website may be challenged.	Not accepted	These data are from the NHS site, so we would consider them reliable. However the data is no longer on the webpage, so we will find a reliable alternative.
10.	5.4 Add context and additional sources.	Accepted	We will revise in the next CIG. However, not all of the suggested changes appear to be sourced.
11.	Pra 5.5.1, suggestion to start with VAP.	Partially accepted	We will review and in the updated CIG, subject to finding publically disclosable source(s) of information and/or distil from existing sources.
12.	Section 5.6 Further material on FGM.	Accepted	We will review the section and update in light of the suggested sources.
13.	Para 5.8.8 Addition of material in conflict.	Accepted	We will reference to violence against in conflict other than that already covered in the Boko Haram CIG. However. the source suggested appears to be 5 years old.

Review Conclusions/Recommendations		Response	Home Office Comments
14.	Section 6: review title to include reference to criminal justice system more generally, plus suggested information on government assistance. Also include material on the state's problems with resources.	Partially accepted	We will retitle this section. Thanks for the additional information, we will include this in the revised CIG. Re the adequacy of funding, this is covered in our Background information CIG, therefore we do not propose to include here but will make sure this is a link to the CIG.
15.	Section 8: trafficking – section needs more material.	Not accepted	We agree there is a need for more material; however, we are in the process of drafting a CIG on trafficking. So rather than repeat material here, this section will therefore will simply refer to that product in future.

Annex C Minutes of IAGCI meeting on 10 May 2016

MINUTES OF THE INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION (IAGCI), 10 MAY 2016

Venue: 5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN

Present: Members

Laura Hammond (Chair) (LH)	- School of Oriental & African Studies
Ceri Oeppen (CO)	- University of Sussex
Katinka Ridderbos (KR)	- UNHCR
Harriet Short (HS)	- ILPA
Andrew Jordan	- First Tier Immigration Tribunal

Representatives from ICIBI

David Bolt (DB)	- Independent Chief Inspector
Christolite Ashley (CA)	- Inspector
Stuart Harwood (SH)	- Private Secretary
Charmaine Figueira (Secretary) (CF)	- Secretariat

Representatives from Country Policy Information Team (CPIT), Home Office

Martin Stares (MS)	- Head of Unit
Andrew Saunders (AS)	- Researcher
Robin Titchener (RT)	- Team Leader
Rosalind Coles (RC)	- Researcher

Commissioned reviewers (on the phone)

Adeyinka Ige (AI)	Nigeria Reviewer
Tahirih Danesh (TD)	Iran Reviewer
Oksana Matiyash (OM)	Ukraine Reviewer

Observer from the Sponsorship and Pre-Inspection Team, Home Office

Gemma Duffy(GD)	Pre-Inspection Co-ordinator
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Apologies:

Patricia Daley(PD)	- University of Oxford
Michael Collyer (MC)	- University of Sussex
Elena Fiddian-Qasmiyeh (EFQ)	- London School of Economics

Agenda Item	Issue	Action point
<p>1. Chair's Report</p>	<p>The chair (LH) welcomed everyone to the Chief Inspector's Independent Advisory Group on Country Information.</p> <p>DB advised that he had held separate meetings with all relevant parties about his intended changes to the process for reporting IAGCI reviews to the Home Office. He circulated a new process map. DB said that this meeting would be the last one under the old process and that his changes would bring the strand of inspection work conducted on his behalf by IAGCI into line with the reporting of other ICIBI inspections.</p> <p>LH introduced CA to the group and discussed her role under the new process as the lead inspector for the IAGCI strand of work, which would include taking some of the administrative burden away from the Chair.</p>	
<p>2. Nigeria Reviews</p>	<p>LH introduced AI (on the phone) who reviewed the Country Information and Guidance (CIG) and Country of Origin Information Requests (COIRs).</p> <p>AI thanked the IAGCI for giving her the opportunity to review the reports and the Home Office for their comments on her reviews.</p> <p>LH commented that CPIT had accepted most of AI's recommendations.</p> <p>With regard to the COIRs, MS said that CPIT had to balance timeliness with quality of response. CPIT normally responded to COIRs within 2 to 5 days. Also, CPIT's resources were limited as were the sources they were able to access.</p> <p>RT asked the reviewer if they could provide their sources for the trafficking information. AI agreed.</p> <p>LH asked if the sources could be noted against the relevant paragraphs in the review. AI agreed to do this and to copy her response to IAGCI.</p> <p>LH commented that in this instance it had been helpful that the reviewer was based in the country being reviewed. This was not normally the case.</p> <p>AJ pointed out that sometimes the information quoted in the tabulated recommendations was too truncated to understand the meaning of the recommendation. It would be helpful to include fuller extracts from the review in the table of recommendations.</p>	<p>1. LH to forward source information to CPIT once received.</p> <p>2. LH to ensure that the new template covers this point, see item 5</p>

<p>3. Iran Reviews</p>	<p>LH introduced TD (on the phone) who presented her reviews of the Iran CIGs and COIRs.</p> <p>MS thanked the reviewer for her reviews. He said he was aware of the need to keep on top of the information about Iran as it was climbing up the rankings in terms of the number of asylum claims being received.</p> <p>TD stated that CPIT needed to be aware of the volume of information on Iran and the speed with which it changes. She receives, on average, 200 emails a day updating her on the situation in Iran.</p> <p>MS stated that CPIT would welcome the chance to develop their own sources of information, working with TD.</p> <p>TD raised the topic of the current migrant crisis. Currently, the main migrant groups are from Syria and Iraq. However, Iranian and Afghan numbers are increasing and there is a need to ensure that there are no knowledge gaps regarding the situation.</p> <p>AJ noted that it is good to have the reviewer pointing out new information. The fact that a reviewer was able to identify newer sources should not be seen as a reflection of the quality of the HO reports.</p> <p>MS said that it might be better if newer sources were shown in a separate section of the review.</p>	<p>3. LH/DB to consider in the new template, see item 5.</p>
<p>4. Ukraine Reviews</p>	<p>LH introduced OM (on the phone) and asked her to present her findings on her review of the Ukraine CIGs and COIRs.</p> <p>OM presented her findings and discussed the Home Office responses. She mentioned that it would be beneficial to include foreign language documents.</p> <p>MS said he would like to include such documents but was restricted from doing so due to budget constraints in terms of translation costs.</p> <p>AJ asked whether CPIT grouped COIRs relating to the same or similar issues.</p> <p>MS said that CPIT was starting to look at this, but currently they try to spot trends.</p> <p>MS said that recommendations should be more specific and maybe the reviews should have an annex for sources.</p> <p>CO suggested that an annex may not be necessary and use of a different font might suffice.</p> <p>AJ felt that a short biography of the reviewers should be included in the reviews to show the expertise of the reviewer.</p>	<p>4. CA to ensure reviewer biographies are included in future. LH to include this item in the template (see item 5).</p>

5. Review Template	LH circulated a draft template for future reviews asking attendees to consider it and revert with their thoughts.	5. CA to coordinate views on the draft template.
6. New Members	LH noted that all IAGCI memberships had expired. SH advised that would send out formal revised appointment letters shortly. LH said that two new members needed to be recruited to the panel. She asked the group to recommend potential candidates.	6. SH to draft reappointment letters for DB to send to IAGCI members. 7. IAGCI members to forward suggestions to the Chair.
7. AOB	SH said that meetings should be timetabled well in advance to ensure a high level of attendance.	
8. Next Meeting	The next meeting would take place in September and the following one at the end of 2016. Dates to be confirmed.	8. LH to circulate members to agree date for next meeting.

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