



Inspection of Country of Origin Information

December 2020

David Bolt

Independent Chief Inspector of
Borders and Immigration

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Foreword

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

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

This report covers the reviews considered and signed off by the IAGCI at its October 2020 meeting, which related to Sudan and El Salvador.

My covering report makes one recommendation. This is in addition to the recommendations contained in the individual reviews, the majority of which the Home Office has already accepted.

The report was submitted to the Home Secretary on 16 December 2020.

D J Bolt
Independent Chief Inspector of Borders and Immigration

1. Scope

- 1.1** In August 2020, IAGCI sought tenders for reviews of the following Country Policy and Information Notes (CPINs) and Country of Origin Information Requests (COIRs):
- El Salvador
 - ‘Gangs’ (Feb 2020)
 - Three COIRs (from 2019 and 2020)
 - Sudan
 - ‘Opposition to the government, including sur place activity’ (Nov 2018)
 - ‘Non-Arab Darfuris’ (Nov 2019)
 - Ten COIRs (from 2019 and 2020)
- 1.2** El Salvador was chosen because it had not previously been reviewed by IAGCI and there had been an upturn in asylum claims, while the most recent reviews of Sudan COI products were published in February 2017¹ and CPIT had indicated that it was planning to update the CPINs in question.
- 1.3** One joint tender was received for El Salvador and two for Sudan. The tenders were assessed by the IAGCI Chair, with input from members, and the reviewer with the most relevant, country-specific knowledge selected in each case.
- 1.4** The completed reviews were quality assured by the IAGCI Chair and members and sent to CPIT. CPIT added its responses, forming a single document for each country review.
- 1.5** The Independent Advisory Group on Country Information (IAGCI) met via Skype on 20 October 2020 to consider the reviews and the CPIT responses. The agenda and minutes of the meeting are at Annex A.

¹ The thematic report on Country of Origin products dealing with asylum claims based on sexual orientation or gender identity (SOGI/E) sent to the Home Secretary on 13 October 2020 and published on 8 December, identified Sudan, along with Cameroon, Egypt, Ethiopia, Lebanon and Syria, as countries where there was known to have been a SOGIE protection claim and/or relevant legislation/caselaw but for which (as at March 2020) there was no SOGI/SOGIE- related CPIN.

2. Reviewers' comments and recommendations

Sudan

- 2.1** Bashair Ahmed² reviewed ten Sudan COIRs (three from 2019 and seven from 2020), plus the CPINs entitled 'Opposition to the government, including sur place activity' (November 2018) and 'Non-Arab Darfuris' (November 2019). Her reviews are at Annex C. These incorporate CPIT's responses.
- 2.2** The ten COIRs reviewed were [Home Office reference in square brackets]:
- 'Political situation update: 4-23 October 2019', 23 October 2019 [10/19-069]
 - 'Dual nationality', 30 October 2019 [10/19-089]
 - 'Sudan', 20 November 2019 [11/19-033]
 - 'Arab Tribes', 24 January 2020 [01/20-005]
 - 'LGBT persons', 29 January 2020 [01/20-075]
 - 'Religion', 3 February 2020 [01/20-084]
 - 'Mixed Marriages', 2 March 2020 [02/20-073]
 - 'Ethnicity', 18 March 2020 [03/20-044]
 - 'Documentation', 7 April 2020 [04/20-001]
 - 'Sudan', 30 June 2020 [06/20-070]
- 2.3** The reviewer noted that the COIRs were factually accurate, and for those dealing with 'Arab Tribes', 'Religion', 'Ethnicity', and 'Documentation', the information provided adequately answered the question posed, although in the case of 'Arab Tribes' the COIR could have benefitted from including references to other parts of Sudan beyond Darfur.
- 2.4** For the other COIRs, the reviewer found that more details could have been provided to help to contextualise the response, which could have provided more specific information, although in a number of instances she observed that the requestor could also have been more specific and provided more context when framing their question(s).
- 2.5** In its response, CPIT noted that it was reviewing the request system, including looking at improving the guidance on how to make a request and how CPIT can improve its interaction with requestors and its outreach and training of decision makers.
- 2.6** For each COIR, the reviewer identified additional sources of information. In one instance, in relation to 'Documentation', CPIT responded that the cited source (an Al Jazeera article) was "in Arabic/French", raising familiar issues about the relevance and use of foreign language sources. These have been rehearsed at length in previous reports and ICI recommendations.

² Biography at Annex B. Note: the reviews were undertaken in a personal capacity, not as part of the reviewer's role as Executive Director of Shabaka or as a Research Associate at the University of Sussex.

- 2.7** For the ten COIRs, CPIT “accepted” (four) or “partially accepted” (six) of the reviewer’s findings and recommendations. The partial acceptances did not dispute the substance of the reviewer’s points. Most related to the fact that CPIT did not intend to update the COIR but would archive it once it had issued the relevant updated CPIN(s). CPIT also made the point that COIRs are case- and time-specific as well as time-limited, consequently “they can rarely be as widely sourced as CPINs”. This raised a question for IAGCI about the publication of COIRs (CPIT had no plans to publish them) and whether caseworkers could search for and access archived COIRs (no).
- 2.8** The reviewer described the sources used in the ‘Opposition to the government, including sur place activity’ CPIN (November 2018) as giving “a reasonably accurate reflection on the situation” up to the cut-off date for the report, but identified a range of further sources. Again, some were in Arabic. She also noted that the section on ‘Sur Place Activities in the UK’ could be strengthened by including more information on other diaspora organisations active in Sudan and in the UK.
- 2.9** Some inaccuracies were identified, along with some more up-to-date information. In most instances, CPIT undertook to review the suggested sources when updating the CPIN. However, it refused the reviewer’s suggestion that “artists (musicians, painters) and similar categories” be included in the groups identified as subject to state persecution, as it was not a group that CPIT was aware made claims in the UK.
- 2.10** The reviewer found the ‘Non-Arab Darfuris’ CPIN to be “balanced and well-researched” but considered that the ‘Country Information’ section could be strengthened by including more up-to-date sources of information, noting that “there is now [an] increasing range of reliable sources in Arabic”.
- 2.11** The reviewer suggested that the CPIN should provide “more detailed information of the treatment of Non-Arab Darfuris in other parts of Sudan”. CPIT asked if the reviewer was able to provide further information about “non-Arab Darfur groups, principally on their situation in Khartoum but also other major areas outside of Darfur”, indicating the ethnic groups and points of particular interest, and the reviewer’s response is at Annex C.

El Salvador

- 2.12** Professor David Cantor and Dr Ainhoa Montoya reviewed the CPIN on ‘El Salvador: Gangs’, published in February 2020, plus three El Salvador COIRs.³ The reviews, incorporating CPIT’s comments, are at Annex D.
- 2.13** The three COIRs were:
- Crime [02/19-080]
 - LGBT [12/19-051]
 - Political affiliation [06/20-086]
- 2.14** In the case of the first two COIRs, the reviewers did not recommend any changes, on the assumption that both had been superseded by the February 2020 CPIN. CPIT confirmed that this was the case. However, the reviewers’ comments on the ‘Crime’ COIR echoed those of the Sudan reviewer in relation to the framing of the information request, noting that it was unclear

³ Neither Professor Cantor nor Dr Montoya were able to attend the IAGCI meeting, so the discussion of their reviews was led by the Chair.

whether the requestor was concerned with the risk of youth recruitment into gangs generally or, more narrowly, the existence of any additional unique risk factors for youths sent back to El Salvador from overseas.

- 2.15** The reviewers found that the ‘Political affiliation’ COIR answered the specific request for information, but that “much could have been added” on this subject in the ‘Gangs’ CPIN, for example on “political polarisation and the aggressions and death threats that arise on the basis of political affiliation”. CPIT responded that it would “provide general background, including the political situation” in a new COI product that it was producing.
- 2.16** The reviewers described the ‘Gangs’ CPIN as providing “well-researched, relatively comprehensive and up-to-date coverage of key issues relating to gangs and gang criminality in El Salvador” up to the February 2020 cut-off date for information, but that “the structure or content” of “certain sections” raised questions about “accuracy and balance” and the omission of relevant information, specifically the failure to reflect “how gangs’ criminal activities intersected with those of other actors, an inadequate definition of the targets of violence, insufficient detail on extrajudicial executions by state security forces despite their notable increase over the last few years”.
- 2.17** The issue of non-English language primary information sources was raised, with the reviewers noting that some relevant information was produced by “reputable news outlets and civil society organisations in El Salvador” in Spanish. However, the reviewers commended CPIT’s use of “reports from the InSight Crime⁴ database, which provides an English summary and expert analysis of the reports most pertinent to themes of crime and security in El Salvador” alongside the InSight Crime team’s own original research.
- 2.18** CPIT accepted or partially accepted the bulk of the reviewers’ specific suggestions and recommendations, including to reorganise some sections of the CPIN. However, it did not plan to “significantly extend the scope of the CPIN”, since its purpose was “to support Home Office officials handling common types of claim in the UK”. Should there be a need to produce COI in relation to other risk groups, for example the situation of women and girls and the difficulties they face from state and societal actors, CPIT would prefer to do so in “a number of discrete but inter-connected COI products” so that the issues could be more fully addressed and the ‘Crime’ CPIN did not become unwieldy.
- 2.19** For similar reasons, CPIT did “not consider it necessary to cover violations by state actors in any depth”. The relationship between gangs and the State was discussed at length by IAGCI. While the Group accepted that the majority of claims cited fear of a gang rather than the State, members agreed with the reviewers that in order to understand the threat from gangs it was necessary to explain the relationship between gangs and the State (including collusion with police and security forces and gang-rule in some areas) (see Meeting Notes at Annex A).

⁴ <https://www.insightcrime.org/>

3. Independent Chief Inspector's comments and recommendation

COIRs

- 3.1 The importance of creating a close relationship between CPIT and Home Office users of COI, especially asylum decision makers, has been a theme of several ICI reports and recommendations over recent years. CPIT's review of the system for requesting COIRs etc., referenced in its responses to the Sudan reviews, is therefore welcome. For the sake of transparency, any new guidance produced by CPIT for COI users should be published on GOV.UK.
- 3.2 The Sudan reviewer correctly highlighted that there is an onus not just on CPIT but also on those making COIR requests to be as specific as possible regarding the information they require, and to provide context for their request. Aside from helping to ensure that the COIR meets their needs, this should also help to minimise the risk that the information in a COIR is applied out of context to other cases.
- 3.3 While CPIT's caution regarding a searchable archive of COIRs is understandable, by encouraging caseworkers to make new requests rather than consider whether an existing COIR meets their needs is adding to the demand on CPIT's already over-stretched resources. CPIT informed IAGCI that it was considering a new, shorter (than a CPIN) COI product. While this may bridge between COIRs and CPINs, it is hard to see where the capacity to produce such products will come from. CPIT should also be looking at ways to make the COIRs it produces be of more lasting value, which would include both more carefully defined information requests and responses and ensuring that caseworkers understood the limitations of archived COIRs and when they needed to request further information.

Recommendation

- 3.4 In reviewing the processes associated with Country of Origin Information Requests (COIRs), the Home Office should look at the options for creating a searchable archive of COIRs (supported by guidance on its use and limitations), in particular where the information in question is not time-sensitive and where no other relevant COI exists.

Foreign language information sources

- 3.5 As has often been the case, the reviewers on this occasion identified information sources that were not in English. As ever, CPIT declined to use these sources. Reasonably enough, the Head of CPIT reminded the IAGCI meeting that the issue was not simply a question of the costs of translation but also of CPIT's capacity to research and identify foreign language sources. But this argument is less persuasive where a reviewer has identified a specific source, and particularly so where there is no English-language alternative and where (as in the case of El Salvador) CPIT acknowledges that it is seeking more information.

- 3.6** Since 2016,⁵ ICI/IAGCI has made several recommendations regarding CPIT's (non-) use of foreign language information sources. The latest inspection report to be published, the September 2020 Thematic Report on Sexual Orientation and Gender Identity COI,⁶ also contained a recommendation that CPIT's resources (staffing and budget) should be sufficient to "carry out (or sponsor or assimilate) sufficient research, including of information that is not available in English, to ensure that references in COI products to the absence of evidence in relation to information that may be material to an asylum decision are not, in reality, knowledge gaps".
- 3.7** This recommendation was not accepted, and it would therefore be otiose to make any further such recommendations. However, ICI/IAGCI remains of the view that the Home Office's position is wrong in principle and in practice.

⁵ 'Inspection of Country of Origin Information, May 2016 Report' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/549253/ICIBI_inspection_of_COI_July_2016.pdf

⁶ 'Inspection of Country of Origin Information Thematic Report on Sexual Orientation and Gender Identity or Expression, September 2020' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf

Annex A: Meeting of the Independent Advisory Group on Country Information

20 October 2020 (10:00 – 13:00) via Skype

IAGCI Members:

Laura Hammond (LH), School of Oriental and African Studies (Chair)
Larry Bottinick (LB), UNHCR UK
Michael Collyer (MC), University of Sussex
Patricia Daley (PD), University of Oxford
Susan Pitt (SP), Upper Tribunal Judge
Katinka Ridderbos (KR), UNHCR Geneva
Harriet Short (HS), One Pump Court

Apologies (Members):

Giorgia Dona (GD), University of East London
Sonia Lenegan (SL), Immigration Law Practitioners' Association
Ceri Oeppen (CO), University of Sussex
Nando Sigona (NS), University of Birmingham
Julie Vullnetari (JV), University of Southampton

ICIBI Representatives:

David Bolt (DB), Independent Chief Inspector
Hollie Savjani (HSa), Minute taker
Monika Kukar (MK), Minute taker

Home Office CPIT:

Martin Stares (MS), Head of CPIT
Robin Titchener (RT), Team Manager Africa Teams
Jacqueline Niven (JN), Team Manager Asia & the Americas
Jeanette Walcott (JW), Team Manager Europe & Middle East

Reviewers:

Bashair Ahmed (BA), Sudan
David Cantor (DC), El Salvador (apologies)
Ainhua Montoya (AM), El Salvador (apologies)

Asylum Research Centre:

Stephanie Huber (SH)
Liz Williams (LW)

Meeting Notes

Agenda item	Discussion	Action
Introduction	<p>LH welcomed everyone to the meeting. She noted that the El Salvador reviewers were unable to attend. GD had been intending to introduce the review but was now also unable to attend, so LH would do so.</p> <p>This was LH's last meeting as IAGCI Chair. Thanked MC for agreeing to take on the chairmanship of the Group following this meeting. Timely to review membership – members asked to confirm to HSa whether they were content to continue their membership.</p> <p>DB told the Group that this was possibly also his last meeting. As yet, DB did not have any details about his successor as Independent Chief Inspector (ICI) or a start date. DB still hoped to be able to introduce his successor to the Group and may look to call a meeting at short notice to do so.</p>	All IAGCI members to confirm to HSa whether they are content to continue – COMPLETED
Asylum Research Centre (ARC) presentation	<p>ARC⁷ would be publishing the report of its review of 'US Department of State's Country Reports on Human Rights Practices (2016–2019)' on 21 October. SH and LW ran IAGCI through their findings.</p> <p>Note: The ARC presentation was embargoed until the report was published.</p>	ARC to send the link to its report to HSa for circulation to IAGCI members – COMPLETED

⁷ <https://asylumresearchcentre.org/>

Agenda item	Discussion	Action
Sudan review	<p>BA provided an overview of her review and comment on HO responses.</p> <p>KR – asked CPIT to explain why it did not consider it necessary to include all specific groups suggested by the reviewer (Page 8 of the report), accepting that CPIT had decided to produce shorter, more focused reports and could not cover everything.</p> <p>RT – felt “women”, for example, was a more general issue and CPIT had plans to produce a separate CPIN covering women and children.</p> <p>MS – CPIT has to prioritise use of its resources, it does not set out to exclude specific groups, but simply focuses on others.</p> <p>MS – recognised a potential gap between what caseworkers request on the [COIR] form and the information they need. CPIT was looking to bridge this. However, CPIT was limited in how far it could progress in responding to requests because of the turnaround time.</p> <p>LH – asked if there was any likelihood that COIRs would be made available beyond caseworkers (i.e. for them to be published on GOV.UK)?</p> <p>MS – the Home Office was not planning to do this but CPIT was looking to make available a new product, which would be shorter than a CPIN.</p> <p>LH – asked how long COIRs remained searchable/available to caseworkers, noting CPIT’s references to them being “archived”.</p> <p>MS – there is a 2-week reading period. COIRs that have been updated or superseded by a CPIN should be removed. Currently, there is not a searchable archive, and CPIT is wary of caseworkers using COIRs that are 3,4, 5 years old and want them to come to CPIT for recent information. CPIT is looking at how it could make COIRs available as an archive but have them clearly marked as such e.g. “reference only”.</p> <p>LH – thanked BA for review and explained that DB would now submit the review with a report that will be published once laid in Parliament. Until then, BA should treat the report as a confidential document. Important to say reviewers’ reports can be used as source material.</p>	<p>BA to make requested updates to references and resubmit ASAP – COMPLETED</p>

Agenda item	Discussion	Action
El Salvador review	<p>LH – summarised the main points from the review in lieu of the reviewers. The review (like the Sudan review) again raised the issue of information sources that were not in English. Clearly for El Salvador most sources will be in Spanish. Fortunately, more academic sources are becoming more accessible. Major languages, such as French, Spanish, Arabic, could be translated.</p> <p>MS – No surprise that DB has made a number of recommendations about foreign language sources. Not just about the costs, but also the capacity within CPIT to identify relevant sources. Regarding Human Rights Watch, it is about balance and HRW’s purpose and neutrality. It is helpful to see HRW’s material, but this needs to be balanced with other sources.</p> <p>LH – HRW would take exception to being labelled as partisan. Is CPIT suggesting they are politicised?</p> <p>MS – not quite right to suggest HRW is completely apolitical.</p> <p>MS – The majority of claims relate to harassment and intimidation from gangs, not state actors.</p> <p>LH – if the state is complicit with gangs, it supports the argument that the state is unwilling to protect someone at risk from gangs.</p> <p>MS – the state’s ability to provide protection is different from a claimant being afraid of the state. CPIT is trying to distinguish the two because most claims cite fear of gangs.</p> <p>RT – CPIT is asking for more information on collusion with gangs from the state.</p> <p>LB – the CPIN covers internal relocation, but the ability to relocate away from a gang is more limited if the police and security forces are colluding with the gangs or if the individual will be a police target because of suspected gang membership.</p> <p>KR – there are gangs operating as criminal enterprises that have taken on the characteristics of the state where they have displaced the state or have assumed control of large parts of the population. Where asylum applicants frame their claim as fearing a gang this may be how they understand their universe. But, caseworkers must explore what that means in practice. Therefore, is it unhelpful for the CPIN to articulate that gangs can be considered separately from the state and state agents.</p>	

Agenda item	Discussion	Action
El Salvador review	<p>MS – CPIT has to target its main efforts at the claims we receive in the UK.</p> <p>RT – CPIT understands that gangs have a very large influence, they affect how people can move. CPIT is still getting its head around El Salvador and the region and needs more recent information. There is a need for wider context for El Salvador (also true for other countries). It is probably true that LGBTI people have a claim. The problem is that the CPIN is not designed to replicate the UNHCR guidelines. In principle, there is lots of relevant information, but is not relevant for the CPIN.</p> <p>LH – IAGCI recognises that CPIT cannot write about every HR issue in every country, but this is another example of how some types of claims can slip through the gaps if not explored further.</p> <p>MS – (responding to KR) about a third of claimants are female. There are quite a lot of families.</p> <p>SP – Tribunal has heard appeals, not in notable numbers. In general, if the claimant is credible it is very likely to be a strong claim as the country evidence is strong.</p> <p>RT – it is possible that COVID-19 restrictions have led to a deterioration in human rights and it would be interesting to see what is happening now (LH agreed). CPIT would welcome any up-to-date information.</p> <p>HS – Section 2.3 of the CPIN sets out the SoS policy position that fear of gangs does not fall within the scope of the Refugee Convention. This should not be taken as definitive until it has been litigated. It would depend upon the facts of the individual case. It would be useful if the CPIN had explored whether gangs are seen as having a distinct identity by surrounding society.</p> <p>RT – the CPIN references a starred case in Columbia that defines when persecution grounds may apply and correlates with El Salvador. If a claimant does not qualify under the Convention, they may still qualify for humanitarian protection.</p> <p>KR – it is not only a question of gangs collaborating with the state, or the state colluding with gangs, but of the gangs displacing the state. If the CPIN only focuses on gangs as a criminal enterprise it misses an important part of what is happening in the country</p>	
AOB	<p>LH & DB – Remarks as outgoing Chair and ICI.</p> <p>MC – Remarks as incoming Chair. Indicated that ‘Statelessness’ is a topic that IAGCI should look at next. Will speak with CPIT once the new ICI is in post.</p>	

Annex B: Biographies of the Reviewers

Bashair Ahmed (Sudan)

Bashair Ahmed, is the Executive Director of Shabaka and Research Associate at the University of Sussex. She is a researcher with over 18 years of experiences working on issues related to migration, human rights and humanitarianism, with a focus on Sudan and the wider Horn of Africa region. She has worked with a number of UN and international organisations, including Amnesty International, Human Rights Watch, the Norwegian Refugee Council and the United Nations Office for Humanitarian Affairs (UNOCHA) across Asia, Middle East, Europe and Africa. Bashair holds a PhD in Migration Studies from the University of Sussex.

Dr Ainhua Montoya (El Salvador)

Dr Ainhua Montoya is Senior Lecturer in Latin American Studies at the School of Advanced Study of the University of London, with 19 years of research experience in El Salvador on conflict and post-conflict violence, human rights, gangs, juvenile justice, extortion, security and transitional justice. She is the author of 'The Violence of Democracy: Political Life in Postwar El Salvador' (Palgrave Macmillan, 2018), a monograph that addresses the problem of endemic violence in El Salvador and its relationship to the country's civil war, state transformation processes, organised crime, and privatisation of security. She has conducted extensive research among victims of wartime and post-war violence, recording their narratives, documenting their experiences and examining how they make sense of El Salvador's violent peace. More recently, her research has expanded to the study of natural resource-related violence in Central America, including various departments in El Salvador. This has brought her further insights into the problems of violence and public insecurity that persist throughout the country. Since 2001, she has travelled to El Salvador almost yearly for two to three-month research trips, and a full 13 months between 2008 and 2009. Dr Montoya's work on violence has been referenced by other academics and by solicitors in reports and statements submitted along with asylum claims. Since 2016, she has written numerous country expert reports for individual asylum appeals by Salvadorans in the UK.

Professor David Cantor (El Salvador)

David Cantor is Professor of Refugee and Forced Migration Studies at the School of Advanced Study of the University of London. He is a leading international expert on refugee, asylum and displacement issues in general and the founding Director since 2011 of the Refugee Law Initiative, one of the world's foremost research centres on refugee law and policy, as well as a range of academic publications and projects relating to this area, and significant prior experience directly as a practitioner in the UK asylum system since the year 2000. He is currently Chair of the Governing Board of the University of London Refugee Law Clinic and Editor-in-Chief of the Refugee Survey Quarterly journal published by Oxford University Press. Professor Cantor is widely acknowledged as a principal authority on refugees, displacement and human rights in Latin America, where he has researched and published substantively since 2005, particularly on the Colombian conflict. Since 2013, a main area of work has been on El Salvador (and neighbouring countries): based on fieldwork, his research on forced displacement due to organised criminal groups there won the 2017-18 Times Higher Education Research Project of the Year award and remains a key point of reference for both researchers and policymakers. In 2015-2017 he was engaged by UNHCR as a consultant and then principal advisor to develop policy documents

related to Central America. He also supported research by Dr Vickie Knox (his former doctoral student) on the 2018 IDMC report 'An atomised crisis: Reframing displacement caused by crime and violence in El Salvador'.

Annex C: Review of the Home Office Country of Origin Information on Sudan: Opposition to the Government, including sur place activity (November 2018); Sudan: Non-Arab Darfuris (November 2019) and ten responses to Information Requests

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

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1. Introduction

This review provides a commentary on two documents – Sudan: Opposition to the Government, including sur place activity (November 2018) and Sudan: Non-Arab Darfuris (November 2019) produced by the Home Office. Additionally, ten responses to Information Request.

The review is commissioned by the Independent Advisory Group on Country Information (IAGCI) and is therefore drafted in line with instructions received through the IAGCI.

I have been instructed to specifically:

- assess the extent to which information from source documents has been appropriately and accurately reflected in the CPIN Reports
- identify additional sources detailing the current human rights situation in the country with respect to main grounds for asylum claims
- note and correct any specific errors or omissions of fact
- make recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach
- ensure no reference is made to an individual source which could expose them to risk

1.1 Methodology

This review has been conducted by checking the content of the reports for factual accuracy, as well as the citations. In addition, review the original documents from which they are drawn and ensuring that they have been quoted accurately. The sources have been checked for balance and some alternative, open access sources have been recommended where I consider that the report could benefit from more balance or detail.

Given there have been significant developments in Sudan since the CPINs were produced, a large number of sources have been suggested that could be consulted.

Specific guidelines were followed for this review, including:

- the review focused exclusively on the country of origin information contained within the documents. It did not pass judgment on the policy guidance provided
- the CPINs were reviewed in the context of their purpose as set out above. It considered the situation in Sudan up to the stated 'cut off' date for inclusion of information

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

1.2 Summary of Review:

1.2.1 Sudan: Opposition to the Government, including sur place activity (November 2018)

Overall, I find this report to be an accurate and balanced assessment based on information available at the cut-off date for the CPIN report. There are some factual inaccuracies which I have highlighted in detail below. In general, while most sources consulted are reliable, the report could benefit from a broader range of sources. More detail is provided below.

The structure of the report is clear and navigable. However, the report can benefit from more detailed/less detailed breakdown of the information provided.

Key recommendations include:

- i. to update the whole CPIN to reflect the political changes in Sudan
- ii. to amend/correct inaccurate information highlighted below
- iii. to add detail regarding the situation in eastern Sudan (additional information provided in section 2.2.)
- iv. to re-arrange the structure of the report (see 1.4.1. for suggested structure)
- v. to expand the range of sources, including academic literature

Home Office comment

We accept all the comments above bar re-arranging the structure of the CPIN, which we partly accept (for detail, see comments below).

We also add the caveat that, while we agree a wide range of sources helps strengthen the COI, our ability to access academic (subscription-based) literature and pay for the translation of Arabic-language material may be restricted by limits in our available resources. However, we note that the reviewer has suggested a wide range of publicly accessible, English language material that provides a rounded and detailed picture of the situation in Sudan.

1.2.2 Sudan: Non-Arab Darfuris (November 2019)

Overall, I find this report to be an accurate and balanced assessment based on information available at the cut-off date for the CPIN report. In general, while most sources consulted are reliable, the report could benefit from a broader range of sources. More detail is provided below.

The structure of the report is clear and navigable. However, the report can benefit from more detailed/less detailed breakdown of the information provided.

Key recommendations include:

- i. to update the whole CPIN to reflect the political changes in Sudan
- ii. to amend/correct inaccurate information highlighted below

Home Office response

Accepted.

Reviewer's comment	Home Office response
<p><u>Main Suggestions relating to the COI requests:</u></p> <ol style="list-style-type: none">1. The requests would benefit by being as specific as possible regarding the timelines to be covered under the request.2. Apart from the overarching question, the COI requests can benefit from more specific questions from the requesters, for example, specifying on the marriage between Arabs and non-Arabs can vary between regions, class and other conditions.3. The timelines of COI requests currently reflects the period in which the requests were made. However, these need to be updated to address new changes on the ground and ensure the diversity of sources of information.4. The range of sources are limited and can benefit from additional sources.	<p>1 and 2 – requests are made by various Home Office officials and, to some extent, are outside our control. However, we are reviewing our request system, which includes looking at improving our guidance on how to make a request, how we can improve our interaction with requesters to ensure we establish what they require and outreach/training of decision makers about the work of CPIT.</p> <p>3 The responses to requests are case- and time-specific. All the requests will be superseded by updated or new CPIN products and will be archived.</p> <p>4 Responses are time-limited and case-specific, as a result of these restrictions they can rarely be as widely sourced as CPINs. But we are endeavouring to improve the request/response process and expand and update our CPINs to provide greater depth of information and range of sources.</p>

1.3 Understanding of the themes addressed in the CIG Reports

1.3.1 Sudan: Opposition to the Government, including sur place activity (November 2018)

From a COI viewpoint, it is considered that these sources gave a reasonably accurate reflection on the situation based on the cut-off date. However, the range of sources could be improved with more sources (including in Arabic), to provide an accurate picture of the context; additional detailed references are provided below. Additionally, there were some inaccuracies in some of the reports, which are highlighted below. It is considered though that section Sur Place Activities in the UK could be strengthened by including more information on other diaspora organisations (community development and humanitarian focused) who are active, both in Sudan and the UK.

1.3.2 Sudan: Non-Arab Darfuris (November 2019)

From a COI viewpoint, it is considered that this is a balanced and well-researched report on the situation for Non-Arab Darfuris. It is considered though that the section on Country Information could be strengthened by including more up-to-date sources of information.

1.4 Quality and balance of sources

1.4.1 Sudan: Opposition to the Government, including sur place activity (November 2018)

Structure

The structure was adequate and reflected the main issues based on the context in Sudan. With the changes in Sudan since the CPIN was produced in November 2018, the structure needs an overhaul to reflect the main issues. Below is a suggested structure:

Political System

- Overview (events from November 2018- September 2020)
- Sudan Transitional Government
 - Transitional Sovereign Council (TSC)
 - Prime Minister and Cabinet

Key actors

- Forces of Freedom and Change (FFC)
- Sudan Professionals Association (SPA)
- Rapid Support Forces (RSF)

- Neighbourhood Resistance Committees
- Political Parties
 - National Umma Party
 - Popular Congress party
 - Sudanese Communist party
 - Democratic Unionist party
 - Other political parties
- Armed Opposition Groups
 - Sudan Revolutionary Front (SRF)
 - Sudan Liberation Movement/Army (SLM/A-AW)
 - Sudan People's Liberation Army/Movement-North (SPLA/M-N) Abdelaziz Al-Hilu

Areas of conflict and insecurity

- Darfur
- South Kordofan and Blue Nile (the 'Two Areas')
- Eastern Sudan
- Other areas

Human Rights Concerns and Violations

- Abuses in a conflict setting
- Women's Rights
- LGBTQI Rights
- Freedom of expression, association and assembly
- Children's rights
- Religious rights

Home Office response

Partially accepted – we agree with the majority of the structure above, which primarily reflects the current CPIN. However, we do not consider it necessary to include information about all the proposed groups, specifically those on women's rights, LGBTQI rights, children's rights and religious rights which appear to be more general.

Content

The content is mostly accurate; however, some corrections are recommended:

[7.1.5. p51] *'From 1989, following the Islamist coup in Sudan, some Sudanese migrated from the Gulf countries to Europe, the US and Canada, in some cases claiming asylum as refugees because of their political affiliations. Another factor was the massive expulsions of Sudanese workers from Arab states during the first Gulf war'.*

COMMENT: The source could benefit from an update from other sources that have more detailed information about the drivers and migratory movements by Sudanese. Please see sections 2.7 and 2.8 for additional details.

[7.1.6. p51] *'Many of the long-term Sudanese migrants in the UK are established highly-skilled professionals from central Sudan's Arab elite, and are not asylum-seekers'.*

COMMENT: The 'highly-skilled professionals from central Sudan' is one category of Sudanese migrants, and there are other groups, such as Nubians from northern Sudan and Sudanese Coptics. Please see sections 2.7 and 2.8 for additional details.

[7.1.7. p51] *'On 30 June 2018, Waging Peace arranged a demonstration outside the Sudan embassy, against the current Sudan administration'.*

COMMENT: In addition to the demonstration on 30 June 2018, numerous other groups and entities have organised protests outside the Embassy, before and after December 2018. Please see sections 2.7 and 2.8 for additional details.

[8.1.3. p52] *'The Sudanese communities in Egypt, Saudi Arabia and the UK probably play a more important role [than in Norway] in terms of political activity in exile, as they are much larger than those in Norway'.*

COMMENT: Sudanese based in Saudi Arabia, and generally the Gulf region, would not have been able to engage in any overt political activities due to legal restrictions and other factors. Most limit their activities to online actions and sending remittances to support initiatives in Sudan and elsewhere.

[8.1.4. p52] *'The Justice and Equality Movement (JEM) is one of the main Darfuri insurgent groups known to be active in Darfur and is present in the UK. JEM's website states that it has an office in London, also noted by testimonies published by Waging Peace'.*

COMMENT: The reference is limited and can benefit from adding the numerous other parties and groups with representation in the UK.

Home Office response

Accepted – we will update the inaccuracies (or where additional information is available).

Sources of information

The sources were adequate but can be improved and not be dependent on a limited pool of sources. For example, there were no reports from the Office of the United Nations High Commissioner for Human Rights (UNOHCR), which included reports by the Independent Expert on the situation of human rights in Sudan since 1993. Additionally, data on demographics and migration could benefit from more extensive databases, such as the United Nations Department of Economic and Social Affairs (International Migrant Stock database) and regular briefing, such as by the Mixed Migration Centre. Finally, and this will depend on translation capacities, there is now an increasing range of reliable sources in Arabic.

Additional sources:

In addition to the specific sources listed below, I recommend the following:

Dahab, M., Abdelmagid, N., Kodouda, A., and Checchi, F. (2019). Deaths, injuries and detentions during civil demonstrations in Sudan: a secondary data analysis. *Conflict and health*, 13(1), 16. [accessed 29 September 2020]

Elbagir, McKenzie, Bashir, Nasir and Abdalaziz (2019). “They tried to use rape to silence women protesters. It didn’t work”. CNN [Online]. <https://edition.cnn.com/2019/05/17/africa/sudan-protests-asequals-intl/index.html> [accessed 29 September 2020]

Deng, F. (2004). *Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan*. Gilder Lehrman Center for the Study of Slavery, Resistance and Abolition, Yale University. New Haven, Connecticut, 23. [accessed 29 September 2020]

Human Rights Watch (2013). Sudan: Dozens Killed During Protests. Rein in Forces, Investigate Killings, Charge or Release Detainees. [Online] Available at: <https://www.hrw.org/news/2013/09/27/sudan-dozens-killed-during-protests> [accessed 29 September 2020]

Medani, K. M. (2011). Strife and secession in Sudan. *Journal of Democracy*, 22(3), 135-149.

Mukhtar, A. B. A. A. (2004). The crisis of Identity in Northern Sudan: A dilemma of a Black People with a White Culture in Fluehr-Lobban, C. and Rhodes, K. (eds.) *Race and Identity in the Nile Valley: Ancient and Contemporary Perspectives*, (Trenton, NJ: Red Sea Press, 2004), 203–36.

1.4.2 Sudan: Non-Arab Darfuris (November 2019)

Structure

The structure appears reasonable. An additional section to include: Socio-economic and humanitarian context.

Content

Overall, the document will require an update based on developments in Sudan since November 2019. The content can also benefit from more detailed information on the treatment of Non-Arab Darfuris in other parts of Sudan, also issues of racism in relation to socio-economic context. Additionally, the humanitarian context has a particular impact on the human rights situation; thus, it is recommended to include further information on the socio-economic context, including the humanitarian situation.

Sources of information

The sources of information are accurate; however, they are limited and can benefit from the inclusion of other sources. Also, and this will depend on translation capacities, there is now an increasing range of reliable sources in Arabic. Recommendations on additional materials are available in section 3.

Additional sources:

Jasper, S. and Shutta, B. (2019). One Year On: Sudan's Fragile Humanitarian Situation. <https://www.ispionline.it/en/pubblicazione/one-year-sudans-fragile-humanitarian-situation-26283> [accessed 29 September 2020]

Jasper, S. and Rajab, D. (2020). Trapped by Covid and a Hostile Europe: Sudanese Migrants and Refugees in Belgium. <https://africanarguments.org/2020/07/08/trapped-by-covid-and-a-hostile-europe-sudanese-migrants-and-refugees-in-belgium/> [accessed 29 September 2020]

2. Review: Sudan: Opposition to the Government, including sur place activity (November 2018)

2.1 [1] Introduction

Reviewer's comments	Home Office response
<p>1.1. Basis of claim</p> <p>COMMENT: This is factually accurate concerning the cut-off date of the CPIN. However, this point needs to be articulated in relation to the new government structure (joint civilian-military), with the 'deep state' (elements from the former regime), means the risks faced are by part and not all government entities.</p> <p>1.2.1. SUGGESTION: The reference to the groups is broadly accurate, but would also include artists (musicians, painters and similar categories). This is based on a recent case of the arrest and imprisonment of a group of artists in Khartoum:</p> <ul style="list-style-type: none">Osman, M. (2020). Sudanese Artists Imprisoned for Pro-Democracy Chants. Human Rights Watch (HRW). https://www.hrw.org/news/2020/09/21/sudanese-artists-imprisoned-pro-democracy-chants [accessed 28 September 2020]	<p>Not accepted.</p> <p>The basis of claim – which is not country information – simply reflects what applicants claim in the UK. The persecutor is the state, even if it is a part of the state. We can explain that different parts of the state act independently of one other in the risk section.</p> <p>Artists are not a group we are aware of who make claims in the UK and we do not propose to specifically cover this group.</p>

2.2 [2] Consideration of issues

Reviewer's comments	Home Office response
<p>2.4. Assessment of risk</p> <p>COMMENT: This is factually accurate concerning the cut-off date of the CPIN.</p> <p>RECOMMENDATION: Apart from a general update to reflect changes in Sudan, I recommend making the following additions:</p> <p>a. Include artists to the current listing of categories</p> <ul style="list-style-type: none">Osman, M. (2020). Sudanese Artists Imprisoned for Pro-Democracy Chants. Human Rights Watch (HRW). https://www.hrw.org/news/2020/09/21/sudanese-artists-imprisoned-pro-democracy-chants [accessed 28 September 2020] <p>b. Despite the changes in the country, including the installation of a joint civilian and military government, the situation remains volatile. Thus, there should be no change. One of which is increased violence in other parts of the country, including eastern Sudan</p> <ul style="list-style-type: none">ACJPS (2020). Eastern Sudan: A tribal conflict leaves 33 dead and 77 Injured. African Centre for Justice and Peace Studies. https://www.acjps.org/eastern-sudan-a-tribal-conflict-leaves-33-dead-and-77-injured/ [accessed 28 September 2020]	<p>Not accepted.</p> <p>This section is not COI but a summary of the narrative and assessment of risk.</p> <p>We will therefore not include sources recommended in this section. However, we will consider them for inclusion in the COI narrative (section 3 onwards).</p>

Reviewer's comments	Home Office response
<p>2.4.2. Reference to reprisals by the state, including the National Intelligence and Security Service (NISS)</p> <p>RECOMMENDATION: Include abuses by the Rapid Response Forces (RSF), the military and the police. Additionally, the power to detain people has been removed from GIS and overtaken by RSF. Below are specific suggestions:</p> <p>a. The National Intelligence and Security Services name has changed to General Intelligence Services (GIS)</p> <ul style="list-style-type: none"> Sudan Tribune (2020). Sudan intelligence agency still can detain and interrogate: statement. https://sudantribune.com/spip.php?iframe&page=imprimable&id_article=69356 [accessed 25 September 2020] <p>b. I would advise to refer to the general security and military apparatus, who now have larger presence in urban setting, including the Sudanese capital, Khartoum. These include the Sudanese Armed Forces (SAF) and the Rapid Security Forces (RSF)</p> <ul style="list-style-type: none"> Radio Dabanga (12 July 2020). Sudan's Rapid Support Forces occupy school in South Kordofan. https://www.dabangasudan.org/en/all-news/article/sudan-s-rapid-support-forces-occupy-school-in-south-kordofan [accessed 29 September 2020] Amin, M. (14 May 2020). Renegade Sudan army faction accused of killing RSF troops in clashes. https://www.middleeasteye.net/news/sudan-rapid-support-forces-troops-killed-renegade-army-faction-kordofan [accessed 28 September 2020] Ramani, S. (2020). The Ongoing Turf War in Sudan. Carnegie Endowment for International Peace. https://carnegieendowment.org/sada/81119 [accessed 28 September 2020] <p>c. COMMENT: Next elections expected after a transition period in 2022</p> <ul style="list-style-type: none"> European Union (EU). (29 February 2020). Press Release: European Union announces €100 million to support the democratic transition process in Sudan. https://ec.europa.eu/commission/presscorner/detail/en/IP_20_352 [accessed 28 September 2020] Marsden, R. (2019). Can Sudan Achieve Peace and Democratic Transition?. Chatham House. https://www.chathamhouse.org/expert/comment/can-sudan-achieve-peace-and-democratic-transition [accessed 28 September 2020] <p>d. COMMENT: There are concerns that elements of the Government of Sudan are a risk to the transitional Government.</p> <ul style="list-style-type: none"> Creta, S. (30 June 2020). Battling the generals: A briefing on Sudan's transition to democracy. The New Humanitarian. https://www.thenewhumanitarian.org/news/2020/06/30/Sudan-democracy-transition-military-revolution [accessed 28 September 2020] US Department of State (13 August 2020). Press Statement by Michael Pompeo, Secretary of State: The United States Imposes Visa Restrictions on Multiple Individuals Undermining Sudan's Civilian-Led Transitional Government. https://www.state.gov/the-united-states-imposes-visa-restrictions-on-multiple-individuals-undermining-sudans-civilian-led-transitional-government/ [accessed 28 September 2020] 	<p>Not accepted – as above.</p>
<p>2.4.5. Need to clarify there are two main branches of the Sudan People's Liberation Army- North (SPLM-N), one led by Abdelaziz El Hilu and the other by Malik Agar</p> <ul style="list-style-type: none"> Sudan Tribune (2017). SPLM-N confirms resignation of its deputy chairman. https://www.sudantribune.com/spip.php?article61929 [accessed 25 September 2020] Reuters (31 August 2020). Factbox: Sudan's Rebel Groups. https://uk.reuters.com/article/uk-sudan-darfur-factbox/factbox-sudans-rebel-groups-idUKKBN25R2D4 [accessed 29 September 2020] 	<p>Not accepted – as above.</p>

Reviewer's comments	Home Office response
<p>2.4.6. COMMENT: A point of clarification on whether European case law will be applicable once the UK withdraws from the European Union.</p> <ul style="list-style-type: none"> Stone, J. (2020). Boris Johnson refuses to commit to keeping UK in human rights convention. The Independent (online) https://www.independent.co.uk/news/uk/politics/boris-johnson-brexit-human-rights-convention-echr-michel-barnier-a9378141.html [accessed 25 September 2020] 	<p>The UK continues to be a signatory to the European Convention on Human Rights, which is an instrument of the Council of Europe not the European Union (EU) (and therefore is not affected by the UK's exit from the EU). Should this change, we will discuss with our legal advisors.</p>

2.3 [3] Political system

Reviewer's comment	Home Office response
<p>COMMENT: There is generally a good range of sources based on the cut-off date of the CPIN. However, significant changes have taken since the last review. Below are specific suggestions and recommendations with regards to updates since November 2018.</p> <p>SUGGESTION: The CPIN could benefit from more diverse sources of information (additional references are provided in section 1.4)</p>	<p>Accepted.</p> <p>We will review this section and include suggested sources if they remain relevant and are not superseded by more recent information when we update the CPIN following this review.</p>

Reviewer's comment	Home Office response
<p>3.1. Overview</p> <p>RECOMMENDATION: There have been considerable changes since the previous CPIN. Below are recommended sources for an update on the new transitional government structure:</p> <ul style="list-style-type: none"> Al-Jazeera (2019). Sudan Government Forces Quell Armed Protest by Security Agents. https://www.aljazeera.com/news/2020/01/15/sudan-government-forces-quell-armed-protest-by-security-agents/ [accessed 28 September 2020] Al-Jazeera. (15 January 2020). https://www.aljazeera.com/news/2020/01/15/sudan-government-forces-quell-armed-protest-by-security-agents/ [28 September 2020] BBC (online). (21 August 2019). Sudan transition: Abdalla Hamdok appointed new prime minister. https://www.bbc.co.uk/news/world-africa-49425702 [accessed 25 September 2020] BBC (online). (21 August 2019). Sudan transition: Lt-Gen Burhan sworn in as Sovereign Council chief. https://www.bbc.co.uk/news/world-africa-49414216 [accessed 25 September 2020] Burke, J. and Salih, Z. M. (29 November 2019). Sudan' On Path to Democracy' as Ex-Ruling Party is Dissolved. The Guardian (online). https://www.theguardian.com/world/2019/nov/29/sudan-dissolves-ex-ruling-party-and-repeals-morality-law [accessed 28 September 2020] De Waal, A. (2019). General Mohamed Hamdan Dagolo' Hemedti'. World Peace Foundation (online) https://sites.tufts.edu/reinventingpeace/2019/07/01/general-mohamed-hamdan-dagolo-hemedti/ [accessed 28 September 2020] el Gizouli, M. (2019). The Fall of al-Bashir: Mapping contestation forces in Sudan. Arab Reform Initiative, Bawader, 12 April. https://www.arab-reform.net/publication/the-fall-of-al-bashir-mapping-contestation-forces-in-sudan/ [accessed 25 September 2020] el Gizouli, M. (2019), The Fall of al-Bashir: Mapping Contestation Forces in Sudan. Arab Reform Initiative (online). https://www.arab-reform.net/wp-content/uploads/pdf/Arab_Reform_Initiative_en_the-fall-of-al-bashir-mapping-contestation-forces-in-sudan_5154.pdf [accessed 28 September 2020] Hamdok, A. (2019). Law pass to dismantle NCP (Twitter). https://twitter.com/SudanPMHamdok/status/1200187070624468992 [accessed 28 September 2020] Krauss, J. & Magdy, S. (6 August 2019), A New Strongman in Sudan? Experts Aren't So Sure. Associated Press (AP https://apnews.com/article/fd1c3fcd5d2e45468bca29de5010c0ee [accessed 28 September 2020] Malley, R. and Ero, C. (2019), Open Letter to the Friends of Sudan. International Crisis Group (ICG) (online). https://www.crisisgroup.org/africa/horn-africa/sudan/open-letter-friends-sudan [accessed 19 September 2020] Reuters (22 July 2020). Sudan appoints 18 civilian state governors as part of transition. https://uk.reuters.com/article/us-sudan-politics/sudan-appoints-18-civilian-state-governors-as-part-of-transition-idUSKCN24N2MW [accessed 25 September 2020] Tubiana, J. (2019). How Darfur Became Sudan's Kingmaker. Foreign Policy (online). https://foreignpolicy.com/2019/07/09/how-darfur-became-sudans-kingmaker/ [accessed 28 September 2020] UK Government (31 August 2020). Peace Agreement – Sudan Armed Opposition Groups: Troika Statement. https://www.gov.uk/government/news/peace-agreement-sudan-armed-opposition-groups-troika-statement [accessed 25 September 2020] United Nations Security Council (UNSC). (2020). Letter dated 14 January 2020 from the Panel of Experts on Sudan addressed to the President of the Security Council. https://www.undocs.org/en/S/2020/36 [accessed 29 September 2020] 	

Reviewer's comment	Home Office response
<p>3.1.2. Diversity of Government</p> <p>COMMENT: The transitional Government has more diversity than from previous governments, including more women in leadership positions.</p> <ul style="list-style-type: none"> Associated Press (AP). (8 September 2020). Sudan's Cabinet sworn in, 1st since al-Bashir's ouster. https://apnews.com/article/2f9a2a87a34f4bebb24f7abeab7d9b56 [accessed 28 September 2020] New Arab, The (3 September 2020). Sudanese prime minister to announce 'diverse, gender balanced' Cabinet within 48 hours. https://english.alaraby.co.uk/english/news/2019/9/3/sudan-pm-to-announce-cabinet-within-48-hours [accessed 28 September 2020] 	
<p>3.5 US Sanctions</p> <p>COMMENT: The information and sources are accurate for the cut-off date of the CPIN.</p> <p>RECOMMENDATIONS: Below are some resources for an update on other developments:</p> <ul style="list-style-type: none"> Verjee, A. (2018). Sudan after Sanctions: Sudanese Views of Relations with the United States. https://www.usip.org/sites/default/files/2018-05/sr427-sudan-after-sanctions-sudanese-views-of-relations-with-the-united-states.pdf [accessed 29 September 2020] US Department of State (13 August 2020). Press Statement by Michael Pompeo, Secretary of State: The United States Imposes Visa Restrictions on Multiple Individuals Undermining Sudan's Civilian-Led Transitional Government. https://www.state.gov/the-united-states-imposes-visa-restrictions-on-multiple-individuals-undermining-sudans-civilian-led-transitional-government/ [accessed 28 September 2020] <p>NOTE NEW DEVELOPMENTS, WITH REPORTS OF REMOVING SUDAN FROM STATE SPONSOR OF TERROR</p> <ul style="list-style-type: none"> BBC (20 October 2020). Trump set to remove Sudan from state sponsors of terrorism list. https://www.bbc.co.uk/news/world-africa-54609375 New York Times, The (19 October 2020). State Dept. to Remove Sudan From List of Terrorist States. https://www.nytimes.com/2020/10/19/world/africa/sudan-trump-israel-terrorism.html 	

2.4 [4] Opposition political parties

Reviewer's comments	Home Office response
<p>COMMENT: Overall, this section is accurate in reference to the political structure based on the cut-off date of the CPIN.</p> <p>COMMENT: Based on changes since November 2018, a restructure is recommended to reflect the diverse groups who are now participating in the political scene, such as unions and professionals groups (see section 1.4). In the sections below, I provide more detailed commentary, suggestions and recommendations.</p>	<p>Accepted.</p> <p>We will review this section and include suggested sources if they remain relevant and are not superseded by more recent information when we update the CPIN following this review.</p>

Reviewer's comments	Home Office response
<p>4.1. Registered and unregistered groups</p> <p>RECOMMENDATION: The situation in Sudan has changed considerably since the cut-off date of the CPIN. I would recommend a general reference to key actors who are influencing the political system in Sudan. This includes neighbourhood resistance Committees:</p> <ul style="list-style-type: none"> • Abbas, R. (7 May 2019). In Sudan, neighbourhoods mobilised against al-Bashir. Al Jazeera (online). https://www.aljazeera.com/news/2019/05/07/in-sudan-neighbourhoods-mobilised-against-al-bashir/ [accessed 29 September 2020] • Radio Dabanga (25 August 2020). Sudan's resistance committees show unity against corruption. https://www.dabangasudan.org/en/all-news/article/sudan-s-resistance-committees-show-unity-against-corruption [accessed 29 September 2020] 	
<p>4.2. Opposition parties</p> <p>COMMENT: This section is accurate about the political structure based on the cut-off date of the CPIN.</p> <p>RECOMMENDATION: I recommend including all the various groups FFC, considered as the broadest coalition historically in Sudan, composed of parties, youth and women's movements, civil society organisations, trade unions and professions associations. The key members include:</p> <ul style="list-style-type: none"> • The Sudanese Professionals Association (SPA) (Until August 2020) • The Alliance of National Consensus Forces • Sudan Call Forces • The Sudanese Revolutionary Front <p>And these are additional sources with regards to the political changes since November 2018:</p> <ul style="list-style-type: none"> • Al Jazeera (5 July 2019). 'Our revolution won': Sudan's opposition lauds deal with military. https://www.aljazeera.com/news/2019/07/05/our-revolution-won-sudans-opposition-lauds-deal-with-military/ [accessed 29 September 2020] • Dahab, M., Abdelmagid, N., Osama, T., Nurelhuda, N., Abutalib, Z., Spiegel, P., Checci, F. & Abdelgalil, S. (2019). Political violence in Sudan: the need for a coordinated, locally led humanitarian health response. The Lancet, 394(10198), 549-551. • Matfess, H. (2019). The Rapid Support Forces and the escalation of violence in Sudan. Armed Conflict Location & Event Data Project (ACLED). https://www.acleddata.com/2019/07/02/the-rapid-support-forces-and-the-escalation-of-violence-in-sudan/ [accessed 29 September 2020] • United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). (2019). Sudan: civil unrest flash update no. 1. https://reliefweb.int/sites/reliefweb.int/files/resources/20190706_Sudan_Flash_Update_1_0.pdf [accessed 29 September 2020] <p>The Communist Party, which played a significant role in the protest movement, objecting to the military's presence on the TSC and refused to sign the power-sharing deal:</p> <ul style="list-style-type: none"> • People's World (2019). Sudanese Communists Reject Military Rule; Demand Power to the People – People's World. https://www.peoplesworld.org/article/sudanese-communists-reject-military-rule-demand-power-be-handed-to-the-people/ [accessed 25 September 2020] <p>Other relevant sources of information include:</p> <ul style="list-style-type: none"> • Acaps (2020). Complex Crisis: Sudan. https://www.acaps.org/country/sudan/crisis/complex-crisis [accessed 25 September 2020] • Sudanese Professional Association (SPA). (2019). "Declaration of Freedom and Change. https://www.sudaneseprofessionals.org/en/declaration-of-freedom-and-change/ [accessed 25 September 2020] 	
<p>RECOMMENDATION: Would include a reference to social movements, such as Girifna and Sudan Change.</p>	

2.5 [5] Armed Groups

Reviewer's comments	Home Office response
<p>5.1. COMMENT: The data covers a good range of sources.</p> <p>SUGGESTION: I would include areas of conflict and insecurity, particularly in relation to eastern Sudan.</p> <p>RECOMMENDATION: Below are some additional sources of information, including:</p> <ul style="list-style-type: none"> Hamdok, A. (1 September 2020). 'This is not a paper agreement but is a living organism that needs care, attention and political will from all of us' (original in Arabic: هذه ليست اتفاقية سيلي اذة 'معضن ايقرو افاقتا سيل اذه' https://twitter.com/SudanPMHamdok/status/1300777344437755904 [accessed 28 September 2020]) Amnesty International (2020). Sudan: "They Descended on us Like Rain": Justice for Victims of Protest Crackdown in Sudan. https://www.amnesty.org/en/documents/afr54/1893/2020/en/ [accessed 29 September 2020] 	<p>Accepted.</p> <p>We will include this when we update the CPIN following this review.</p>

2.6 [6] Treatment of opposition groups

Reviewer's comments	Home Office response
<p>6.1. Overview – freedom of expression, association and assembly</p> <p>COMMENT: The information is accurate with relevant sources based on the cut-off date of the CPIN. The situation has changed; thus, the whole section needs to be updated.</p>	<p>Accepted.</p> <p>We will review this section and include suggested sources if they remain relevant and are not superseded by more recent information when we update the CPIN following this review.</p>
<p>6.3. Arbitrary arrest and detention</p> <p>COMMENT: The situation has changed in terms of the government stance; however, the practices of harassment and targeting remains a concern.</p> <ul style="list-style-type: none"> Sudan Tribune (2020). Sudan intelligence agency still can detain and interrogate: statement. https://sudantribune.com/spip.php?iframe&page=imprimable&id_article=69356 [accessed 25 September 2020] 	<p>Accepted. We will include this when we update the CPIN following this review.</p>

2.7 [7] Sur place activity in the UK.

Reviewer's comments	Home Office response
<p>7. RECOMMENDATIONS: The information is dated and needs to reflect changes in migrant/diaspora activism in the UK, which changed significantly during the revolution.</p> <p>Also, there are several critical references regarding the profile of Sudanese migrants/diaspora globally, and also in the UK, that needs to be corrected.</p> <p>Below are some additional resources:</p> <ul style="list-style-type: none"> • Abusharaf, R. M. (2010). Debating Darfur in the World. The Annals of the American Academy of Political and Social Science 632 (1): 67–85 • Ahmed, B. (2019). Diaspora Activism in Sudan's Revolution. [online] 500 Words Magazine. https://500wordsmag.com/shabaka/diaspora-activism-in-sudans-revolution/ [accessed 28 September 2020] • Alfa Shaban, A. (2019). Sudan activists announce anti-govt protests in diaspora Africanews. [online] Africanews. Available at: https://www.africanews.com/2019/03/15/sudan-activists-announce-anti-govt-protests-in-diaspora/ [Accessed 23 July 2019] • Assal, M. A. 2(004). Somalis and Sudanese in Norway – Religion, Ethnicity/Clan and Politics in the Diaspora. http://khartoumspace.uofk.edu/handle/123456789/22347 [accessed 28 September 2019] • Budabin, A. C. (2014). Diasporas as development partners for peace? The alliance between the Darfuri diaspora and the Save Darfur Coalition. Third World Quarterly 35.1: 163-180 • Graham-Harrison, E. (2019). Sudan's displaced citizens stir revolt from the sidelines. [online] the Guardian. https://www.theguardian.com/world/2019/apr/21/sudan-diaspora-stir-revolt-from-overseas [accessed 28 September 2019] • United Nations (2019). International Migrant Stock 2019 (United Nations Database, POP/DB/MIG/Stock/Rev.2019) (XLS). United Nations, Department of Economic and Social Affairs. https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates17.asp [accessed 28 September 2020] • United Nations Development Programme (UNDP). (2020). The Potential of Sudanese Diaspora Remittances. https://www.arabstates.undp.org/content/rbas/en/home/library/Sustainable_development/the-potential-of-sudanese-diaspora-remittances.html [accessed 28 September 2019] • Wilcock, C. (2018). Mobilising towards and imagining homelands: diaspora formation among UK Sudanese. Journal of Ethnic and Migration Studies, 44(3), 363-381 	<p>Accepted.</p> <p>We will review this section and include suggested sources if they remain relevant and are not superseded by more recent information when we update the CPIN following this review.</p>

2.8 [8] Sudanese diaspora organisations

Reviewer's comments	Home Office response
<p>8.1. COMMENT: The sources and information are limited and do not cover the broad range of diaspora groups and organisations in the UK (formal and informal), who are involved in several activities, including providing assistance/support in the UK and Sudan.</p> <p>8.2.1. COMMENT: Reference only refers to one of the armed groups. This section would benefit from additional details/sources on the activities of other groups.</p> <p>RECOMMENDATION: I would advise using additional sources of information. Wilcox (2018) has a listing of all the various diaspora groups and political parties in the UK [p 371]. Below is a verbatim of the information:</p> <p>Sudanese Community Associations/Sudanese Community in the UK:</p> <ul style="list-style-type: none"> • Sudanese Community Association • Sudanese Living Abroad • Sudanese in Bolton • Manchester Sudanese Culture Society • Arab Coalition for Sudan • Manchester Sudanese Community • The Sudanese Community Association of Bristol • Leeds Sudan Community Association • Open Themes • Sudanese Community and Information Centre in London • Sudanese Community in Cardiff <p>Regional/Ethnic Community Associations:</p> <ul style="list-style-type: none"> • Nuba Mountains Solidarity Abroad • Darfur Union of UK and Ireland • Masseleit in Exile • Nuba Now • Nuba Vision • Arab Coalition for Darfur • Association of Nubian in the UK • General Federation of Darfuris in the UK and Ireland • Green Kordofan • Sudanese Nubian Community Association UK 	<p>Accepted.</p> <p>We will review this section and include suggested sources if they remain relevant and are not superseded by more recent information when we update the CPIN following this review.</p> <p>However, there is limited information about the various groups, their activities and composition. Is there more information and more recent information than Wilcox's paper, which appears to have been written sometime in 2016?</p> <p>RESPONSE FROM REVIEWER:</p> <p>There is no official database of all the Sudanese organisations/groups in the UK at the current time.</p>

Reviewer's comments	Home Office response
<p>Political Parties representatives in the UK:</p> <ul style="list-style-type: none"> • Beja Congress UK • Sudanese Congress Party in the UK • SPLM-N UK Chapter • Justice and Equality Movement (UK branch) • Sudanese Communist Party (UK branch) • Umma Party UK • Democratic Unionist Party UK • Sudanese Revolutionary Front in the North West (UK) • Independent Movement Abroad • Alliance of Sudanese Political Forces in the UK <p>Sudanese Social Movements in the UK:</p> <ul style="list-style-type: none"> • Grifina • Abena • Sudan Change Now • Sudanese Front for Change <p>Sudanese Development and Humanitarian Associations in the UK:</p> <ul style="list-style-type: none"> • SUDIA – Sudanese Development Initiative • DAAM – Solidarity and Support for Democracy • HUDO – Human Rights and Development Organization <p>Professional Associations and other groups:</p> <ul style="list-style-type: none"> • NSWA – National Sudanese Women's Alliance • Sudan Doctors Union in the UK and Ireland • Sudanese Engineers Association • Sudan Against Torture • Sudanese Working Abroad <p>I would also include the following groups to the list:</p> <ul style="list-style-type: none"> • Sudan Doctors Union • Sudanese Coptic Association UK 	

Reviewer's comments	Home Office response
<p>In terms of activities by these groups, they have organised numerous meetings and events across the UK, particularly during December 2018-August 2019. Below are additional details:</p> <ul style="list-style-type: none"> 500 Words Magazine (2018). Sudan Protests Spread Beyond Sudan. https://500wordsmag.com/sudan-news/sudan-protests-spread-beyond-sudan/ [accessed 29 September 2020] Etienne, M. (2019). Activism from the outside the mechanisms of the revolutionary movement among the Sudanese of the diaspora (interview with Alice Franck). Network of Researchers in International Affairs (NORIA). https://www.noria-research.com/app/uploads/2019/05/NORIA_publi_Etienne-Franck_may_2019_EN.pdf [accessed 29 September 2020] Graham Harrison, E. (2019). Sudan's Displaced Citizens Stir Revolt from the Sidelines. The Guardian (online) https://www.theguardian.com/world/2019/apr/21/sudan-diaspora-stir-revolt-from-overseas [accessed 29 September 2020] Law, T. (2013). Sudanese in London demonstrate in support of Khartoum protests. https://sudantribune.com/spip.php?page=imprimable&id_article=48327 [accessed 29 September 2020] 	

2.9 [10] Treatment of return

Reviewer's comment	Home Office response
<p>COMMENT: The information provided is accurate concerning the cut-off date.</p> <p>SUGGESTION: Below is an additional suggested reference.</p> <ul style="list-style-type: none"> Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, on his mission to the Sudan https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_33_48_add_1.pdf 	<p>There is no information in this section – just a cross-reference to a separate CPIN. Also, the source is over 4 years old and does not specifically cover returns from the UK.</p>

3. Review: Non-Arab Darfuris (November 2019)

3.1 [2.4.] Risk

Reviewer's comments	Home Office response
<p>COMMENT: The range of sources and information is relevant to the cut-off period of the CPIN.</p> <p>COMMENT: Despite the recent changes politically, the situation on the ground remains fluid. Human rights concerns remain, particularly as the Government does not have the capacity to ensure the protection of civilians, including in Darfur. Thus, this requires close and regular monitoring</p> <p>RECOMMENDATIONS: To include a reference to the Below is an outline of these:</p> <ul style="list-style-type: none"> Amnesty International (14 July 2020). Sudan: Promptly investigate protester killings at Fata Borno. https://www.amnesty.org/en/latest/news/2020/07/sudan-promptly-investigate-protester-killings-at-fata-borno/ [accessed 28 September 2020] Amnesty International (2019). Sudan: Fresh Evidence of Government-Sponsored Crimes in Darfur Shows Drawdown of Peacekeepers Premature and Reckless. https://www.amnesty.org/en/latest/news/2019/06/sudan-fresh-evidence-of-government-sponsored-crimes-in-darfur-shows-drawdown-of-peacekeepers-premature-and-reckless/ [accessed 28 September 2020] Amnesty International (2020). Sudan: Promptly investigate protester killings at Fata Borno. https://www.amnesty.org/en/latest/news/2020/07/sudan-promptly-investigate-protester-killings-at-fata-borno/ [accessed 29 September 2020] Jasper, S. (2020). Trapped by Covid and a Hostile Europe: Sudanese Migrants and Refugees in Belgium. African Arguments, Debating Ideas. https://africanarguments.org/2020/07/08/trapped-by-covid-and-a-hostile-europe-sudanese-migrants-and-refugees-in-belgium/ [accessed 28 September 2020] Jaspars, S. and Buchanan-Smith, M. and Abdu-Jalil, M. A. (2020). Darfuri Journeys to Europe: Causes, Risks and Humanitarian Abandonment. International Migration Journal. https://onlinelibrary.wiley.com/doi/full/10.1111/imig.12723 Matfess, H. (2019). The Rapid Support Forces and the escalation of violence in Sudan. Armed Conflict Location & Event Data Project (ACLED). https://www.acleddata.com/2019/07/02/the-rapid-support-forces-and-the-escalation-of-violence-in-sudan/ [accessed 29 September 2020] Mixed Migration Centre (MMC). (2020). Quarterly Mixed Migration Update: North Africa (Quarter 2, 2020). http://www.mixedmigration.org/wp-content/uploads/2020/07/qmmu-q2-2020-na.pdf 	<p>Not accepted.</p> <p>This section is not COI but is assessment of risk, largely citing extant caselaw. We will not include COI recommended below in this section but will consider including it in the COI narrative section (section 3 onwards) when updating the CPIN, if it remains relevant and up to date at the time of the update.</p>

Reviewer's comments	Home Office response
<p>SUGGESTION: The situation remains volatile, compounded by economic and humanitarian crises, leading to increased displacement and diverting the ability of the new transitional Government from addressing critical protection issues. Thus, I suggest you include materials concerning the humanitarian situation in Sudan, as it has an impact on protection and human rights issues in areas facing multiple acute crises.</p> <p>RECOMMENDATIONS: Below are additional resources outlining the current situation:</p> <ul style="list-style-type: none"> • BBC (27 July 2020). Sudan to send more troops to Darfur after deadly attacks. BBC (online). https://www.bbc.co.uk/news/world-africa-53549310?fbclid=IwAR3AGfMtdtYIWMrhNNOFMeDODxGxZp5iT6D6TV8FRBC-G5RtWljfggNa4qU [accessed 28 September 2020] • Royal Norwegian Embassy in Khartoum (16 July 2020). Troika Statement on Violence in North Darfur. https://www.norway.no/en/sudan/norway-sudan/news-events/news2/troika-statement-16-july/ [accessed 28 September 2020] • Slawson, N. (5 September 2020). Sudan declares state of emergency as record flooding kills 99 people. The Guardian (online) https://www.theguardian.com/world/2020/sep/05/sudan-declares-state-of-emergency-record-flooding?CMP=Share_AndroidApp_Other&fbclid=IwAR0xyH_rp216GHldj6sD6GuE-OtL4dAb52M-GwvLJ0e0sMDRGNp7DAFhR3M • Sudan Tribune (24 September 2020). 48 clashes occurred in Darfur's Jebel Marra in three months. Sudan Tribune online. https://sudantribune.com/spip.php?article69864 [accessed 28 September 2020] • UNOCHA (2020). Sudan Humanitarian Response Plan COVID-19 Addendum: March – December 2020. United Nations Office for Humanitarian Affairs (UNOCHA). https://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_20200719_HRP_COVID19Addendum_.pdf [accessed 28 September 2020] • UNOCHA (2020). Sudan: Escalation of Violence in Darfur – Flash Update No. 2. United Nations Office for Humanitarian Affairs (UNOCHA). https://reliefweb.int/report/sudan/sudan-escalation-violence-darfur-flash-update-no-2-enar [accessed 28 September 2020] 	<p>See above.</p>

3.2 [3] Political context: December 2018 – August 2019

Reviewer's comments	Home Office response
<p>3.1. Protests and the ousting of President al-Bashir.</p> <p>COMMENT: The information is accurate up until the point of the CPIN cut-off.</p> <p>SUGGESTION: Update the CPIN to reflect changes since November 2019, which also includes more diverse references and sources on developments in Sudan.</p> <p>RECOMMENDATIONS: Below are additional sources to reflect change since the last update of the CPIN:</p> <ul style="list-style-type: none"> Berridge, W. (2019). The Sudan Uprising and its possibilities: regional revolution, generational revolution, and an end to Islamist politics?. https://blogs.lse.ac.uk/crp/2019/10/23/the-sudan-uprising-and-its-possibilities/ [accessed 29 September 2020] Human Rights Watch (HRW). (16 March 2020). Sudan: UN/AU Plan for Darfur Falls Short. https://www.hrw.org/news/2020/03/16/sudan-un/au-plan-darfur-falls-short [accessed 29 September 2020] Al Jazeera (1 July 2020). One killed in Sudan as thousands rally for faster reform. https://www.aljazeera.com/news/2020/06/sudan-protesters-return-streets-demand-reforms-200630154320885.html [accessed 28 September 2020] Radio Dabanga (13 July 2020). Sit-ins spread in Sudan. https://www.dabangasudan.org/en/all-news/article/sit-ins-spread-in-sudan [accessed on 1 September 2020] Al Jazeera (17 August 2020), "Sudanese protest a year after power-sharing deal with army," https://www.aljazeera.com/news/2020/08/sudanese-protest-year-power-sharing-deal-army-200817163531098.html [accessed 28 September 2020] Foreign and Commonwealth Office (FCO). (31 August 2020). Peace Agreement – Sudan Armed Opposition Groups: Troika Statement. https://www.gov.uk/government/news/peace-agreement-sudan-armed-opposition-groups-troika-statement [accessed 29 September 2020] Human Rights Watch (HRW). (10 September 2020). The Human Rights Council should support systemic human rights reforms in Sudan. https://www.hrw.org/news/2020/09/10/human-rights-council-should-support-systemic-human-rights-reforms-sudan [accessed 29 September 2020] Radio Dabanga (29 September 2020). Sudan army, rebels blame each other for Central Darfur clash. Sudan army, rebels blame each other for Central Darfur clash. https://www.dabangasudan.org/en/all-news/article/sudan-army-rebels-blame-each-other-for-central-darfur-clash [accessed 29 September 2020] Roth, K. (2020). Sudan Has a Window of Opportunity. The West Shouldn't Squander It. https://www.hrw.org/news/2020/03/20/sudan-has-window-opportunity-west-shouldnt-squander-it [accessed 29 September 2020] United Nations Security Council (UNSC). (2020). Letter dated 14 January 2020 from the Panel of Experts on the Sudan addressed to the President of the Security Council. https://www.undocs.org/en/S/2020/36 [accessed 29 September 2020] 	<p>Accepted.</p> <p>We will review this section and include suggested sources if they remain relevant and are not superseded by more recent information when we update the CPIN following this review.</p> <p>It is likely much of the political context will be covered in the opposition to the state CPIN, which we will cross-reference rather than duplicate in this CPIN.</p>

Reviewer's comments	Home Office response
<p>3.2. Military rule, protests and a power-sharing agreement.</p> <p>COMMENT: The range of sources are relevant to the period covered; however, the dependency on a limited number of sources can affect the quality of analysis. Thus, it can benefit from additional sources.</p> <p>RECOMMENDATION: These are additional sources for any future updates:</p> <ul style="list-style-type: none"> Burke, J. (2019). African Union suspends Sudan over violence against protesters. The Guardian (online). https://www.theguardian.com/world/2019/jun/06/sudan-african-union-suspension-military-rulers#:~:text=Sudan%20has%20been%20suspended%20from,to%20civil%20war%20and%20anarchy.&text=The%20AU's%20decision%20was%20prompted,in%20the%20centre%20of%20Khartoum [accessed 28 September 2020] Sudan Tribune (2020). Sudan intelligence agency still can detain and interrogate: statement. https://sudantribune.com/spip.php?iframe&page=imprimable&id_article=69356 [accessed 25 September 2020] Radio Dabanga (12 July 2020). Sudan's Rapid Support Forces occupy school in South Kordofan. https://www.dabangasudan.org/en/all-news/article/sudan-s-rapid-support-forces-occupy-school-in-south-kordofan [accessed 29 September 2020] <p>3.2.3 COMMENT: The transitional Government has inherited an economic crisis, which had worsened due to numerous factors, including devaluation of currency, insecurity and worsening humanitarian crises across the country. These in turn are likely to impact on the human rights situation in general.</p> <p>SUGGESTION: Below are additional resources to assist with an update:</p> <ul style="list-style-type: none"> United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA). (2020). Sudan Humanitarian Needs Overview 2020. https://reliefweb.int/report/sudan/sudan-humanitarian-needs-overview-2020-january-2020 [accessed 28 September 2020] UNOCHA (2020). Sudan Humanitarian Response Plan COVID-19 Addendum: March – December 2020. United Nations Office for Humanitarian Affairs (UNOCHA). https://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_20200719_HRP_COVID19Addendum.pdf [accessed 28 September 2020] UNOCHA (2020). Sudan: Escalation of Violence in Darfur – Flash Update No. 2. United Nations Office for Humanitarian Affairs (UNOCHA). https://reliefweb.int/report/sudan/sudan-escalation-violence-darfur-flash-update-no-2-enar [accessed 28 September 2020] 	<p>Accepted.</p> <p>The purpose of the COI was simply to provide a cursory introduction to the situation. The depth and range of sourcing was unnecessary since the handling of cases is dictated by caselaw.</p> <p>We will review this section and include suggested sources if they remain relevant and are not superseded by more recent information when we update the CPIN following this review.</p>

3.3 [4] Ethnic demography

Reviewer's comments	Home Office response
<p>COMMENT: There is generally a good range of sources on the ethnic demography in Sudan.</p> <p>COMMENT: The sources are accurate, however, migration patterns from Darfur have changed slightly. Notably, Libya is increasingly a transit country for Europe rather than a destination. Also, irregular migration to Europe has increased over the year, in the absence of pathways of regular migration.</p> <p>SUGGESTION: I would recommend expanding the current sources; Below are some additional sources of information:</p> <ul style="list-style-type: none"> Collyer, M.; Pascucci, E.; Ahmed, B.; Breines, M. and Iaria, V. (2015). Conditions and Risks of Mixed Migration in North East Africa. North Africa Mixed Migration Task Force and University of Sussex. http://www.mixedmigrationhub.org/wp-content/uploads/2015/11/Conditions-and-Risks-in-Mixed-Migration-in-North-East-Africa.pdf Jaspars, S. and Buchanan-Smith, M. (2018). Darfuri migration from Sudan to Europe: From displacement to despair. https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/darfur_web.pdf <p>SUGGESTED REFERENCES BY REVIEWER TO HOME OFFICE COMMENTS:</p> <p>Well noted on the information requested. Some of the demographic data requested is not available. Also, there is not much research in English or outside academia that fully captures the situation of the different groups, whether in the capital. However, elements of the information is scattered in different sources. Below are more resources to assist with the queries:</p> <ul style="list-style-type: none"> Ahmad, A. (20 June 2011). Ending Sudan's identity crisis. The Guardian (online) https://www.theguardian.com/commentisfree/2011/jun/10/sudan-identity-crisis-north-south Ahmed, A. H. A. (no date)/. The Fifth population census in Sudan: A census with a full coverage and a high accuracy https://unstats.un.org/unsd/demographic/sources/census/countries/SDN.pdf Ahmed-Khalid-Abdalla, T. (2010) The Lahawiyin: Identity and History in a Sudanese Arab Tribe, Durham theses, Durham University. http://etheses.dur.ac.uk/707/1/The_Lahawiyin_Identity_and_History_-_PhD_Thesis_-_Tamador_Ahmed_Khalid.pdf?DDD17+ Amin, M, Parker, B. and Dodds, P. (22 October 2020). EXCLUSIVE: Catholic NGO boss accused of racism and abuse in Sudan. The New Humanitarian. https://www.thenewhumanitarian.org/investigation/2020/10/22/catholic-relief-services-sudan-racism-abuse-sexual-harassment-allegations Central Bureau of Statistics, Minnesota Population Center (2008). 5th Sudan Population and Housing Census 2008 – IPUMS Subset. The World Bank. https://microdata.worldbank.org/index.php/catalog/1014/study-description Egemi, O. 2013. Pastoralist Peoples, their Institutions and Related Policies. In Working Paper Series, edited by H. Young and L. Banks, Feinstein International Center, Tufts University, Boston MA. https://fic.tufts.edu/assets/Pastoralist-Peoples.pdf Minority Rights Group. Sudan page. https://minorityrights.org/country/sudan/ Human Rights Watch (2008). Crackdown in Khartoum: Mass Arrests, Torture, Disappearances since the May 10 Attack. https://www.hrw.org/reports/2008/darfur0608/darfur0608webwcover.pdf Kaplan, A., Armstead, A. and Soumaoro, F. (2019). The Role of Race and Arabness in Sudan 1899-Present. https://storymaps.arcgis.com/stories/f2060c73fcec41c6a483d8d4e8121788 Krätli, S., El Dirani, O. H., Young, H., & Ahmed, S. M. (2013). Standing wealth: Pastoralist livestock production and local livelihoods in Sudan. United Nations Environment Programme. https://fic.tufts.edu/publication-item/standing-wealth/ 	<p>Partially accepted.</p> <p>We do not propose to focus on pathways to Europe when this CPIN is updated, since it is not at the core of assessing risk for non-Arab Darfuris in Sudan. However, some context is relevant. We already reference the Jaspars and others paper in the Bibliography.</p> <p>Is the reviewer able to provide information about non-Arab Darfur groups, principally on their situation in Khartoum but also other major areas outside of Darfur including the following for the main ethnic groups, namely the Berti, Fur, Massalit and Zaghawa, as well as many of the many other non-Arab tribes:</p> <ul style="list-style-type: none"> identification and identity of non-Arab groups – are they physically or in other ways distinguishable from Arab and other groups history, language and culture size and location of populations socio-economic situation, including occupations education, numbers at school and university existence and nature of tribal community groups and support networks intermarriage between Arab and non-Arab groups, including that between non-Arab Darfuri groups and riverine Arab or other northern ethnic groups <p>Reviewer: Please see in the left column a list of resources.</p>

Reviewer's comments	Home Office response
<ul style="list-style-type: none"> Latif, D. (2020). 'You Arrogant Racist, We are All Darfur': Human Rights Protests as Nation-Building in Sudan (Doctoral dissertation, Columbia University). https://academiccommons.columbia.edu/doi/10.7916/d8-s8qy-7567 Madibbo, A. I. (2012). Conflict and the conceptions of identities in the Sudan. Current sociology, 60(3), 302-319. https://njas.fi/njas/article/view/36/28 Nasr, A. (12 December 2014). 'For Sudan to find peace we must end the myth of Arab supremacy. The Guardian (online). https://www.theguardian.com/world/2014/dec/12/-sp-sudan-arab-supremacy-amir-nasr Manger, L. O. (2002). Religion, Identities, And Politics: Defining Muslim Discourses in the Nuba Mountains of the Sudan. Journal of Arabic and Islamic Studies 4 (2001–2002). https://www.lancaster.ac.uk/jais/volume/docs/vol4/4_132-52MANGER01b.pdf O'Fahey, R. S. (2007). Darfur website. https://org.uib.no/smi/darfur/ (a listing of materials on history of Darfur and languages) Osman, A. K., Young, H., Houser, R. F., and Coates, J.C. (2013). Agricultural Change, Land, and Violence in Protracted Political Crisis An examination of Darfur. https://s3.amazonaws.com/oxfam-us/www/static/media/files/Darfur-Land-Research-Oxfam.pdf Osman, A.M.K. 2013. Agricultural Change, Land and Violence: An Examination of the Region of Darfur, Sudan, PhD Dissertation, Food Policy and Applied Nutrition, Gerald J. & Dorothy R. Friedman School of Nutrition Science and Policy, Tufts University, Boston MA Radio Debanga (3 November 2019). Racism root of human rights violations in Sudan. https://www.dabangasudan.org/en/all-news/article/racism-root-of-human-rights-violations-in-sudan Sengupta, S. (3 October 2004). In Sudan, No Clear Difference Between Arab and African." The New York Times. https://www.nytimes.com/2004/10/03/weekinreview/in-sudan-no-clear-difference-between-arab-and-african.html. UNICEF (no date). Sudan. https://www.unicef.org/sudan/education Young, H., & Ismail, M. A. (2019). Complexity, continuity and change: livelihood resilience in the Darfur region of Sudan. Disasters, 43, S318-S344.https://onlinelibrary.wiley.com/doi/full/10.1111/disa.12337 Young, H., Behnke, R., Sulieman, H. M., Robinson, S., & Mohamed, A. (2016). Risk, resilience and pastoralist mobility. Feinstein International Center, Friedman School of Nutrition Science and Policy at Tufts University, Boston. https://fic.tufts.edu/publication-item/risk-resilience-and-pastoralist-mobility/ Young, H., Osman, A. M. K., Aklilu, Y., Dale, R., Badri, B., & Fuddle, A. J. A. (2005). Darfur: Livelihoods under siege. Medford, MA: Feinstein International Famine Center. http://idp-key-resources.org/documents/2005/d04507/000.pdf 	

3.4 [5] Treatment of non-Arab Darfuris

Reviewer's comments	Home Office response
<p>COMMENT: Good range of sources and is accurate in reference to the Treatment of non-Arab Darfuris.</p> <p>RECOMMENDATION: Include additional sources of information. Below are suggested source materials:</p> <ul style="list-style-type: none"> Asylum Research Centre (ARC). (2019). Sudan Country Report. https://asylumresearchcentre.org/wp-content/uploads/2020/01/ARC_Darfur_country_report_January_2020_final.pdf [accessed 28 September 2020] Minority Rights Group (MRG). (2019). Peoples under Threat 2019 [p11]. https://minorityrights.org/wp-content/uploads/2019/06/PUT-2019-Briefing-with-spread.pdf [accessed 28 September 2020] Albaih, K. (2020). Do Black lives matter in Sudan? Al Jazeera https://www.aljazeera.com/opinions/2020/8/13/do-black-lives-matter-in-sudan/ [accessed 24 September 2020] Assal, M. A. (2011). Nationality and citizenship questions in Sudan after the Southern Sudan referendum vote. Sudan Report. Hawi HO (2017) Identity Formation in Post-Secession Sudan. In: Bereketeab R. (eds) State Building and National Identity Reconstruction in the Horn of Africa. Palgrave Macmillan, Cham. [accessed 24 September 2020] Salih, Z. M (2020). Viewpoint from Sudan – where black people are called slaves. https://www.bbc.co.uk/news/world-africa-53147864 [accessed 24 September 2020] 	<p>Partially accepted.</p> <p>We will include these sources when we update the CPIN following this review. However, two are dated and a detailed picture of the situation of non-Arab Darfuris remains difficult to draw in the current political context. Therefore, more detailed information about the situation and treatment of non-Arab Darfuris in Khartoum and surrounding areas would be welcome including:</p> <ul style="list-style-type: none"> Participation/representation in national and local Government Changes of state attitude towards non-Arab Darfuris since a) the formation of the transitional Government, and b) the signing of peace agreements with the main rebel groups Political (or otherwise) groups that represent non-Arab Darfuri groups, including size, number and treatment by the authorities Information about the treatment of non-Arab Darfuris, including evidence of arrest, harassment and detention, and where this is linked to their race/ethnicity <p>Reviewer: Please see the listing of additional resources in section 3.3.</p>

4. Review of responses to COI requests

4.1 [1-10.] COI request – Sudan Arab Tribes, 24 January 2020 [01/20-005]

Summary of request: Can Arab tribes be perceived as non-Arab? Treatment of Arab tribes.

Reviewer's comments	Home Office response
COMMENT: The response was adequate in relation to the question and factually accurate. However, the responses were specific to Darfur context, and could have benefited from including references in relation to other parts of Sudan.	Accepted.
RECOMMENDATION: The range of empirical evidence could benefit from additional sources: <ul style="list-style-type: none">Asylum Research Centre (ARC). (2019). Sudan Country Report. https://asylumresearchcentre.org/wp-content/uploads/2020/01/ARC-Darfur-country-report-January-2020-final.pdf [accessed 28 September 2020]Minority Rights Group (MRG). (2019). Peoples under Threat 2019 [p11]. https://minorityrights.org/wp-content/uploads/2019/06/PUT-2019-Briefing-with-spread.pdf [accessed 28 September 2020]	Some of this information may be covered in the updated CPIN on non-Arab Darfuris, at which point this will be archived.

4.2 [2-10.] COI request – Sudan: Religion, 3 February 2020 [01/20-084]

Summary of request: Treatment and Protection of Coptic Christians.

Reviewer's comment	Home Office response
COMMENT: The response was adequate in relation to the question and factually accurate.	Accepted.
SUGGESTION: The requester could include more specific details to assist in assessing the context. For example, Treatment of Coptic Christian by the state or wider society.	We will add the links to the existing request.
RECOMMENDATION: The range of empirical evidence could benefit from additional sources. Below are suggested sources: <ul style="list-style-type: none">Minority Rights Group (MRG). (2018). Sudan: Copts. https://minorityrights.org/minorities/copts-2/ [accessed 29 September 2020]The National (4 September 2019). Women take prominent place in Sudanese politics as Abdalla Hamdok names cabinet. https://www.thenational.ae/world/africa/women-take-prominent-place-in-sudanese-politics-as-abdalla-hamdok-names-cabinet-1.906502. [accessed 29 September 2020]	

4.3 [3-10.] COI request – Sudan: Ethnicity, 18 March 2020 [03/20-044]

Summary of request: Information about Bargo Tribe.

Reviewer's comments	Home Office response
<p>COMMENT: The response was adequate concerning the question and factually accurate.</p>	<p>Partly accepted.</p> <p>We will not update this response but will include the sources in the updated non-Arab Darfuri CPIN or background CPIN, at which point this response will be archived.</p>
<p>SUGGESTION: The requester could include more specific details to assist in assessing the context. For example, is (was) the person from the Bargo tribe based in Sudan, the West of the country (Darfur or Kurdufan), eastern Sudan (Gadarif) or Khartoum.</p>	
<p>RECOMMENDATION: The range of empirical evidence could benefit from additional sources, please see below:</p> <ul style="list-style-type: none"> Assal, M. A., & Ali, S. A. (2007). Eastern Sudan: Challenges Facing the Implementation of the Peace Agreement in Gedaref State. "there is a significant presence of groups from Western Sudan, such as the Masaleet, Fur, Bargo and Fellata" p3 Bashar Gado, Zuhair M. (2013). Conflict Resolution and Reconciliation in Sudan: Inter-Tribal Reconciliation Conferences in South Darfur State up to 2009 (PhD thesis). University of Bradford Salih, H. M. (1980). Hadanduwa traditional territorial rights and inter-population relations within the context of the native administration system (1927-1970). Sudan Notes and Records, 61, 118-133 Takana, Y., Rahim, A. and A. Adam, H. E. M. (2012). Darfur Pastoralists Groups: New Opportunities for Change and Peace Building. Feinstein International Centre. https://bradscholars.brad.ac.uk/bitstream/handle/10454/6335/PhD%20Thesis%20-Aproved.pdf?sequence=3 [accessed 23 September 2020] 	
<p>SUGGESTION: I would advise to include variations in the name of the tribe when researching background information. Some of the variations include: Bergo, Bargo, Bargo Silihab, Bargo Selihab.</p>	<p>Thanks – that's useful to know.</p>

4.4 [4-10.] COI request – Sudan: Documentation, 7 April 2020 [04/20-001]

Summary of request: Passport process for non Arab Darfuris/state attitude to returnees from Israel.

Reviewer's comments	Home Office response
<p>COMMENT: The response was adequate concerning the question and factually accurate.</p> <p>SUGGESTION: The request could benefit from additional details regarding the context. For example, whether an application for a passport was attempted in-country or elsewhere. And, in Sudan, the issuance of the various documents for the passport is a complicated and expensive process, making it prohibitive for many.</p> <p>RECOMMENDATION: The range of empirical evidence could benefit from additional sources, which not only looks explicitly at the return from Israel but general risks that face returnees. Please see below:</p> <ul style="list-style-type: none"> Human Rights Watch (2014). "Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel. https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers [accessed 24 September 2020] Aljazeera (2020). ابوروا مهتضفر نيذلا نييادوسلا نيرجامل رفق.. بيذعتلا ونجسلا (Imprisonment and torture ... the fate of the Sudanese immigrants who were rejected by Europe). https://www.aljazeera.net/news/humanrights/2020/2/13/%D8%A7%D9%84%D8%B3%D8%AC%D9%86-%D9%88%D8%A7%D9%84%D8%AA%D8%B9%D8%B0%D9%8A%D8%A8-%D9%82%D8%AF%D8%B1-%D8%A7%D9%84%D9%85%D9%87%D8%A7%D8%AC%D8%B1%D9%8A%D9%86 [accessed 24 September 2020] (Original in French: https://www.mediapart.fr/journal/international/110220/emprisonnes-tortures-le-sort-d-exiles-soudanais-rejetes-par-l-europe) 	<p>Partially accepted.</p> <p>The HRW document is referenced in the CPIN on returns.</p> <p>The Aljazeera article is only in Arabic/French.</p> <p>We will include any relevant information in the next update of the CPIN on unsuccessful asylum seekers, and archive this response.</p>
<p>SUGGESTION: It would be useful to have references to outline the official process and how these may differ in practice. This information is currently available in Arabic only:</p> <ul style="list-style-type: none"> Secretariat for Sudanese Working Abroad (SSWA) (2020). تاءارجال ليد / تاءارجال / ينطولا مقرلا (Procedures/Manual / National Number). https://sswa-sd.com/NationalID.aspx [accessed 24 September 2020] Ministry of Interior- Sudan (no date). يندملا لجسلل قمارعلا قراдалا (General Administration of Civil Registry). http://www.moi.gov.sd/detailmurshid.php?id=3 [accessed 24 September 2020] 	
<p>SUGGESTION: There are some developments reportedly underway, however, these are not yet conclusive. This is about the recent announcements on the discussions for the normalisation of relations between Israel and Sudan. These announcements had a negative response in the country in general. Below are some additional sources on the topic:</p> <ul style="list-style-type: none"> Yaron, L. (2020). The High Court has rejected a decision on asylum seekers after the state claimed progress in relations with Sudan (original in Hebrew). Haaretz Online https://www.haaretz.co.il/news/politics/.premium-1.9188845 [accessed 28 September 2020] 	

4.5 [5-10.] COI request – LGBT persons, 29 January 2020 [0120.075]

Summary of request: Information needed about the Treatment of LGBT persons

Reviewer's comments	Home Office response
SUGGESTION: The request could benefit from additional details regarding the context.	Accepted.
COMMENT: The range of sources of information was useful. SUGGESTION: Update the information to reflect recent legal reforms in the country. However, this needs also to account that the legal changes are yet to be implemented on the ground. RECOMMENDATION: These are additional references: <ul style="list-style-type: none">• Diab, O. (2019). LGBTQ+ Coming Out of Sudan. 500 Words Magazine. http://500wordsmag.com/social/lgbtq-coming-out-of-sudan/ [accessed 24 September 2020].• Barkawi, B. and Savage, R. (2020). 'Great first step' as Sudan lifts death penalty and flogging for gay sex. Thomson Reuters Foundation https://uk.reuters.com/article/us-sudan-lgbt-rights-trfn/great-first-step-as-sudan-lifts-death-penalty-and-flogging-for-gay-sex-idUSKCN24H30J [accessed 24 September 2020].	We will add the links to the existing request.

4.6 [6-10.] COI request – Sudan: Mixed Marriages, 2 March 2020 [02/20-073]

Summary of request: Persecution of Non-Arab and Arab Sudanese Marriage.

Reviewer's comments	Home Office response
COMMENT: The request could benefit from additional details regarding the context, without divulging too much information that can be a risk to the applicant.	Partly accepted. We will not update this response but will include sources that remain relevant and current in the updated non-Arab Darfuri CPIN or background CPIN, at which point this response will be archived.
COMMENT: The information provided was useful, however, these were specific to Darfur context.	
SUGGESTION: There source materials can benefit from additional information on race and racism in Sudan (legal, socio-economic and political).	
SUGGESTION: The query can address both the legal and social impact of mixed (racial/tribal) marriages. Also, marriages across religious lines.	
RECOMMENDATION: The information provided can benefit from additional resources; these include: <ul style="list-style-type: none">• Albaih, K. (2020). Do Black lives matter in Sudan? Al Jazeera https://www.aljazeera.com/opinions/2020/8/13/do-black-lives-matter-in-sudan/ [accessed 24 September 2020]• Assal, M. A. (2011). Nationality and citizenship questions in Sudan after the Southern Sudan referendum vote. Sudan Report• Hawi HO (2017) Identity Formation in Post-Secession Sudan. In: Bereketeab R. (eds) State Building and National Identity Reconstruction in the Horn of Africa. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-319-39892-1_9 [accessed 24 September 2020]• Salih, Z. M (2020). Viewpoint from Sudan – where black people are called slaves. https://www.bbc.co.uk/news/world-africa-53147864 [accessed 24 September 2020]	

4.7 [7-10.] COI request – Sudan, 30 June 2020 [0620.070]

Summary of request:

“Please confirm if there were protests in Sudan in 2013”

The applicant states that he belongs to the Rashid/Rashda tribe. Please confirm whether this an African or Arab tribe.

The applicant arrived in the UK illegally in 2017. Would there be issues due to the applicant’s illegal status?

Who is the leader of Rashid/Rashda?

Where do Rashid originate from?

What are the prison condition like in Sudan?

Reviewer’s comments	Home Office response
<p>“Please confirm if there were protests in Sudan in 2013”</p> <p>COMMENT: The information provided to this question were useful.</p> <p>RECOMMENDATION: They can benefit from the following additions:</p> <ul style="list-style-type: none">• Amnesty International (2016). Sudan: No justice for protester killing https://www.amnesty.org/en/latest/news/2016/09/sudan-no-justice-for-protester-killings/• Human Rights Watch (2013). Sudan: Dozens Killed During Protests. https://www.hrw.org/news/2013/09/27/sudan-dozens-killed-during-protests [accessed 24 September 2020]	<p>Partly accepted.</p> <p>We will not update this response but will include the sources that remain relevant and current in the updated opposition to state CPIN or background CPIN, at which point this response will be archived.</p>
<p>“The applicant states that he belongs to the Rashid/Rashda tribe. Please confirm whether this an African or Arab tribe.”</p> <p>COMMENT: The information provided to this question was useful.</p> <p>RECOMMENDATION: They can benefit from the following additions:</p> <ul style="list-style-type: none">• Ati, H. A. A. (2017). Sudan Report: Human smuggling and trafficking in Eastern Sudan. Bergen: Chr. Michelsen Institute• Humphris, R. (2013). Refugees and the Rashaida: human smuggling and trafficking from Eritrea to Sudan and Egypt. UNHCR https://www.unhcr.org/uk/research/working/51407fc69/refugees-rashaida-human-smuggling-trafficking-eritrea-sudan-egypt-rachel.html [accessed 24 September 2020]• Young, J (2007). The Eastern Front and the Struggle against Marginalization. Small Arms Survey, HSBA Publications: Sudan Working Papers No. 3. http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-03-Eastern-Front.pdf <p>SUGGESTION: The spelling of the tribe varies, so I suggest you include the variations in the search and have a standardised spelling for all official documents: Rashayda, Rashaida.</p> <p>COMMENT: The reference to being Arab or African may not be relevant in this context, mainly as this group primarily resides in eastern Sudan.</p>	

Reviewer's comments	Home Office response
<p>"The applicant arrived in the UK illegally in 2017. Would there be issues due to the applicant's illegal status?"</p> <p>COMMENT: If they had left Sudan without authorisation (exit visa) then they would have been fined and possibly imprisoned.</p> <p>SUGGESTION: There have been recent changes in the law regarding 'exit visa' regulation in Sudan. However, even if there are changes in the law, this does not pertain to practices by state officials:</p> <ul style="list-style-type: none"> Radio Dabanga (2020). Sudanese authorities cancel 'exit visa'. https://www.dabangasudan.org/en/all-news/article/sudanese-authorities-cancel-exit-visa [accessed 28 September 2020] 	
<p>"Who is the leader of Rashid/Rashda?"</p> <p>COMMENT: The Rashaida have subgroups, so this will depend on the applicant's background. It is vital to set out the context of the applicant (without divulging too much information that can risk exposing them).</p>	
<p>What are the prison condition like in Sudan?</p> <p>COMMENT: The information provided was useful but limited. There are other sources of information, such as from the ICRC, however, these are not available publicly.</p> <p>RECOMMENDATIONS: They could benefit from the following additional resources:</p> <ul style="list-style-type: none"> Euro-Mediterranean Human Rights Monitor (2020). Sudan: Coronavirus Infections in Prison Warn of Disaster. https://euromedmonitor.org/en/article/3572/Sudan:-Coronavirus-Infections-in-Prison-Warn-of-Disaster [accessed 24 September 2020] 	

4.8 [8-10.] COI request – Sudan: Dual nationality, 30 October 2019 [1019/089]

Summary of request: Please provide information on dual nationality in Sudan.

Reviewer's comment	Home Office response
<p>COMMENT: The request could have benefited for more specific details on the context or background on the applicant. For example, gender can affect citizenship rights (not necessarily in law, but in practice). Additionally, there are racial/ethnic, class and locale disparities.</p>	<p>Accepted.</p> <p>We will add the links to the existing request.</p>
<p>COMMENT: The response provides a good range of sources that address the query.</p> <p>RECOMMENDATIONS: I would recommend expanding the commentary sources, including legal and academic sources on the rights and access to citizenship rights in Sudan:</p> <ul style="list-style-type: none"> • Abdulbari, N. (2011). Citizenship rules in Sudan and post-secession problems. <i>Journal of African Law</i>, 157-180. • Abdulbari, N. (2016). Women and Citizenship in Sudan and South Sudan: A Comparative Analysis. <i>Birkbeck L. Rev.</i>, 4, 65. • Assal, M. A. (2011). Nationality and citizenship questions in Sudan after the Southern Sudan referendum vote. <i>Sudan Report</i>. • Assal, M. A. (2014). Struggles of citizenship in Sudan. <i>Routledge Handbook of Global Citizenship Studies</i>, 218-226. • Citizenship Rights in Africa (no date). Sudan. http://citizenshiprightsafrika.org/region/sudan/ [accessed 24 September 2020] • Idris, A. (2019). Historicizing Race, Ethnicity, and the Crisis of Citizenship in Sudan and South Sudan. <i>The Middle East Journal</i>, 73(4), 591-606. • International Refugee Rights Initiative (2013). The disappearance of Sudan? Life in Khartoum for citizens without rights. http://refugee-rights.org/the-disappearance-of-sudan-life-in-khartoum-for-citizens-without-rights/ [accessed 24 September 2020] • Manby, B. (2010). Citizenship Law in Africa A Comparative Study. Open Society Foundations https://www.unhcr.org/en-us/4cbc60ce6.pdf [accessed 24 September 2020] • United Nations High Commission for Refugees (UNHCR). (2020). Background Note on Gender Equality, Nationality Laws and Statelessness 2020. UNHCR, The UN Refugee Agency. 	

4.9 [9-10.] COI request – Sudan, 20 November 2019 [1119.033]

Summary of request: Information needed about the Borno ethnic group.

Reviewer's comment	Home Office response
SUGGESTION: The query could have benefited from more specific details about the applicant to enable a more focused response/information.	Partly accepted.
COMMENT: The information provided was limited. SUGGESTION: The following source could be consulted: <ul style="list-style-type: none"> Miller, C. and Abu-Manga, A. A (2005). The West African (Fallata) Communities in Gedaref State: Process of settlement and local integration in C. Miller (ed.). Land, ethnicity and political legitimacy in Eastern Sudan. Le Caire, Cedej, 375-424 	We will not update this response but will include the sources in the updated non-Arab Darfuri CPIN or background CPIN, at which point this response will be archived.
SUGGESTION: Another name for the Borono is Kanuri, who hail from West Africa (Nigeria, mostly).	

4.10 [10-10.] COI request – Sudan: Political situation update: 4 to 23 October 2019, 23 October 2019 [10/19-069]

Summary of request: Update of the political situation during October, including key events and information relating to the treatment of people from the Nuba mountains.

The background to this request was not a question asked by a decision-maker, but formed part of a bundle of evidence considered in a country guidance case on the Treatment of Nuba in Sudan heard in October 2019.

Reviewer's comments	Home Office response
COMMENT: The information provided is accurate concerning the cut-off date of the information provided.	Partially accepted.
SUGGESTION: The sources are accurate and reflect the situation at the cut-off date. However, this needs to be updated concerning further developments since October 2019. RECOMMENDATIONS: These are additional resources that can assist with an update on the situation: <ul style="list-style-type: none"> El Gizouli, M. (2020). Mobilisation and Resistance in Sudan's Uprising From neighbourhood committees to zanig queens. Rift Valley Institute. http://riftvalley.net/sites/default/files/publication-documents/Mobilization%20and%20resistance%20in%20Sudan%27s%20uprising%20by%20Magdi%20el%20Gizouli%20-%20RVI%20X-Border%20Briefing%20%282020%29_0.pdf ACJPS: https://www.acjps.org/west-darfur-arbitrary-arrests-and-incommunicado-detention-of-72-people-on-allegations-of-human-smuggling-and-illegal-immigration/ 	We will not update this response but consider including the recommended sources in an updated CPIN on opposition to the state, and a forthcoming CPIN on the Nuba. We will archive the response once the CPINs are updated.

Reviewer's comments	Home Office response
<p>Peace talks with armed opposition</p> <p>COMMENT: The sources are accurate, and reflects the situation at the cut-off date of the document.</p> <p>SUGGESTION: The document needs to be updated concerning further developments since October 2019.</p> <p>RECOMMENDATIONS: Additional sources of information on the different developments include:</p> <ul style="list-style-type: none"> Marsden, R. (2020). Is the Juba Peace Agreement a Turning Point for Sudan? Chatham House. https://www.chathamhouse.org/expert/comment/juba-peace-agreement-turning-point-sudan [accessed 24 September 2020] Sudan Tribune (2020). Protesters call to investigate disappearance of rebel official in Darfur. https://sudantribune.com/spip.php?article69853 [accessed 24 September 2020] United Nations (UN). (2020). United Nations Integrated Transition Assistance Mission in Sudan (UNITMAS). https://undocs.org/en/S/RES/2524(2020) [accessed 28 September 2020] 	
<p>Government compositions</p> <ul style="list-style-type: none"> Atit, M. (2020). Eastern Sudan Protest Turns Deadly. Voice of America (VOA) https://www.voanews.com/africa/south-sudan-focus/eastern-sudan-protest-turns-deadly [accessed 24 September 2020] SUNA (2020). Kassala Governor: What is happening in state aims to undermine stability. https://suna-sd.net/en/single?id=689549 [accessed 24 September 2020] (the original story is no longer available on the Sudan News Agency website: https://www.suna-sd.net/en). 	
<p>Security sector power and reform</p> <p>COMMENT: There is yet to be any meaningful change to the security apparatus and police operating, however, there have been some steps to address issues of justice.</p> <p>RECOMMENDATION: Below are additional sources on current developments:</p> <ul style="list-style-type: none"> (14 August 2020). <i>Civil Society Statement in Response to The Law of Various Amendments (A Collaborative Civil Society Statement in Response to The Law of Various Amendments – Abolishing and Amending Provisions Restricting Freedom)</i>. Sudan Tribune. https://sudantribune.com/spip.php?article69702 [accessed 24 September 2020] Adam, M. E. (2020). <i>Interview – Elin Skaar on Sudan transitional justice: ‘No victorious army has ever been prosecuted’</i>. Radio Debanga. https://www.dabangasudan.org/en/all-news/article/interview-elin-skaar-on-sudan-transitional-justice-no-victorious-army-has-ever-been-prosecuted [accessed 28 September 2020] Al Jazeera (14 June 2019). <i>Sudan military admits it ordered brutal crackdown on protesters</i>. https://www.aljazeera.com/news/2019/06/14/sudan-military-admits-it-ordered-brutal-crackdown-on-protesters/ [accessed 28 September 2020] Beaumont, P. (9 June 2020). Notorious Sudanese militia chief in Darfur conflict arrested in CAR. The Guardian (online). https://www.theguardian.com/world/2020/jun/09/notorious-sudanese-militia-chief-in-darfur-conflict-arrested-in-car [accessed 29 September 2020] Physician for Human Rights (PHR). (2020). <i>Sudan's Government Agrees to Send Those Wanted by the ICC, Presumably to Include Former Dictator al-Bashir, to the Court to Stand Trial for Darfur Killings</i>. https://phr.org/news/phr-sudans-government-agrees-to-send-those-wanted-by-the-icc-presumably-to-include-former-dictator-al-bashir-to-the-court-to-stand-trial-for-darfur-killings/ [accessed 28 September 2020] Radio Debanga (9 June 2020). Sudan Armed Forces: ‘Popular Defence Forces dissolved, not absorbed’. https://www.dabangasudan.org/en/all-news/article/sudan-armed-forces-popular-defence-forces-dissolved-not-absorbed [accessed 24 September 2020] United Nations (UN) Security Council (15 September 2020). <i>Situation in Darfur Volatile as Attacks on Civilians Increase, Chair of 1591 Committee Tells Security Council</i>. https://www.un.org/press/en/2020/sc14304.doc.htm [accessed 24 September 2020] 	

Reviewer's comments	Home Office response
<p>Political opposition</p> <p>COMMENT: The information is accurate and reflected the situation until the cut-off date of the document.</p> <p>RECOMMENDATIONS: Update on the situation, below are recommended source materials:</p> <ul style="list-style-type: none"> Al Jazeera (2020). Sudanese protest a year after power-sharing deal with army. https://www.aljazeera.com/news/2020/08/17/sudanese-protest-a-year-after-power-sharing-deal-with-army/ [accessed 24 September 2020] Darfur 24 (2020). Sudanese Professionals Association Withdraws from FFC Alliance. https://www.darfur24.com/en/2020/07/25/sudanese-professionals-association-withdraws-from-ffc-alliance/ Open Letter (9 September 2020). The Human Rights Council should support systemic human rights reforms in Sudan. https://www.hrw.org/news/2020/09/10/human-rights-council-should-support-systemic-human-rights-reforms-sudan [accessed 24 September 2020] Osman, M (2020). Sudan's Army Threaten Activists, Journalist with Lawsuits. Human Rights Watch https://www.hrw.org/news/2020/07/24/sudans-army-threatens-activists-journalists-lawsuits [accessed 24 September 2020] Osman, M (2020). Sudanese Artists Imprisoned for Pro-Democracy Chants. Human Rights Watch https://www.hrw.org/news/2020/09/21/sudanese-artists-imprisoned-pro-democracy-chants [accessed 24 September 2020] Radio Debanga (2020). Appointment of new governors triggers protests in Sudan https://www.dabangasudan.org/en/all-news/article/appointment-of-new-governors-triggers-protests-in-sudan [accessed 24 September 2020] Radio Debanga (2020). Resistance Committees: 'El Burhan speech a threat to Sudanese revolution' https://www.dabangasudan.org/en/all-news/article/resistance-committees-speech-el-burhan-threat-to-sudanese-revolution [accessed 24 September 2020] Radio Debanga (2020). SPLM-N El Hilu seeks peace negotiations with Sudan govt. https://www.dabangasudan.org/en/all-news/article/splm-n-el-hilu-seeks-peace-negotiations-with-sudan-govt [accessed 24 September 2020] United Nations (2020). Security Council extends peacekeeping mission in Darfur, forges new presence in Sudan. https://news.un.org/en/story/2020/06/1065612 [accessed 24 September 2020] 	
<p>Economy</p> <p>COMMENT: Despite political advancement on many fronts, there are concerns regarding the political and socio-economic conditions in the country. The situation remains volatile due to economic crisis, humanitarian crises due to floods and other environmental factors leading to further displacement.</p> <p>RECOMMENDATIONS: Additional references:</p> <ul style="list-style-type: none"> International Crisis Group (ICG). (2020). Financing the Revival of Sudan's Troubled Transition. https://www.crisisgroup.org/africa/horn-africa/sudan/b157-financing-revival-sudans-troubled-transition [accessed 28 September 2020] United Nations Development Programme (UNDP). (2020). COVID-19 Socio-Economic Impact Assessment for Sudan. https://www.arabstates.undp.org/content/rbas/en/home/library/crisis-response0/covid-19-socio-economic-impact-assessment-for-sudan.html [accessed 28 September 2020] 	

Reviewer's comments	Home Office response
<p>Prosecution for past crimes, impunity and legal reform</p> <p>COMMENT: There is a rule of law vacuum across the country, and the Government does not have the capacity to protect Internally Displaced Persons (IDPs) or other vulnerable groups, including those in conflict or insecure areas, such as Darfur.</p> <p>RECOMMENDATIONS: Include additional sources. Below is a suggested list:</p> <ul style="list-style-type: none"> Burke, J. and Salih, Z. M. (2020). Sudan signals it may send former dictator Omar al-Bashir to ICC. The Guardian [Online]. https://www.theguardian.com/world/2020/feb/11/sudan-says-it-will-send-former-dictator-omar-al-bashir-to-icc Frike, A. (2020). "Chaos and Fire": An Analysis of Sudan's 3 June 2019 Khartoum Massacre. Physicians for Human Rights (PHR). https://phr.org/our-work/resources/chaos-and-fire-an-analysis-of-sudans-june-3-2019-khartoum-massacre/ [accessed 28 September 2020] Human Rights Watch (HRW). (2020). Sudan: A Year On, Justice Needed for Crackdowns. https://www.theguardian.com/world/2020/feb/11/sudan-says-it-will-send-former-dictator-omar-al-bashir-to-icc [accessed 28 September 2020] Redress (2020). Transitional Justice Processes in Sudan (Policy Briefing). https://redress.org/wp-content/uploads/2020/08/Policy-Briefing-on-TJ-in-Sudan.pdf [accessed 24 September 2020] Skaar, E. (2019). Is Sudan Ready for Transitional Justice? Chr. Michelsen Institute (Sudan Blog) https://www.cmi.no/publications/7071-is-sudan-ready-for-transitional-justice [accessed 24 September 2020] 	
<p>Students: reopening of University of Khartoum and clashes</p> <p>RECOMMENDATION: I would suggest including the following sources:</p> <ul style="list-style-type: none"> Abd El-Galil, T. (2020). Sudan's Academic Year Begins—But Only for a Few Universities. Al-Fanar Media. https://www.al-fanarmedia.org/2019/10/sudans-academic-year-begins-but-only-for-a-few-universities/ [accessed 24 September 2020] Human Rights Watch (HRW). (2020). "They Were Shouting 'Kill Them'": Sudan's Violent Crackdown on Protesters in Khartoum. https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum [accessed 24 September 2020] Radio Debanga (2019). Dozens of students detained in Khartoum. https://www.dabangasudan.org/en/all-news/article/dozens-of-students-detained-in-khartoum [accessed 24 September 2020] 	
<p>Media freedom</p> <ul style="list-style-type: none"> Civic Freedom Monitor: Sudan." International Center for Not-for-Profit Law (ICNL), Last updated 1 May 2019. https://www.icnl.org/resources/civic-freedom-monitor/sudan [accessed 28 September 2020] 	

Reviewer's comments	Home Office response
<p>Nuba: human rights violations</p> <ul style="list-style-type: none"> • HUDO Centre (2020). Three farmers killed in Sudan's Nuba Mountains. https://www.dabangasudan.org/en/all-news/article/hudo-three-farmers-killed-in-sudan-s-nuba-mountains [28 September 2020] • HUDO Centre (2020). URGENT APPEAL: Miserable conditions of recently displaced people in Kadogli, Sudan. http://sudanconsortium.org/wp-content/uploads/2020/05/UA-People-Displaced-Recently-in-Kadogli.pdf [accessed 28 September 2020] • Radio Dabanga (15 May 2020). Sudan: Five killed in attack on Kadugli neighbourhood. https://www.dabangasudan.org/en/all-news/article/sudan-five-killed-in-attack-on-kadugli-neighbourhood [accessed 29 September 2020] • Radio Dabanga (21 May 2020). Newly displaced in Sudan's Nuba Mountains living rough. https://www.dabangasudan.org/en/all-news/article/newly-displaced-in-sudan-s-nuba-mountains-living-rough [accessed 29 September 2020] • Radio Debanga (2020). Soldier shoots woman dead in Sudan's Nuba Mountains. https://www.dabangasudan.org/en/all-news/article/soldier-shoots-woman-dead-in-sudan-s-nuba-mountains [28 September 2020] 	

5. Information about the Reviewer

Bashair Ahmed is the Executive Director of Shabaka and Research Associate at the University of Sussex (review conducted in a personal capacity). She is a researcher with over 18 years of experiences working on issues related to migration, human rights and humanitarianism, with a focus on Sudan and the wider Horn of Africa region. She has worked with several UN and international organisations, including Amnesty International, Human Rights Watch, the Norwegian Refugee Council and the United Nation Office for Humanitarian Affairs (UNOCHA) across Asia, Middle East, Europe and Africa. Bashair holds a PhD in Migration Studies from the University of Sussex.

Annex D: Review of the Home Office Country of Origin Information on ‘El Salvador: Gangs’ (February 2020); and Three Response to Information Requests

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

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1. Introduction

1.1 Instructions

This review evaluates the Country Policy and Information Note (CPIN): Gangs, El Salvador, February 2020, as well as three Response to Information Request documents. The review has been commissioned by the Independent Advisory Group on Country Information (IAGCI).

The review has been conducted in line with the Terms of Reference provided which include:

- assessing the extent to which information from source documents has been appropriately and accurately reflected in the CPIN report
- 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 CPIN Report)
- noting and correcting any specific errors or omissions of fact
- making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach
- ensuring no reference is made to an individual source which could expose them to risk

Following additional specific guidelines, the reviewers have:

- focused exclusively on the country of origin information contained within the document, and not passed judgment on the policy guidance provided
- reviewed the CPIN in the context of its purpose as set out above, considering the situation in the country up to the stated 'cut off' date for inclusion of information
- suggested amendments, rather than 'track changes' on the original CPIN, providing a list of suggested changes as part of a standalone review paper
- referenced any suggestions for additional information (or corrections to information in the document) to a source document for the Home Office to be able to use it (preferably Open Source), providing foreign language source documents only if the information is considered essential and is not available in an English language source

1.2 Methodology

The methodology employed for this review has involved:

- Revisiting the source documents cited through web-links in the CPIN and Responses to Information Requests to ensure that the citations are accurate and that the most relevant information has been drawn out through the extracts provided
- Ensuring, to the best of the reviewers' knowledge, that all relevant issues have been covered and suggesting additional sources that update or expand the information covered in the CPIN/Requests or that supply anything that has been overlooked. Wherever possible, the source documents suggested as additional references are open access. However, there are a few instances where either open access references were unavailable or where non-open access references seemed sufficiently valuable to be included alongside the open access sources
- Providing suggestions as to additional pertinent information postdating February 2020 for consideration when the CPIN/Requests is next updated

The work on the review of the CPIN report has been divided as follows: Dr Ainhoa Montoya has reviewed sections 9, 11 and 12 as well as the information request El Salvador: Political Affiliation [06/20-086]; and Prof. David Cantor has reviewed sections 3-8, 10, and 13 as well as the information requests El Salvador: Crime [02/19-080] and El Salvador: LGBT [12.19.051].

1.3 Summary of Review

Overall, based on the Terms of Reference, the CPIN provides well-researched, relatively comprehensive and up-to-date coverage of key issues relating to gang and gang criminality in El Salvador through to the cut-off date of February 2020.

However, there are certain sections whose structure or content raises questions with regard to accuracy and balance, or that omit relevant information that emerged prior to the cut-off date. Specific weaknesses include a failure to reflect how gangs' criminal activities intersect with those of other actors, an inadequate definition of the targets of violence, insufficient detail on extrajudicial executions by state security forces despite their notable increase over the last few years, and the need to rearrange some sections and cross-reference for the sake of clarity.

In addition, the review identifies a range of subsections of the CPIN where the information provided should be supplemented with further details using additional source documents.

Key recommendations resulting from the review (see further below) are:

- To better reflect how different gangs' activities intersect so as to offer a fuller understanding of the risks that they pose for certain profiles of person (e.g. extortion and sexual abuse and exploitation, of which women bear a significant brunt)

- To establish the links that exist between the criminal activities of gangs and those of other actors, most notably the involvement of state security actors, death squads and vigilante groups in the extrajudicial execution of gang members or gang-like youth from poor neighbourhoods. Details on these extrajudicial executions would need to be reflected in various sections as per the reviewers' recommendations in order to highlight their different dimensions
- To profile the targets of violence that have not been identified, or have been inadequately addressed, in the CPIN and even amend the structure of Section 10 to this end
- In the interest of clarity, to rearrange the structure of Section 12 as per the reviewers' suggestions
- To better reflect in various sections the gendered dimensions of gangs' characteristics, gangs' activities, the targets of gang violence, and the available assistance to victims. While the reviewers find value in a cross-sectional approach, the inclusion of new sections that focus on gendered dimensions and cross-reference existing relevant content would help underline its importance and specificity

Main suggestions relating to the COI requests:

1. To clarify on the face of the requests the relationship between the CPIN and the requests
2. To withdraw those requests which are outdated due to the publication of the CPIN

1. Not sure what is meant/intended. We consider that decision makers understand the distinction between the products
2. We have

1.4 Understanding of the themes addressed in the CIG Reports

In general, the information presented in the CPIN reflects a good underlying understanding of the themes addressed. This is a not inconsiderable achievement since it is only very recently that the UK has started to receive a large number of asylum-seekers fleeing the post-civil war violence in El Salvador, a relatively new country context for Home Office officials. The particular points on which further information is required or might be helpful to gain a fuller understanding of the theme are indicated in the body of the review.

As a point for consideration, whilst the CPIN generally follows the Terms of Reference well, those Terms of Reference seem to address only one part of the pertinent country information on El Salvador. Most evidently, in (understandably) narrowing the focus to gang violence, the Terms of Reference underplay the existence of other forms of violence and the ways in which they intersect with one another to exacerbate the risks to which certain profiles of person in that society are exposed.

- Perhaps the most obvious example is the increasing evidence of extrajudicial killings and attacks by members of the state security forces, death squads and vigilante or self-defence groups and the links between those actors. These extrajudicial actions are supposedly directed mostly at suspected gang members. However, as the evidence shows, that is a category that can be so broadly drawn as to include mere inhabitants of

poor neighbourhoods or youths with particular profiles (even though they may not be involved with gangs). In other words, gang violence does not operate in a vacuum (indeed, it is only one side of the coin in the confrontation between State and gangs) and the 'gang situation' draws in and feeds on violence by other actors too.

- In a similar way, the levels of 'domestic' violence against women and children in El Salvador and the weak State response, make it a real concern in its own right. Yet, even here, the evidence shows that it can also expose women and/or children who also face threats, from sources such as gangs or the security forces, to increased vulnerability and/or limit their options for seeking safety elsewhere within the country.
- Finally, as stated in relation to the Information Request on El Salvador: Political affiliation [06/20-086], incidents of political violence which are rooted in the country's political polarisation and rivalries are also absent from the CPIN. This absence precludes the possibility of addressing instances of collusion or collaboration between gangs and public officers or politicians and thereby shedding light on the complexities and changing patterns of lethal violence, death threats and other crimes in El Salvador.

By eliding these issues, the Terms of Reference risk giving a skewed view in the CPIN of how the current dynamics of violence in El Salvador shape the dangers to which particular profiles of individuals are exposed. It is strongly suggested that the Terms of Reference be revised to incorporate the wider dynamics of violence in the context of El Salvador and its 'gang situation'.

It is also advised that at least some background on the country and the origins of its problem of violence be included so as to clarify the issues covered in the CPIN. For an example of what is being suggested, see the section 'Background' in the 2016 UNHCR Eligibility Guidelines on El Salvador. This addition would help fill in some of the gaps flagged above.

If the suggested revision of the Terms of Reference is not possible, then it is recommended that the pertinent information on these wider dynamics of violence be more fully included and acknowledged by the CPIN, at least to the extent that they are relevant to the circumstances of those affected by the 'gang situation' in El Salvador.

1.5 Quality and balance of sources

Overall, the CPIN has presented a good range of high-quality sources. However, a certain amount of primary country information about El Salvador is contained in Spanish-language sources, such as reports by reputable news outlets and civil society organisations in El Salvador. This presents a challenge for the El Salvador CPIN collators and users if they are not Spanish-speaking. In this regard, it is pleasing to see that the collators of the CPIN have rightly drawn on reports from the Insight Crime database, which provides an English summary and expert analysis of the reports most pertinent to themes of crime and security in El Salvador (and certain other Latin American countries) alongside high-quality original research carried out by members of the Insight Crime team.

At the same time, there are a couple of points that require further consideration.

Firstly, the broader backdrop of country information reports against which this particular CPIN has been produced raises a point for reflection. In this case, a relatively comprehensive analysis of sources has been carried out by an institution with a reputable mandate in facilitating the determination of asylum claims, namely the UNHCR, ‘Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador’, March 2016, <https://www.refworld.org/docid/56e706e94.html>. Last accessed: 10 September 2020 (hereafter ‘2016 UNHCR Eligibility Guidelines on El Salvador’). The CPIN is right to frequently cite excerpts from that comprehensive source, often as the first source cited in relation to a theme, with later sources used to show any continuity or change in the situation since 2016. That is all fine.

However, the approach to this source in the section of the CPIN on ‘targets of gang violence’ (Section 10) is confusing to say the least. Firstly, the CPIN refers to the 2016 UNHCR Eligibility Guidelines on El Salvador in relation to certain profiles but not others (for latter, see CPIN Sections 10.6 and 10.7). This risks giving the impression to the reader that UNHCR – as an institution whose views should be accorded due weight in the asylum context – does not consider the latter profiles of persons as potential targets for violence. In other words, there is a need to ensure consistency in the treatment of sources here. Secondly, several important risk profiles identified by the UNHCR report are missing from the CPIN (even though they are targets for violence from gangs and other actors) and others are incorrectly lumped together under misleading headings such as ‘general public’ (see particular comments in the review of Section 10 below). Of course, if there were reliable country information to suggest that one or other of the risk profiles identified by UNHCR in the 2016 UNHCR Eligibility Guidelines on El Salvador is no longer a target for violence, then that should be cited alongside the UNHCR source to allow the reader to draw appropriate inferences – but, to our knowledge, no such country information exists. It is recommended that these errors in the approach to the information be corrected in line with our comments in the review below.

Secondly, a minor issue of consistency arises in the presentation of sources. In most places, following a title heading, the CPIN presents the country information in chronological/publication order. That is logical and allows a reader to see how the situation may have continued or changed with time. However, there are several places where this approach is not followed and certain sources are presented out of order or even chopped in two and presented twice. Only a few of those examples are given in the review below but it is suggested that the CPIN be edited carefully to ensure that all sources are presented in chronological order. Indeed, deviation from this approach should only be where strictly necessary – for example, where the CPIN tries to create a narrative using these sources, as with the information on gang history (Section 4).

Home Office comment

Thank for your comments and recommendations above. We have responded to individual recommendations about specific sections of the CPIN below. However, it may be useful if we provide some context to our responses.

Scope and purpose of CPINs

As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK; they are not intended to be an exhaustive survey of a particular subject or theme and do not seek to consider **all** possible risk groups targeted by a particular persecutor. This CPIN – admittedly our first on an unfamiliar country – seeks to do this in respect of persons fearing criminal gangs (see Basis of Claim at 1.1).

We agree with the reviewers that there are likely more potential risk groups in El Salvador and, were there a need in our case cohort, we would look to cover those topics in a number of discrete but interconnected COI products. For instance, a freestanding CPIN on women and girls might more fully address the situation of this group and the difficulties they face from state and societal actors than this CPIN is able to do. Similarly, given the focus of this CPIN, we do not consider it necessary to cover violations by state actors in any depth.

However, if we continue to expand the CPIN into all possible risk groups and persecutors – which is similar to the UNHCR eligibility guidelines and is being proposed by the reviewers – the result will be a massive, single product covering issues and groups who in practice rarely, if ever, make asylum claims in the UK. This would not be an efficient use of our resource and moves away from our CPINs’ purpose. Therefore, whilst we will look to include relevant material on the topics within the Terms of Reference and look to re-organise some of the sections as suggested, we will not be looking to significantly extend the scope of the CPIN.

UNCHR guidelines: remit

Whilst we regard UNHCR highly and their material will typically command considerable weight, it is not authoritative. Moreover, UNHCR is only one source of material – albeit often underpinned by many sources and documents – and they are a country policy document which sets out UNHCR’s assessment of risk.

We consider it important and consistent with COI research standards to consider the underlying original or primary source material (wherever possible and practical) so that we can form our **own** assessment of the situation in the country, based on the whole body of evidence before us as they are when drafting a CPIN. This is similar to the approach taken by the Tribunal.

UNCHR guidelines: currency

The UNHCR guidelines on El Salvador were published in March 2016. The most recent source material dates from around January 2016 and most sources seem to originate between 2013 and 2015. While many of the fundamentals in gang and state activity may not have changed very much, there have been some changes including: a new government, introducing new policies and measures; the interaction with and between gangs; US policy shifts; and, most recently, the socio-economic and health impact of COVID-19.

Therefore, for these reasons, we have not always accepted the reviewers’ recommendations to reference (and, in places, seemingly defer to or adopt) the UNHCR guidelines because there is more recent material from authoritative sources, including those that are able to provide granular detail. This is also in part a product of us becoming more familiar with material about El Salvador and because of the many additional source suggestions made by the reviewers, for which we are grateful.

2. Review

2.1 Section 3 – Definition of gang (‘mara’)

The question of what a ‘gang’ is, and how to define it, are matters of some debate among both academics and law enforcement agencies. Nonetheless, for the purposes of the CPIN, the information cited in this section offers a basic but adequate overview of the topic.

Reviewer’s comments	Home Office response
Suggestion – 3.1.1 – at the end of the second paragraph, include the words in bold to clarify the meaning: ‘For a variety of reasons... maras are dominant in the northern triangle... [of Central America, including El Salvador]. ’	Accepted.
Suggestion – include also the UNHCR approach to defining ‘gangs’, given that UNHCR documents on gang-related issues in El Salvador (particularly the 2016 UNHCR Eligibility Guidelines on El Salvador) are repeatedly cited in the CPIN. UNHCR treats gangs as ‘the relatively durable, predominantly street-based groups of young people for whom crime and violence is integral to the group’s identity. The term is also used to refer to organized criminal groups of individuals for whom involvement in crime is for personal gain (financial or otherwise) and their primary “occupation”.’ (UNHCR, Guidance Note on Refugee Claims Relating to Victims of Organized Gangs , March 2010, pages 1-2).	Accepted.

2.2 Section 4 – Gangs’ history and origins

The information in this section appears brief but accurate. However, the source cited at 4.1.2 might mistakenly give the impression that all maras/gangs in Los Angeles were originally formed by Salvadorians fleeing the civil war. The sources cited may also give the impression that gangs in El Salvador did not exist before the deportations from the US from the 1990s.

Reviewer’s comments	Home Office response
<p>Suggestion – include the following excerpt from the 2016 UNHCR Eligibility Guidelines on El Salvador on El Salvador, page 13: <i>‘B-18 and MS are large transnational gang structures or identities that have their origins in the Californian gang scene, where B-18 was formed by Mexicans and MS by the children of Salvadorians fleeing the [1980-1992] civil war’</i> (page 13, dates in square brackets added; footnote numbers removed). Alternatively, include the suggested reference given in the text box below to Marroquín, which makes the same point but in greater detail (pages 17-18). Also suggest removing the following sentence from the citation at 4.1.2 since it is potentially misleading: <i>‘Maras [gangs] like MS-13 were formed in the streets of Los Angeles 30 years ago by young men who had fled the 1980-1992 civil war.’</i></p>	<p>Accepted.</p> <p>The quote from the UNHCR eligibility guidelines is helpful, particular for this contextual section.</p> <p>Thank your for the suggestion of the additional source.</p>
<p>Suggestion – include the following excerpt from Ámparo Marroquín Parducci, ‘Gangs in Central America’s Northern Triangle: narratives and journeys’, in David James Cantor and Nicolas Rodríguez Serna (eds.), <i>The New Refugees: Crime and Forced Displacement in Latin America</i>, 2016, https://sas-space.sas.ac.uk/6622/. Last accessed: 10 September 2020: <i>‘Gangs are not a new phenomenon in Central America. Rather, in their earliest forms, they were often structured as youth organisations. In the case of El Salvador, some studies place their origin in the 1980s, while others go even further back. Cruz and Santacruz, for instance, look at the rivalry between youth organisations in the 1950s and 1960s, when student groups from different schools fought each other. Win Savenije, on the other hand, places their origin in fights between rival students in 1940.’</i> (page 16, footnote numbers removed).</p> <p>This same source also gives more background on the formation of the MS-13 and B-18 in case it is felt that this information is useful to include: <i>‘After a period of accommodation, two main gangs came to dominate territorial and media attention in Central American countries: the MS-13, also known as the Mara Salvatrucha, and the Mara 18, names taken from gangs created in the neighbourhoods of Los Angeles, California. As many other commentators have already noted, the 18, initially known as the Clanton Street Gang, is the older of the two, having emerged in the 1960s as part of a complex movement by the Hispanic minority to defend itself from racist attacks and attempts at ‘social cleansing’. Most of its members were Chicanos and Mexicans. The MS13 came into being in the 1980s, when the Salvadorian minority sought to create different spaces to express its own cultural identity. In this context, ‘mara’ means gang and ‘salvatrucha’ is a fusion of the term ‘Salvadorian’ and ponerse trucho o trucha, which means to smarten up or stay alert.’</i> (pages 17-18, footnote numbers removed)</p>	<p>Accepted.</p>

2.3 Section 5 – Main gangs

The information in this section appears to be accurate. It is positive that excerpts have been selected that refer not only to MS-13 and B-18 but also to the split within B-18 and to the existence of other smaller gang structures in El Salvador. However, the emergence of an apparent split within MS-13 in El Salvador in the period covered by the extracts should probably also be referenced here.

Reviewer's comments	Home Office response
Recommendation – 5.1.2 – include the words in bold to clarify the meaning: <i>'The same report described the 2 rival factions of Barrio 18 (the 18th Street gang) – the Revolutionaries and the Southerners – as 'one of the largest "Maras"' [alongside MS-13]'</i> .	Accepted.
Suggestion – although there was an apparent split in the MS-13 in El Salvador, it is unclear of the extent to which the new breakaway faction (known as 'MS-503' or 'Revolucionarios' – not to be confused with the B-18 Revolucionarios splinter faction) remains active after the killing of its most visible member ('Shyboy') in Mexico in 2018. Even so, given that this occurred relatively recently during the period covered by other sources cited, it should probably be acknowledged. For information, see summary and analysis by John P. Sullivan, Juan Ricardo Gómez Hecht and Robert J. Bunker, 'Third Generation Gangs Strategic Note No. 11: MS-503—Mara Fragmentation and Murder', Small Wars Journal, 4 October 2018, https://smallwarsjournal.com/jrnl/art/third-generation-gangs-strategic-note-no-11-ms-503-mara-fragmentation-and-murder . Last accessed: 10 September 2020. Also Insight Crime, 'Tensions Rise over Dissident MS13 Faction in El Salvador', 28 April 2017, https://www.insightcrime.org/news/brief/tensions-rise-over-dissident-ms13-faction-in-el-salvador/ . Last accessed: 10 September 2020. Also Insight Crime, "'Shyboy,' the Mysterious Spokesman of El Salvador's MS503", 29 December 2017, https://www.insightcrime.org/news/analysis/el-salvador-shyboy-mystery-spokesman-ms503/ . Last accessed: 10 September 2020.	Accepted. Thank you for the additional sources.

2.4 Section 6 – Gang structure

The information in this section appears brief but accurate. It could be supplemented by reference to an authoritative report on MS-13 that was published in 2018.

Reviewer's comments	Home Office response
<p>Suggestion – consider supplementing the information on MS-13 with that in an authoritative report on the gang that was published in 2018. This is Insight Crime, 'MS13 in the Americas: How the World's Most Notorious Gang Defies Logic, Resists Destruction', February 2018, https://www.insightcrime.org/wp-content/uploads/2018/02/MS13-in-the-Americas-InSight-Crime-English-3.pdf. Last accessed: 10 September 2020. Examples of the kind of information included there follow:</p> <p><i>'The MS13 is a social organization first, and a criminal organization second. The MS13 is a complex phenomenon. The gang is not about generating revenue as much as it is about creating a collective identity that is constructed and reinforced by shared, often criminal experiences, especially acts of violence and expressions of social control. The MS13 draws on a mythic notion of community, a team concept, and an ideology based on its bloody fight with its chief rival, the Barrio 18 (18th Street) gang, to sustain a huge, loosely organized social and criminal organization.'</i></p> <p><i>'The MS13 has guidelines more than rules, which are subject to varying interpretations. The diffuse nature of the organization has widespread implications for how it operates. The gang has guidelines more than rules. These guidelines are subject to haphazard interpretations and application. In other words, this internal justice is not necessarily a strict system and often depends more on who the leader is and who is being judged, rather the actual transgression or the circumstances surrounding it. This inconsistent application of the rules leads to constant internal and external conflicts and is the cause of widespread violence wherever the gang operates.'</i></p>	<p>Thank you.</p> <p>When we update the CPIN we will review how much detail we need to set out for decision makers. At the very least, we will signpost readers to this useful source.</p>

2.5 Section 7 – Gangs’ size and reach

The information in this section provides a good overview of the theme. However, alongside reflecting on some minor presentational issues, it would be worth considering adding a number of other sources to provide balance on certain aspects of this theme to give more important additional information to paint a fuller picture of the pertinent dynamics.

Reviewer’s comment	Home Office response
Suggestion – 7.1.4 and first half of 7.1.5, place the excerpts cited at those paragraphs after the paragraph cited at 7.1.1 since they are all from the same source (2016 UNHCR Eligibility Guidelines on El Salvador). None of the other sources that estimate both membership and affiliates have those estimates split. Moreover, by separating them out as has been done, the CPIN methodology of usually citing sources under a section heading in their date of publication order is not maintained.	Accepted.
Recommendation – in section 7.2, it would be worth emphasising that the territorial presence and expansion of gangs is not undisputed by other armed actors. Information cited in section 7.3 alludes to the intensifying State-gang confrontation in recent years. However, it would be worth supplementing this with a reference to the violence between gangs and vigilante or self-defence groups in some parts of the country. As a sample source, see International Crisis Group, ‘El Salvador’s Politics of Perpetual Violence’, 19 December 2017, https://www.crisisgroup.org/latin-america-caribbean/central-america/el-salvador/64-el-salvadors-politics-perpetual-violence . Last accessed: 10 September 2020. An example of the kind of information included there follows: <i>‘[...] vigilante activity has become a common threat, especially in areas with major gang presence. These patrols are formed by civilians, some of them war veterans, who seek to stop the entrance of gang members in their territory. No public policy of the past fifteen years has sought to restrict these groups, or reduce their potential harm. Vigilantism has even been promoted by lawmakers [...] Gruesome pictures of slain alleged criminals appear regularly in social media accounts attributed to these groups, whose followers “celebrate the elimination of gang members”.</i> ’ (pages 22-23, footnote numbers removed)	Accepted.

Reviewer's comment	Home Office response
<p>Suggestion – in section 7.2, one of the sources (7.2.1) acknowledges that gangs may be based in lower middle-class areas. However, it may be worth including additional information to clarify that gangs, even those based in poor areas, may operate in nearby middle-class areas to engage in extortion and other criminal activities. Examples of pertinent sources of information follow.</p> <p>Cantor, David James, Refugee Survey Quarterly: 'The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico', June 2014, https://academic.oup.com/rsg/article-pdf/33/3/34/8845376/hdu008.pdf (Open Access). Last accessed: 10 September 2020. <i>'Whether composed of a dozen or several hundred members, each clika seeks to exercise exclusive control over a specific and well-demarcated territory that it defends against incursions by rivals. For the purpose of understanding displacement, each territory can be divided into a clika's "core" and "extended" zones of operation. The "core" zone is ordinarily located in one or more of the marginal and poorer neighbourhoods of the major urban conurbations. Members of the clika will live here and the zone also functions as a base from which it carries out localised criminal activities such as drug-dealing. Especially in the last few years, these are the zones where extreme levels of violence have clustered. The "extended" zone is one that the clika enters more sporadically to extort businesses and sometimes even residents. As well as some poorer neighbourhoods, the extended zone may also encompass less marginal and more middle-class ones with the presence of public or private security forces.'</i> (page 40, footnote numbers removed)</p> <p>International Crisis Group, 'Mafia of the Poor: Gang Violence and Extortion in Central America', 6 April 2017, https://www.crisisgroup.org/latin-america-caribbean/central-america/62-mafia-poor-gang-violence-and-extortion-central-america. Last accessed: 10 September 2020. <i>'During the first decade of the 21st century, the gangs established control over slum areas in big cities across the NTCA, but also in middle-class neighbourhoods and rural areas in El Salvador. Public transportation operators, shop keepers, and distribution firms started being compelled to pay for the right to operate there. Acts of extreme violence spread the fear of the maras.'</i> (page 6)</p> <p>These excerpts could be cross-referenced in 9.2, unless the suggestion to include a hyperlink to section 7.2 is taken.</p>	<p>Accepted (in principle).</p> <p>However, both sources are 3.5 and 6.5 years old. We would prefer to include more recent material – published in the last 2 years where possible to ensure currency.</p>
<p>Suggestion – in section 7.2 on the presence/reach of gangs, add recognition of the fact that gangs in El Salvador have an increasing presence or reach across the border into neighbouring countries. For sources of information pre- and post-dating the CPIN report, see Insight Crime, '365 El Salvador Gang Members Arrested This Year in Guatemala: Police', 20 October 2016, https://www.insightcrime.org/news/brief/365-el-salvador-gang-members-arrested-this-year-in-guatemala-police/. Last accessed: 9 September 2020. See also Insight Crime, 'Inside an MS13 Clique's Campaign of Terror at the Honduras-El Salvador Border', 5 June 2020, https://www.insightcrime.org/news/analysis/ms13-clique-honduras-el-salvador/. Last accessed 10 September 2020.</p>	<p>Accepted in principle, though we would prefer more recent sources.</p>

Reviewer's comment	Home Office response
<p>Recommendation – in section 7.2 on the presence/reach of the gangs, it would be worth adding information on the links that exist between gangs and politicians at the municipal and national levels. Examples of pertinent sources of information summarised and analysed by Insight Crime on this point follow.</p> <p>Insight Crime, 'El Salvador Police Chief Warns of Gang Infiltration in Municipal Elections', 1 November 2017, https://www.insightcrime.org/news/brief/el-salvador-police-chief-warns-gang-infiltration-municipal-elections/. Last accessed: 10 September 2020. <i>'The relationship between gangs and politicians is mutually beneficial by nature; the gang expands or maintains its influence over a certain area, while the politician gains or maintains local power. This partly explains why this dynamic is frequently observed in El Salvador. But while the police chief's comments focused on illicit ties at the municipal level, this type of mutually beneficial relationship has also been observed in national politics. Several videos have shown El Salvador's two main political parties, the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional – FMLN) and Nationalist Republican Alliance (Alianza Republicana Nacionalista – ARENA), agreeing to pay gangs millions of dollars in exchange for support during the country's last presidential elections in 2014.'</i></p> <p>Insight Crime, 'El Salvador Gangs Influence Local Politics in the Capital: Report', 9 July 2018, https://www.insightcrime.org/news/analysis/el-salvador-gangs-influence-local-politics-capital-report/. Last accessed 10 September 2020. <i>'After the failure of that truce in 2014, the government of President Salvador Sánchez Cerén undertook a full-on assault against the gangs that caused a considerable increase in homicides (the murder rate in 2015 soared to above 100 per 100,000 citizens) and paved the way for extrajudicial executions of gang members by security forces. [...] However, despite this heavy-handed approach, talks between politicians and gangs have continued. This is largely due to the fact that the state, at both the national and local levels, has been unable to regain the territorial control now exercised by the MS13 and the Barrio 18's two factions in large areas of the country, including the capital's historic center. [...] On some occasions, these pacts have had a clearly criminal profile, as is the case of the former mayor of the town of Apopa, José Elías Hernández from the ARENA party. According to El Salvador's Attorney General's Office, Hernández allowed gangs to collect extortion payments and carry out executions.'</i></p>	<p>Accepted – however as above, it would be useful to have more recent information since there is a different government in place since these reports were published.</p> <p>We understand, however, that Bukele's government may also have come to an agreement with gangs, for the example the recent reports produced by El Faro.</p>
<p>Comment – I am slightly uneasy with the information cited in source 7.2.2 to the effect that '[...] According to El Faro, people in El Salvador know which gang exerts its influence in the neighbourhood in which he or she lives'. In my experience, this is often the case but need not necessarily be so, especially where the dividing lines between gang territories shift rapidly, or several gangs operate in a zone where none is actually based (for instance, where they carry out extortion in more middle-class areas). However, I cannot find a published source in English that speaks directly to this point. Nonetheless, this lack of clear knowledge by some people in El Salvador is suggested, for instance, in the degree to which 'copycat' extortion groups (i.e. extortionists pretending to be MS-13 or B-18 gangs) have been able to prey on people – this suggests that people are not always really sure about which particular clique or even gang structure is actually present locally. For example, see Global Security Insight, 'The Cost Of Living: Extortion in the Northern Triangle', 5 August 2019, https://gsi.s-rminform.com/articles/the-cost-of-living-extortion-in-the-northern-triangle. Last accessed: 10 September 2020. <i>'A recent phenomenon suggests that "copycat" criminals, who pretend to be part of prominent gangs to enhance the perceived legitimacy of their threats, have also proliferated in urban centres.'</i></p>	<p>Thanks, noted.</p> <p>We can include reference to the Global Security Insight article. However, perhaps to flesh out this point – or at least for us to consider this further – would the reviewer be able to provide information about the fluidity of gang borders and opaqueness of their structures for those not part of a gang?</p>

Reviewer's comment	Home Office response
<p>Suggestion – in section 7.3, further information should be added to emphasise the fact that the confrontation between gangs and the State is ever more taking on the attribute of armed hostilities. Examples of pertinent information summarised and analysed by Insight Crime on this point follow.</p> <p>Insight Crime, 'El Salvador Gangs Wielding More Weapons of War', 12 September 2016, https://www.insightcrime.org/news/analysis/el-salvador-gangs-wield-weapons-of-war/. Last accessed: 10 September 2020. <i>'The government of El Salvador's militarized campaign against the country's street gangs has been met by an increasingly heavily armed reaction. El Faro's investigation indicates that the gangs' growing use of assault rifles is an echo of the civil war that ended almost 25 years ago.'</i></p> <p>Insight Crime, 'El Salvador Police Running 'Clandestine Jails': Report', 20 September 2017, https://www.insightcrime.org/news/brief/el-salvador-police-running-clandestine-jails-report/. Last accessed: 10 September 2020. <i>'The reports of "clandestine jails" run by police as well as torture of suspected gang members serve as a reminder that clashes between security forces and gangs in El Salvador have begun to resemble a low-intensity conflict, which has brought with it the types of human rights abuses often seen in warzones.'</i></p> <p>Insight Crime, 'Who Taught the MS13 Politics?', 3 January 2019, https://www.insightcrime.org/news/analysis/who-taught-ms13-politics/. Last accessed 10 September 2020. <i>'El Salvador's gangs have fought each other for decades and in multiple countries. Their power coexisted with the power of the government without them entering a widespread direct conflict. [...] But now they see the government as a common enemy and themselves as the warriors who would defeat it on the battlefield.'</i></p>	<p>Partially accepted.</p> <p>We agree that information about how the security forces and gangs have clashed is relevant to the CPIN, but we do not think it necessarily belongs to this section (about gang capability), or indeed this CPIN.</p> <p>As mentioned above, we are considering creating additional discrete CPINs which may be a better vehicle for covering state-orchestrated violence.</p>

2.6 Section 8 – Characteristics of gang members

The information presented in this section appears broadly accurate. However, the information on gang member profiles (8.1) emphasises the predominance of males as gang members. That is not incorrect but needs to be balanced by the recognition that females can be gang members too, even if their progress in the gang hierarchy is usually restricted. Moreover, some parts of the excerpts cited in relation to recruitment (8.2) and appearance (8.3) instead speak to other aspects of the situation covered by the CPIN and could be reproduced in those sections of the CPIN (or moved there).

Reviewer's comments	Home Office response
<p>Recommendation – in section 8.1 on gang membership profile, add information to clarify the point that women can also be gang members. Examples of relevant sources of information follow.</p> <p>See the 2016 UNHCR Eligibility Guidelines on El Salvador. <i>‘Women and girls do participate in Salvadorian gangs, albeit that the roles within the gang are strongly gendered. See Interpeace, Violentas y violentadas: Relaciones de género en las maras Salvatrucha y Barrio 18 del triángulo norte de Centroamérica, 14 May 2013, http://www.interpeace.org/latinoamerica/wp-content/uploads/sites/7/2015/08/2013_05_14_Central_Am_Violentas_y_Violentadas_es.pdf. See also, LAWG, El Salvador’s Gang Violence: Turf Wars, Internal Battles and Life Defined by Invisible Borders, 10 February 2016, https://www.lawg.org/el-salvadors-gang-violence-turf-wars-internal-battles-and-life-defined-by-invisible-borders/.’</i> (page 11, footnote 64)</p> <p>See also Insight Crime ‘El Salvador’s Black Widows – Female Leadership in MS13’, 25 March 2020, https://www.insightcrime.org/news/brief/el-salvador-black-widows-ms13/. Last accessed 10 September 2020. <i>‘Female members continue to be relegated to the MS13’s periphery and have limited autonomy when it comes to decision-making, said Juan Martínez d’Aubuisson, an anthropologist and author of various studies on the MS13. “In the event that they are given a voice, women most often derive their agency from male members who are incarcerated or in hiding,” he told InSight Crime. [...] But more recently, women in the MS13 have begun to take on more active roles by participating in robberies, kidnappings, and targeted killings alongside male gang members, UCLA anthropology professor Jorja Leap told Univision.’</i></p>	Accepted – we will include reference to the more recent Insight Crime article.
<p>Recommendation – in section 8.1 or 8.2, add information that religious conversion remains only way to leave gangs with permission. See, in this regard, Insight Crime, ‘How to Leave MS13 Alive’, 28 May 2018, https://www.insightcrime.org/news/analysis/leave-ms13-alive/. Last accessed: 10 September 2020. Also, a report already cited in the CPIN, Florida International University, ‘The New Face of Street Gangs: The Gang Phenomenon in El Salvador’, February 2017, https://lacc.fiu.edu/research/the-new-face-of-street-gangs_final-report_eng.pdf. Last accessed: 10 September 2020.</p>	Accepted.
<p>Suggestion – in section 8.2.8, for consistency and ease of reference, reproduce the following text in the section of the CPIN dealing with profiles of ‘targets of gang violence’ (section 10 – i.e. local residents in gang areas) or move it there: <i>‘Police and State officials assume that young people are gang members based on their place of residence.’</i></p>	Accepted.
<p>Suggestion – in section 8.3.5, for consistency and ease of reference, reproduce the following text in the section of the CPIN dealing with profiles of ‘targets of gang violence’ (section 10 – i.e. local residents in gang areas) or move it there: <i>‘While the IDMC in a report of September 2018 suggested “[t]he lives of gang members and residents are affected by anything from curfews to rules determining clothing and haircuts”’.</i></p> <p>Suggestion – in second half of 8.3.5, for consistency, place the excerpts cited here after the paragraph cited at 8.3.1 since they are all from the same source (2016 UNHCR Eligibility Guidelines on El Salvador).</p>	Accepted.

2.7 Section 9 – Gangs’ activities and impact

This section offers quite a comprehensive and accurate overview of gangs’ activities and impact, but certain aspects could be emphasised or expanded. It could include a subsection specifically addressing sexual abuse and exploitation as a particular form of violence that gangs inflict, so that this issue is adequately addressed and does not get lost amidst the rest of the section. The interrelations among different forms of gang crimes (e.g. between extortion and sexual abuse/exploitation) should be acknowledged. There is also a glaring gap with regard to external displacement as an important impact of gangs’ activities, with the focus placed virtually only on internal displacement.

Reviewer’s comments	Home Office response
<p>Recommendation – 9.1.5 notes that there is no evidence to suggest that gangs have an ideological basis or political programme. Something could be added to the overview, however, to acknowledge their negotiations/links and collusion with political actors (including elected officials) and public officers. Examples of pertinent sources are:</p> <p><i>‘The gangs reportedly have their own infiltrators in the police and the military, including certain elite units and the General Staff, who warn them about anti-gang operations and with access to intelligence, weapons and uniforms’</i> (2016 UNHCR Eligibility Guidelines on El Salvador, page 23, footnote numbers removed).</p> <p>The InSight Crime sources recommended in 7.2 to note the links that exist between gangs and politicians could be reproduced here too:</p> <p>Insight Crime, ‘El Salvador Police Chief Warns of Gang Infiltration in Municipal Elections’, 1 November 2017, https://www.insightcrime.org/news/brief/el-salvador-police-chief-warns-gang-infiltration-municipal-elections/. Last accessed: 10 September 2020. <i>‘The relationship between gangs and politicians is mutually beneficial by nature; the gang expands or maintains its influence over a certain area, while the politician gains or maintains local power. This partly explains why this dynamic is frequently observed in El Salvador. But while the police chief’s comments focused on illicit ties at the municipal level, this type of mutually beneficial relationship has also been observed in national politics. Several videos have shown El Salvador’s two main political parties, the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional – FMLN) and Nationalist Republican Alliance (Alianza Republicana Nacionalista – ARENA), agreeing to pay gangs millions of dollars in exchange for support during the country’s last presidential elections in 2014.’</i></p> <p>Insight Crime, ‘El Salvador Gangs Influence Local Politics in the Capital: Report’, 9 July 2018, https://www.insightcrime.org/news/analysis/el-salvador-gangs-influence-local-politics-capital-report/. Last accessed 10 September 2020. <i>‘After the failure of that truce in 2014, the government of President Salvador Sánchez Cerén undertook a full-on assault against the gangs that caused a considerable increase in homicides (the murder rate in 2015 soared to above 100 per 100,000 citizens) and paved the way for extrajudicial executions of gang members by security forces. [...] However, despite this heavy-handed approach, talks between politicians and gangs have continued. This is largely due to the fact that the state, at both the national and local levels, has been unable to regain the territorial control now exercised by the MS13 and the Barrio 18’s two factions in large areas of the country, including the capital’s historic center. [...] On some occasions, these pacts have had a clearly criminal profile, as is the case of the former mayor of the town of Apopa, José Elías Hernández from the ARENA party. According to El Salvador’s Attorney General’s Office, Hernández allowed gangs to collect extortion payments and carry out executions.’</i></p> <p>A non-open access source that teases out the links between political actors and gangs in a more comprehensive manner is: Ainhoa Montoya, 2018, <i>The Violence of Democracy: Political Life in Postwar El Salvador</i>. Cham, Switzerland: Palgrave Macmillan.</p>	<p>Accepted (in principle). However, some of the sources are 3 or more years old. We would prefer more recent examples, indicating whether or collusion under the Bukele government continues (and, if so, to what extent and what, if anything, is being done to address it).</p>

Reviewer's comments	Home Office response
<p>Suggestion – Expand the quotation from the IDMC report in the 9.2.3 paragraph under the heading ‘Control of Territory’ to offer further insight into gangs’ control over territory (e.g. through strict codes of behaviour and appearance as well as curfews). Internal Displacement Monitoring Centre and School of Advanced Study, University of London, ‘An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador’, September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020.</p> <p><i>‘Código or gang code dictates how anyone associated with the gang must behave. “They want control, obedience, silence. If that doesn’t happen they will kill you.” Strict compliance is also required from people living in the territory a gang controls. The absolute requirements are to be loyal, to ver, oír y callar or “see, hear and shut up” and to comply with demands.</i></p> <p><i>The lives of gang members and residents are affected by anything from curfews to rules determining clothing and haircuts, and any infraction – real or suspected – is punished with a severity the gang deems commensurate with the “offence”. Betrayal is punishable by death, while resistance may incur violence to force compliance or a credible death threat.’</i> (page 19, footnote numbers removed).</p> <p>Recommendation – In subsection 9.2, include a note about the extent to which gangs are spread throughout the country and the difficulty of identifying areas with a complete absence or influence of gangs over time.</p> <p><i>‘Gangs are present in around 247 of El Salvador’s 262 municipalities, meaning that most of the country is affected by pervasive violence and potential risk to individuals.’</i> (page 19, footnote numbers removed). Internal Displacement Monitoring Centre and School of Advanced Study, University of London, ‘An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador’, September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020.</p> <p>Recommendation – In subsection 9.2, note that control of territory by gangs can change as well as expand rapidly. The 2016 UNHCR Eligibility Guidelines on El Salvador can be quoted to this end:</p> <p><i>‘despite a culture of identification with their home territory, these gangs are also considered capable of great mobility and can rapidly expand their influence to nearby neighbourhoods. They may also relocate to new neighbourhoods to seek refuge from offensives against them by the security forces or other gangs. Similarly, while physical reference points such as streets, streams and graffiti or markings often mark the dividing lines between gang territories, these boundaries can reportedly also shift literally overnight as one gang pushes into, or disputes, the territory of another’</i> (page 10, footnote numbers removed)</p> <p>Recommendation – In subsection 9.2, note the increasing ruralisation of gangs—that gangs have not only developed more sophisticated tactics but have expanded into rural areas in response to greater repression by the state security forces.</p> <p><i>‘Far from alleviating El Salvador’s gang problems, the state’s security-led responses have made them worse. They have led to changes in gangs’ modus operandi, their territorial expansion and their activities becoming more extreme. Such responses began in the mid-2000s with mano dura, or strong hand, and súper mano dura. These responses and subsequent security-focussed measures led to gangs no longer using visible signs of allegiance such as tattoos, recruiting ever younger people and moving into rural areas.’</i> (page 17, footnote numbers removed). Internal Displacement Monitoring Centre and School of Advanced Study, University of London, ‘An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador’, September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020.</p>	<p>Accepted.</p> <p>Gangs’ presence and reach is covered in the section 7.2 (Territorial presence). We can provide a cross reference to this.</p> <p>Alternatively, when we update the CPIN we will consider whether to combine the subsections.</p>

Reviewer's comments	Home Office response
<p>It is also important to note that even if an area is not gang-controlled, a gang may have indirect forms of influence over it. To this end, cross-reference here the 7.2.2 citation of the 2020 IRBC El Salvador: Information Gathering Mission Report – Part 1 on gangs, which clearly explains this:</p> <p><i>‘The territorial presence of gangs has increased significantly in recent years and the control they exert in communities has become stronger. The Office of the Ombudsperson for the Defence of Human Rights (Procuraduría para la Defensa de los Derechos Humanos, PDDH) indicated that, even though the gang phenomenon was mostly urban in the 1990s and early 2000, currently gangs are also present throughout the country, including in rural areas where they recruit young people and carry out their activities. The Executive Director of Foundation Cristosal (Fundación Cristosal) explained that, based on information provided by the PNC, territorial presence of gangs is distinguishable by: “areas of influence,” comprising places where the gang is not necessarily present but where they undertake activities in the interest of the gang; “areas of presence,” where gang members are physically present and undertake their activities; and “areas of control,” where gangs exercise full control of the daily life of its inhabitants.</i></p> <p><i>Gangs exert their influence all over the country. Authorities have lost control over territory to gangs, as the latter decide who enters and who leaves from neighbourhoods. Gangs are very vigilant in controlling their territories and they question whoever enters these territories.’</i> (4.1, footnote numbers removed) https://irb-cisr.gc.ca/en/country-information/research/Pages/Salvador-2016P1.aspx Last accessed: 22 September 2020.</p> <p>Suggestion – in subsection 9.2, for consistency and ease of reference, include ‘See also Territorial Presence’ with a link to section 7.2, given the relationship that exists between the two sections. Alternatively, consider cross-referencing pertinent paragraphs as suggested above.</p>	

Reviewer's comments	Home Office response
<p>Recommendation – In subsection 9.3, note the gendered dynamics of extortion and state the interrelation that exists between extortion and other forms of crime, notably sexual abuse and even forms of slavery and human trafficking. Cross-reference the following in the suggested section on ‘Sexual abuse and exploitation’ below.</p> <p><i>‘Financial extortion in El Salvador spares neither women nor men. But women simultaneously suffer from a more insidious form of extortion shaped by the threat of sexual violence that blurs the lines between extortion, slavery and human trafficking.’</i></p> <p><i>‘A majority of extortion victims in El Salvador are men, but women are by no means spared. Some estimates suggest up to 85 percent of Salvadoran households are single mother households, suggesting that the financial burden of the so-called “renta” (systematic extortion for residing in gang territory) is, in the vast majority of cases, taken on by female individuals.</i></p> <p><i>But in addition to this economic harm, women are also subject to violence of a sexual nature, both within the extortion framework and beyond, as gangs have come to exploit the threat and use of sexual violence as a tool in their struggle for territorial control.’</i></p> <p><i>‘it is common for gangs to threaten to rape the daughter of an extortion victim, for instance, to ensure that payment is delivered. And the fear of being raped has fueled a wide-range of types of extortion in which the nature of the threat of violence is sexual. Payment can vary from offering house cleaning or kindergarten services to collecting extortion money from other victims and stashing the proceeds.’</i></p> <p>Sourced from: InSight Crime, ‘Extortion and Sexual Violence: Women’s Unspoken Suffering’, 26 April 2019, https://www.insightcrime.org/investigations/extortion-sexual-violence-womens-unspoken-suffering/ Last accessed: 28 September 2020.</p> <p>Comment and Suggestion – In subsection 9.3, it is important to note that families from rural and urban areas alike, regardless of their net worth, have also been subject to extortion, whether in the form of one-off payments or regular lower sums. Moreover, in the aftermath of the 2009 financial crisis, whose impacts were felt in El Salvador through, for instance, the closure of maquilas and the decrease in remittances sent by migrant relatives, ‘copycat’ extortionists pretending to be gang members emerged. Both phenomena are explained in the following non-open access book and would be worth noting in the report: Ainhua Montoya, 2018, The Violence of Democracy: Political Life in Postwar El Salvador. Cham, Switzerland: Palgrave Macmillan.</p> <p>On the issue of ‘copycat’ extortionists who pretend to be MS-13 or B-18 members, the following source recommended for 7.2 can be cross-referenced here. However, it is important to note that, this phenomenon has occurred in urban and rural areas alike:</p> <p><i>‘A recent phenomenon suggests that “copycat” criminals, who pretend to be part of prominent gangs to enhance the perceived legitimacy of their threats, have also proliferated in urban centres.’</i> Global Security Insight, ‘The Cost Of Living: Extortion in the Northern Triangle’, 5 August 2019, https://gsi.s-rminform.com/articles/the-cost-of-living-extortion-in-the-northern-triangle. Last accessed: 25 September 2020.</p>	<p>Accepted – however, as previously noted, the position of women (and girls) may be better discussed in a discrete CPIN on this group.</p>
<p>Suggestion – In subsection 9.4, include the definition of femicide, given that El Salvador has for many years recorded the world’s highest femicide rate and its specifics should be adequately addressed in the CPIN. Additionally, acknowledge the challenges involved in obtaining reliable femicide data for this country given how many of these types of deaths are classified simply as homicides. In this regard, the 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions states the following regarding its definition in El Salvador:</p> <p><i>‘The 2012 Law on a life free from violence for women defines femicide as the extreme form of gender violence against women, a product of the violation of their human rights, in the public and private spheres, shaped by misogynistic conduct that leads to social impunity (article 9 (b)).’</i> (para. 69)</p> <p><i>‘Many killings constituting femicide are still registered only as homicide or “violent death of women”. The lack of a unified systematization of data makes it difficult to grasp the magnitude of these killings.’</i> (para. 71)</p> <p>The suggestion is to cross-reference the latter here even if it is already included in 9.7.</p> <p>On the concept of femicide or gender-related killing of women and girls, see also UNODC, Global Study on Homicide: Gender Related Killing of Women and Girls, 2019 (page 8). https://www.unodc.org/documents/data-and-analysis/gsh/Booklet_5.pdf Last accessed: 22 September 2020.</p>	

Reviewer's comments	Home Office response
<p>Suggestion – In subsection 9.5, data on homicides post-dating the CPIN report can be sourced from:</p> <p>InSight Crime, 'InSight Crime's 2019 Homicide Round-Up', 28 January 2020, https://www.insightcrime.org/news/analysis/insight-crime-2019-homicide-round-up/ Last accessed: 22 September 2020.</p> <p>InSight Crime, 'Homicide Drop in El Salvador: Presidential Triumph or Gang Trend?', 13 August 2020. https://www.insightcrime.org/news/analysis/homicide-drop-el-salvador/ Last accessed: 22 September 2020.</p> <p>Recommendation – In subsection 9.5, include an explanation for the decrease in the country's homicide rates; the mention of this decrease may otherwise lead to the erroneous conclusion that gangs no longer control territories and may have been weakened by the incumbent president's Territorial Control Plan. Although El Salvador's homicide rate declined substantially in 2019, reaching its lowest point in the last few years (36 per 100,000 inhabitants), it still stands among the world's highest. Experts have related the decline to a shift in the gangs' own strategy. Now that El Salvador's incumbent president has introduced security forces into some of the country's most violent gang-controlled areas, gangs seem to have reduced their homicides so as to maintain territorial control and avoid seeing their engagement in extortion challenged. See InSight Crime, 'InSight Crime's 2019 Homicide Round-Up', 28 January 2020, https://www.insightcrime.org/news/analysis/insight-crime-2019-homicide-round-up/ Last accessed: 22 September 2020.</p> <p>In hindsight, a decline in El Salvador's homicide rates guarantees neither the disappearance of gang threats nor any real reduction in gangs' lethality, as evidenced by previous cases in which gangs changed strategies (e.g. to end the gang truce by the end of 2013 or to escalate lethal violence in April 2019) or by government crackdowns on gangs over the last couple of decades, whose successes were short-lived. A source worthy of being cited in the CPIN report in this regard is: International Crisis Group, 'Miracle or Mirage? Gangs and Plunging Violence in El Salvador', Latin America Report No. 81, 8 July 2020, https://d2071andvip0wj.cloudfront.net/081-miracle-or-mirage.pdf Last accessed: 21 September 2020.</p> <p>Examples of relevant excerpts that could be referenced here and cross-referenced in 9.8 are:</p> <p><i>'the precise causes of the dramatic decline in violence are not clear. The government argues that its Territorial Control Plan accounts for the reduction in homicides following the new president's assumption of power in June 2019. But statistical evidence studied by Crisis Group shows that the correlation between the plan and the reduction in homicides is not straightforward. It suggests that, even if the plan has played a role, other elements have also contributed. These include structural changes criminal gangs have undergone in recent years and, potentially, unofficial policies beyond the Territorial Control Plan – namely, an alleged informal understanding between officials and gangs to reduce gang violence and security forces' clashes with gangs.'</i> (page 19)</p> <p><i>'Clashes between state forces and gangs, which had been one of the main drivers of violence in recent years, have fallen in number and intensity since Bukele took office. This indicator, alongside others, has prompted analysts and civil society representatives to suggest that there might be an informal understanding among gangs, or between them and the government, to keep rates of violence down. On the other hand, the killing spree at the end of April 2020 indicated that gangs can still intensify violence across El Salvador through a seemingly snap decision.'</i> (pages 23-24)</p> <p><i>'The available data indicates that, regardless of what motivates a truce, major reductions in homicides have been associated with the gangs' decision to keep the rates low. In other words, past experience shows that government policies reduce murder rates only when they can change the gangs' own calculations.'</i></p> <p><i>Indeed, despite the drop in violence, gangs' territorial presence and control do not seem much changed. Testimonies from several people who live in gang-controlled areas in San Salvador indicate that well-known gang members and leaders continued to be seen on the streets before and even during the COVID-19 lockdown, many of them with new motorbikes, phones and electronic tablets. Activities undertaken by gangs during the pandemic, such as reducing extortion payments, handing out bags of provisions or enforcing a curfew, also point at the undisturbed capacity of gangs to control everyday life in their communities.'</i></p>	<p>Accepted.</p> <p>To note, that the subsection on disappearance (9.9) indicates that the decline in homicides may not reflect a decline in violence.</p> <p>Sources in the CPIN do not suggest a loss of control of territory and this was not a conclusion in our assessment.</p>

Reviewer's comments	Home Office response
<p><i>As a result, several civil society representatives and politicians believe that gangs have decided to lower homicides, possibly as a consequence of an informal non aggression pact with authorities.'</i> (pages 24-25, footnote numbers removed).</p> <p><i>'Since the end of the truce in 2014, gangs have "divvied up territories" and thus do not fight each other for territorial control to the same extent as before. Gangs have focused more on administering those areas and, for the most part, prevented their members from crossing "invisible borders" into rival gangs' territories. This allocation of areas has reduced animosity among gangs, which had historically been a driver of homicides.'</i> (page 26, footnote numbers removed)</p> <p><i>'Whatever the origin of the gangs' apparent decision to reduce violence, the COVID-19 emergency has exposed its fragility, as well as the risk that gang-driven violence may resurge. In late April, MS-13 spearheaded an escalation in murders that killed more than 80 Salvadorans in five days.'</i> (page 27, footnote numbers removed)</p>	
<p>Recommendation – In subsection 9.6, reflect the changing map of violence as per the 2016 UNHCR Eligibility Guidelines on El Salvador:</p> <p><i>'The territorial dynamics of extreme violence in El Salvador can shift relatively rapidly. For instance, some areas of the country that were extremely violent before the truce pact are now less so, whilst some zones that were calm before the truce are now violence hotspots again.'</i> (page 7, footnote numbers removed).</p>	<p>Not accepted.</p> <p>Though directly referring to homicides, this discusses events prior to the current government and its Territorial Control Plan. Moreover, it makes a fairly broad and non-specific point that we do not consider assists decision makers in their task or improves the overall quality of the CPIN.</p>
<p>Suggestion – In subsection 9.7, data on femicides can be updated with the latest report from ORMUSA, which reported 159 femicides in 2019 and 71 between January and August 2020. This is a reduction of 64 percent in 2020 relative to the previous year, similar to the overall reduction of homicides in the country since the incumbent president took office—even if still one of the world's highest. http://observatoriodeviolencia.ormusa.org/notas/fem_2020.pdf Last accessed: 22 September 2020.</p> <p>Recommendation – In subsection 9.7, include information on how lethal violence targets specifically lesbian, gay, bisexual, transgender and intersex individuals:</p> <p><i>'The Special Rapporteur received disturbing reports of discrimination and attacks on lesbian, gay, bisexual, transgender and intersex individuals committed by State and non-State actors. Between 2009 and 2016, the Office of the Human Rights Advocate documented 19 killings of lesbian, gay, bisexual, transgender and intersex individuals that it regards as hate crimes. In none of those cases was justice obtained, as the prosecutor was unable to identify the perpetrators. That number is believed to be only a small fraction of actual incidents, as many go unreported. According to civil society, between 1995 and 2016, more than 500 lesbian, gay, bisexual, transgender and intersex individuals were killed. However, there is no common registry for such cases.'</i> (para. 74, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p>	<p>Thanks for the source, however it is in Spanish.</p> <p>We include similar information about LGBTI persons in section 10.7 (but from the UN SR on internally displaced persons), some of this information may be a better fit in that section.</p> <p>We will review both subsections when we update the CPIN.</p>

Reviewer's comments	Home Office response
<p>Recommendation – Indicate in 9.8 that analysts have explained the trend of decreasing homicides since 2016 as most likely the result of a decision by gangs to commit fewer homicides as well as possibly a tacit pact with police officers to reduce the number of confrontations with them. But a spike in homicides in April 2019 served as a reminder that gangs have not been weakened and that homicidal violence could escalate again at any point. The following report could be quoted in this regard: International Crisis Group, ‘Miracle or Mirage? Gangs and Plunging Violence in El Salvador’, Latin America Report No. 81, 8 July 2020, https://d2071andvip0wj.cloudfront.net/081-miracle-or-mirage.pdf Last accessed: 21 September 2020.</p> <p>Examples of relevant excerpts whose citation was recommended in 9.7 but would be worth reproducing here too are:</p> <p><i>‘the precise causes of the dramatic decline in violence are not clear. The government argues that its Territorial Control Plan accounts for the reduction in homicides following the new president’s assumption of power in June 2019. But statistical evidence studied by Crisis Group shows that the correlation between the plan and the reduction in homicides is not straightforward. It suggests that, even if the plan has played a role, other elements have also contributed. These include structural changes criminal gangs have undergone in recent years and, potentially, unofficial policies beyond the Territorial Control Plan – namely, an alleged informal understanding between officials and gangs to reduce gang violence and security forces’ clashes with gangs.’</i> (page 19)</p> <p><i>‘Clashes between state forces and gangs, which had been one of the main drivers of violence in recent years, have fallen in number and intensity since Bukele took office. This indicator, alongside others, has prompted analysts and civil society representatives to suggest that there might be an informal understanding among gangs, or between them and the government, to keep rates of violence down. On the other hand, the killing spree at the end of April 2020 indicated that gangs can still intensify violence across El Salvador through a seemingly snap decision.’</i> (pages 23-24)</p> <p><i>‘The available data indicates that, regardless of what motivates a truce, major reductions in homicides have been associated with the gangs’ decision to keep the rates low. In other words, past experience shows that government policies reduce murder rates only when they can change the gangs’ own calculations.</i></p> <p><i>Indeed, despite the drop in violence, gangs’ territorial presence and control do not seem much changed. Testimonies from several people who live in gang-controlled areas in San Salvador indicate that well-known gang members and leaders continued to be seen on the streets before and even during the COVID-19 lockdown, many of them with new motorbikes, phones and electronic tablets. Activities undertaken by gangs during the pandemic, such as reducing extortion payments, handing out bags of provisions or enforcing a curfew, also point at the undisturbed capacity of gangs to control everyday life in their communities.</i></p> <p><i>As a result, several civil society representatives and politicians believe that gangs have decided to lower homicides, possibly as a consequence of an informal non aggression pact with authorities.’</i> (pages 24-25, footnote numbers removed).</p> <p><i>‘Since the end of the truce in 2014, gangs have “divvied up territories” and thus do not fight each other for territorial control to the same extent as before. Gangs have focused more on administering those areas and, for the most part, prevented their members from crossing “invisible borders” into rival gangs’ territories. This allocation of areas has reduced animosity among gangs, which had historically been a driver of homicides.’</i> (page 26, footnote numbers removed)</p> <p><i>‘Whatever the origin of the gangs’ apparent decision to reduce violence, the COVID-19 emergency has exposed its fragility, as well as the risk that gang-driven violence may resurge. In late April, MS-13 spearheaded an escalation in murders that killed more than 80 Salvadorans in five days.’</i> (page 27, footnote numbers removed)</p>	<p>Accepted. Thanks for the source (which post-dates the CPIN).</p>

Reviewer's comments	Home Office response
<p>Recommendation – Data on the disappearance of minors should be included under the heading 9.9 on Disappearance. The Salvadoran human rights NGO FESPAD has reported that a minor disappears every day in El Salvador. FESPAD. 2017. Informe de la situación de la niñez y adolescencia en El Salvador. San Salvador, El Salvador: FESPAD, page 1. https://drive.google.com/file/d/1bsuypnAXIHegBpxq1OO8d1QF0GaiWqG/view Last accessed: 22 September 2020.</p> <p>No English-language source providing that data has thus far been found.</p>	<p>We are unable to open the source, which is in Spanish. Does the information refer to gang-related disappearance specifically or more generally?</p> <p>A number of sources already in the CPIN indicate that disappearances generally are commonplace.</p>
<p>Recommendation – The content under the subsection 9.10 focuses on internal displacement. Given El Salvador's sizeable problem of external displacement as a result of violence and crime, it is recommended to include relevant information on the scale of this problem and its relation to gangs (from the 2016 UNHCR Eligibility Guidelines on El Salvador) and to cite updated figures (from the UNHCR, 'Fact Sheet: North of Central America Situation', July 2020, https://data2.unhcr.org/en/documents/details/77934 Last accessed: 25 September 2020). Even if the matter is addressed in Section 13, it should at least be cross-referenced here so as to make explicit its link to gang violence and crime.</p> <p>Examples of excerpts that could be cited are:</p> <p><i>'Salvadorians affected by the present dynamics of violence are also fleeing El Salvador in increasing numbers to seek asylum outside the country. As at the end of 2014, 10,965 Salvadorians were recognized as refugees, the majority by the United States of America and Canada (10,006); another 18,037 asylum applications by Salvadorians remained pending a decision at the year's end. The number of asylum applications by Salvadorians has increased significantly, with 11,742 applications lodged in 2014, almost twice the number of applications lodged in 2013 (6,601 applications) and three times the number of applications in 2010 (3,810 applications). In the first six months of 2015, the number of asylum applications by Salvadorians in the United States of America increased by 125 per cent compared to the same period in 2014, with a total of 8,700 applications. In 2014, 32.7 per cent of all decisions taken on Salvadorian asylum applicants resulted in recognition under the 1951 Convention, while the total protection rate was 38 per cent.</i></p> <p><i>The majority of claims for asylum by Salvadorians are lodged in the United States of America (USA). Although many of these claims are lodged by adults, from 2011 onwards the southern border of the USA also saw a surge in unaccompanied child arrivals from children fleeing El Salvador and the other Northern Triangle countries, many of whom claimed asylum. Interview data from 2013 indicates that 72 per cent of the children from El Salvador claim to have left because of violence in society, with 63 per cent specifying gangs as the source of harm, while 20 per cent of the children mentioned domestic violence as a relevant factor.'</i> (page 27, footnote numbers removed, 2016 UNHCR Eligibility Guidelines on El Salvador)</p>	<p>Thanks for the source. We will cross refer to relevant sections, rather than duplicate the information.</p>

Reviewer's comments	Home Office response
<p>Recommendation – In subsection 9.10, include a subsection/heading on ‘Sexual abuse and exploitation’ by gangs that can address the specifics of this issue. The following excerpts convey examples of reliable information and sources for this proposed subsection.</p> <p><i>‘Women’s bodies are a territory for revenge and control. Not one person interviewed denied the harsh reality for women in gang-controlled areas. Gangs are male-dominated and girls and women are often forced into sex slavery. Women are also killed or otherwise punished by gangs for revenge. The Special Rapporteur heard testimony about a gruesome case involving the brutal rape of two women by several gang members for having family members in the armed forces.’</i> (para. 73, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions)</p> <p><i>‘Gangs’ extreme machismo of gangs dictates strict gender divisions. Some women are gang members and undertake regular activities, and others have administrative roles while male members are in jail. In general, however, women are viewed as subservient or “property”, and gang members demand complete control over their bodies and lives. LGBT people are not permitted to join gangs or to live in some gang areas, although they may be forced to collaborate. This leads to high levels of violence based on gender and sexual orientation, and femicide for perceived acts of betrayal. Sexual violence and rape are used as punishment, including against female relatives of men who have offended gang members’</i> (page 19, Internal Displacement Monitoring Centre and School of Advanced Study, University of London, ‘An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador’, September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020, footnote numbers removed).</p> <p>Although suggested for citation in section 10.6, the following could also be reproduced here:</p> <p><i>‘In the territories where the gangs operate, sexual and gender-based violence against women and girls is reportedly widespread, as is the recruitment of girls to carry out tasks for the gangs. Women and girls perceived as being linked with a particular gang are reportedly also a target for rival gangs and they and other women and girls are reportedly abused, raped and killed as part of gang initiation rites, or if they try to leave the gang to which they belong or with which they are affiliated, or if they are seen to resist its authority in other ways, including by rejecting the sexual advances of a gang member. Women and girls may be seen by gang members as their partners, even when a woman or girl has never consented to being in a couple. Women and girls in this situation are reported to be subjected to persistent violence, while being unable to seek protection due to the authority exercised by their “partner” in the area controlled by the gang. Family members of women and girls who have problems with the gangs are also often targeted on the basis of their affiliation to the woman or girl in question.’</i> (pages 40-42, footnote numbers removed, 2016 UNHCR Eligibility Guidelines on El Salvador)</p>	<p>Partially accepted.</p> <p>This information is already cited in section 10.6, as noted below, while sexual violence is acknowledged in section 9.1 Overview.</p> <p>We consider it preferable for readers if we avoid duplication wherever possible, even though issues sometimes overlap, and provide the information in a discrete section but cross refer where relevant.</p>
<p>Recommendation – In subsection 9.11 information could be included on gang members acting as hired assassins, although this has not been reported to be occurring in a systematic manner. There was evidence of such hiring in the reports by the Salvadoran Tutela Legal Office of San Salvador’s Archbishopric (in Spanish) in the mid-2000s. However, these reports were discontinued thereafter. This has also been reflected in some English language sources. See for instance:</p> <p><i>‘They (MS 13 members) are also subcontracted as hired assassins by criminal organizations or individuals.’</i> El Salvador: Information Gathering Mission Report – Part 1: Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption, by the Information and Refugee Board of Canada, September 2016. https://irb-cisr.gc.ca/en/country-information/research/Pages/Salvador-2016P1.aspx Last accessed: 21 September 2020.</p> <p>A non-open access source that delves more deeply into the hiring of gangs as assassins is: Ainhoa Montoya, 2018, The Violence of Democracy: Political Life in Postwar El Salvador. Cham, Switzerland: Palgrave Macmillan.</p>	<p>Accepted.</p>

Reviewer's comments	Home Office response
<p>Recommendation – Expand subsection 9.12 with information regarding the socio-economic costs of gang violence and crime. Specifically, include information about the high cost of private security in El Salvador given its endemic problem of violence, the frequent closures of businesses due to extortion, and the financial difficulties incurred by individuals and families who decide to relocate or flee the country. Excerpts that could be cited to fill these gaps in the report are:</p> <p>On the socio-economic costs of extortion by gangs:</p> <p><i>'many have shut their businesses down because they find themselves working solely for the gangs' benefit' (Internal Displacement Monitoring Centre and School of Advanced Study, University of London, 'An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador', September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020, page 19).</i></p> <p>On the socio-economic costs to those affected by internal displacement:</p> <p><i>'because persons who flee their homes due to threats or gang-related violence often have to do so rapidly, they usually incur substantial economic losses as they have little time to make arrangements to sell or rent their houses and businesses or even to collect all of their belongings. There is no government programme for assisting displaced persons and so each new displacement is reported to exacerbate the downward spiral in their living conditions.'</i> (2016 UNHCR Eligibility Guidelines on El Salvador, footnote numbers removed, page 27).</p>	<p>Accepted.</p>

2.8 Section 10 – Targets of gang violence

This section presents information about certain targets of gang violence. However, the way in which this section has been structured and the omission of other targets of gang violence that are identified in sources cited by the CPIN but not included here raise questions about the accuracy and balance of the information presented.

Reviewer's comments	Home Office response
<p>Recommendation – in section 10.1, add information to show how activation of conflicts between gangs can exacerbate the targeting of residents for violence.</p> <p>See, for example, Cantor, David James, Refugee Survey Quarterly: 'The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico', June 2014, https://academic.oup.com/rsq/article-pdf/33/3/34/8845376/hdu008.pdf. Last accessed: 10 September 2020. <i>'[Inter-] Gang warfare often leads to an exacerbation of "everyday" displacement dynamics. This may take the form, for example, of a general increase in insecurity owing to greater violence, or a "hardening" of mara attitudes towards the population, such that extortion quotas are raised or those who do not pay are killed immediately or after one warning rather than after the traditional three warnings. Gang disputes also generate their own grounds of displacement. Indeed, it is one of the few scenarios in which an incumbent clika will directly order forced displacements, usually of any family believed to have sympathies with the invading gang. In extreme cases, the incumbent clika may even order any inhabitants who do not have family members in the clika to leave or be killed. However, where the incumbent clika is defeated, its family members and other local supporters have to flee the neighbourhood in order to avoid reprisals from the gang now controlling the zone. Although the quantity of displacement in these scenarios may be elevated above "everyday" levels and entire rows of houses abandoned, the families displaced tend to be targeted on an individual rather than collective basis.'</i> (page 50, footnote numbers removed)</p>	<p>Partially accepted.</p> <p>We agree information that gang behaviour may vary depending on the degree and nature of conflict between gangs. However, this information is over 6 years old.</p>
<p>Recommendation – in section 10.2, some limited information about 'gang members' is presented. Yet there is inadequate reference to former gang members (including in the section title). It is recommended that the title be amended to reflect that broader category of targets (suggestion – 'current and former gang members, including "traitors" and criminal turncoats'). It is also recommended that fuller information be provided in relation to that broader category of targets of gang violence. Pertinent sources are indicated as follows.</p> <p>The 2016 UNHCR Eligibility Guidelines on El Salvador also state: <i>'Gangs and other organized criminal groups reportedly track down those whom they consider to have betrayed them. The gangs are reported to usually pursue and kill their own 'traitors', including not only the so-called pecetas (turncoats) but also those who leave a gang without permission or otherwise seriously breach the rules of the gang. The family members of these 'traitors' are reportedly also often attacked. At the same time, an individual who has left a gang reportedly continues to face an undiminished risk of assassination by members of rival gangs, and by members of his/her own former gang if s/he refuses to collaborate with such demands as they may make from time-to-time of the ex-member.'</i> (page 34, footnote numbers removed)</p> <p>Insight Crime, 'El Salvador Military Officers Ordered Executions: Attorney General', 28 February 2018, https://www.insightcrime.org/news/brief/el-salvador-military-officers-ordered-executions/. Last accessed: 10 September 2020. <i>'High-ranking members of El Salvador's military allegedly commanded a secret death squad to execute gang members, the first instance of senior military personnel being so clearly implicated in the ordering of extrajudicial killings in the country in recent years.'</i></p>	<p>Partially accepted.</p> <p>We agree to amend the heading to including current and former gang members. However, as per the covering comments, the UNHCR guidelines are based on material largely 5 or more years old.</p> <p>We do not agree that it is necessary to include information about the government's activities towards gang members. This CPIN's focus is on the threat from gangs, unlike the UNHCR's eligibility guidelines which have a wider remit. See covering comments.</p>

Reviewer's comments	Home Office response
<p>Human Rights Watch, 'Deported to Danger', February 2020, https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and. Last accessed: 10 September 2020. <i>'According to Salvadoran authorities, the deportees at the highest risk of harm are alleged former and current gang members and those with alleged links to gangs. These alleged former and current gang members are sometimes killed by their own or rival gangs (they are also killed by state actors or death squads, as discussed below). An individual deportee's reported status as a gang member by the press, by the police, or by other observers, may or may not be true. [...] Accounts of killings of deportees by gangs in court filings and press accounts indicate that a deportee might be killed by his own gang for not "re-activating" with the gang once in El Salvador, battling for power within the gang, committing crimes like robbery, or calling attention to the gang through flamboyant behavior. Gangs reportedly kill members of rival gangs, or those assumed to be members, for living in or transiting their area, including one who was evangelizing after leaving behind gang and one who was recently deported. [...] State actors, such as police or other law enforcement, reportedly have killed deportees alleged to be former or current gang members, according to relatives, journalists, and academics who spoke with Human Rights Watch.'</i> (pages 28-29, footnote numbers removed)</p>	
<p>Recommendation – in section 10.3, some information is provided about 'businesspeople'. Yet there is inadequate reference in this title and in the materials that follow to the broader targets of gang extortion, which are not limited only to businesspeople. It is recommended that the title be amended to reflect that broader category of targets (suggestion – 'persons in professions or positions susceptible to extortion', as per the UNHCR Eligibility Guidelines).</p> <p>It is also recommended that fuller information be provided in relation to that broader category of targets of gang violence from the 2016 UNHCR Eligibility Guidelines on El Salvador from which a short extract is already provided. For instance, the UNHCR source also states: <i>'Extortion is reported to be pervasive in El Salvador and the regular extortion quotas imposed by the gangs can be crippling. Those subject to extortion demands for money, goods and services include, but are not limited to, persons involved in informal and formal commerce as business owners, their employees and workers, or as street vendors; public transport workers; taxi and mototaxi (tuc-tuc) drivers; public sector employees, returnees who return from abroad with financial resources; children and adults who receive remittances from family members who live and work abroad; and even schoolchildren for the little money they may carry. [...] The level of extortion payments are reportedly often raised steeply and without warning by gangs, sometimes with the apparent intention of bankrupting a business so that the gang can take it over. Moreover, extortion victims may have to simultaneously pay extortion money to two or more gangs, especially where a business operates across one or more territories where these gangs practise extortion. It is reportedly not unusual for victims to lose their livelihood due to excessive extortion demands by gangs, which are reported to have risen sharply since 2014. Extortion demands reportedly sometimes take the form of a requirement to purchase at an inflated price (poor quality) goods or services from businesses controlled by the gangs.'</i> (pages 30-31, footnote numbers removed)</p>	<p>Accepted.</p> <p>We'll review the subheading.</p> <p>We agree that more information about extortion would be useful but more recent sources would be preferable.</p>

Reviewer's comments	Home Office response
<p>Suggestion – in section 10.4, under the heading ‘public sector workers’, information is provided about both members of the security forces and other persons involved in the administration of justice, as well as a range of other public sector workers, including teachers. It is not clear that these different branches of public sector work face the same kinds of risks or for the same reasons. Moreover, the country information shows that ‘former’ as well as current members of the police and armed forces may also be a target for gang violence. For clarity, it is suggested that these distinct profiles of public workers be separated out and treated distinctly, perhaps even under different headings (suggestion – using those in the 2016 UNHCR Eligibility Guidelines, see below). It is also suggested that fuller information be provided in relation to these categories of targets for gang violence.</p> <p>The March 2016 2016 UNHCR Eligibility Guidelines on El Salvador (page 40-42) state:</p> <p><i>‘Teachers and educators working in public schools and educational institutions. Due to the youthful membership of the gangs in El Salvador, gangs reportedly often seek to exert influence in and on public schools and educational institutions in the zones where they operate. Gang members may also be present as students in these schools and educational institutions. Teachers and other educators working in parts of the country where gangs are present reportedly often find themselves subject to extortion demands. Moreover, those teachers and educators who represent an alternative source of authority or resist or oppose the gangs and their recruitment of local youth have reportedly been threatened and killed by the gangs.</i></p> <p><i>‘Former members of the police and armed forces. Members of the PNC and armed forces have long represented a target for attack by gang members and other organized criminal groups, especially since lower-ranking officials often live in the same neighbourhoods as gang members. However, since the breakdown of the gang truce, some local gangs have reportedly been ordered to kill a specified number of police officers living in their territories. As a result, in 2015 the targeted assassination of policemen and soldiers, often off-duty, by the gangs reportedly escalated sharply. In 2015, a number of State institutions were also targeted by improvised explosive devices, in attacks that were reportedly coordinated by the gangs.</i></p> <p><i>‘Other public officials, especially those engaged in investigating or confronting organized crime, including judges, prosecutors and attorneys. Judges, prosecutors and attorneys engaged in investigating or confronting organized crime, including the gangs, have reportedly been threatened and attacked. Moreover, since the breakdown of the gang truce, some gangs have reportedly ordered their members to kill judicial officials in their territories if no police officers – reportedly the gangs’ principal target – are found there. Other public officials, including both local and national government employees, who are working in territories where the gangs operate have reportedly also received death threats due to their work, or have been subjected to extortion demands by the gangs.’</i> (underlining added to titles, footnote numbers removed)</p> <p>Further information may also be added to show the continuation of such threats. See, for example, Human Rights Watch, ‘Deported to Danger’, February 2020, https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and. Last accessed: 10 September 2020. ‘Human Rights Watch interviewed two families who had multiple members working for the Salvadoran military or police who were threatened, then fled to the United States hoping to seek asylum but were subsequently deported and killed.’ (page 33, footnote numbers removed)</p>	<p>Accepted.</p> <p>Other sources besides the UNHCR guidelines and HRW would be welcome.</p>

Reviewer's comments	Home Office response
<p>Recommendation – in section 10.5, some information about ‘witnesses’ is provided. Yet there is inadequate reference to the broader category of persons perceived to be potential/actual informants or collaborators with the justice system (including in the section title). That is the underlying reason why witnesses (and other actual or perceived potential informants, including victims of crimes by gangs or other armed actors) are a target for (further) violence by gangs or other armed actors. It is recommended that the title be amended to reflect that broader category of targets (suggestion “informants”, witnesses and victims of crimes committed by gangs and other organized criminal groups, or by members of the security forces’). It is also recommended that fuller information be provided in relation to that broader category of targets of violence by gangs and other actors.</p> <p>In addition to the excerpts provided in the CPIN, the 2016 UNHCR Eligibility Guidelines on El Salvador also refer to other armed actors as a source of risk under this heading: <i>‘Persons giving evidence against corrupt members of the security forces have also reportedly been targeted and killed, even as protected witnesses.’</i> (page 32, footnote numbers removed)</p>	<p>Partially accepted.</p> <p>We agree the heading needs to be clearer and reflect all groups referred in the COI.</p> <p>The section does make reference to witnesses, informants, victims of crime and those who co-operate with the authorities – from which it is plain such groups face various difficulties.</p> <p>We do not agree that information about the actions of other armed actors is relevant for this CPIN for the reasons set out above.</p>
<p>Recommendation – in section 10.6, there is no reference to the 2016 UNHCR Eligibility Guidelines on El Salvador. This may raise questions in a reader’s mind given that they are cited in relation to the other targeting categories. Moreover, many of the sources cited in this section simply repeat the information originally collated in that document. It is recommended that this information source be added for completeness and accuracy.</p> <p>The 2016 UNHCR Eligibility Guidelines on El Salvador state:</p> <p><i>‘Discrimination and violence against women and girls is reported to be prevalent in El Salvador. The country has one of the highest recorded rates of femicides in the world, and young women are reportedly increasingly represented among the victims of forced disappearances. Domestic violence is reportedly considered the leading form of violence against women and girls in El Salvador, followed closely by violence perpetrated by gang members. There are reported cases of domestic violence by gang members against their wives and other female members of their own household; women and girls in this situation are often trapped as any attempt to report the violence or to escape the situation in the home would likely lead to targeting for violence by gang members, and may also put the woman’s family members at risk. Some women and girls also face stigma and prosecution as a result of the government’s restrictive approach to abortion.</i></p> <p><i>‘In the territories where the gangs operate, sexual and gender-based violence against women and girls is reportedly widespread, as is the recruitment of girls to carry out tasks for the gangs. Women and girls perceived as being linked with a particular gang are reportedly also a target for rival gangs and they and other women and girls are reportedly abused, raped and killed as part of gang initiation rites, or if they try to leave the gang to which they belong or with which they are affiliated, or if they are seen to resist its authority in other ways, including by rejecting the sexual advances of a gang member. Women and girls may be seen by gang members as their partners, even when a woman or girl has never consented to being in a couple. Women and girls in this situation are reported to be subjected to persistent violence, while being unable to seek protection due to the authority exercised by their “partner” in the area controlled by the gang. Family members of women and girls who have problems with the gangs are also often targeted on the basis of their affiliation to the woman or girl in question.’</i> (pages 40-42, footnote numbers removed)</p>	<p>Not accepted.</p> <p>The UNHCR guidelines are a useful collation of information about various groups who may be at risk from gangs. They are particularly useful on groups which are less well documented.</p> <p>But as explained above, the guidelines are based on information collated before January 2016. The circumstances of women are well-documented in authoritative more recent sources, some of which includes information from the same sources as the UNHCR, but many post-date the UNHCR guidelines. We therefore did not and do not consider it necessary to refer to the guidelines.</p>

Reviewer's comments	Home Office response
<p>Suggestion – in section 10.7, there is no reference to the March 2016 UNHCR Eligibility Guidelines, which collate information pertaining to this risk profile at pages 38-39. This may raise questions in a reader's mind given that they are cited in relation to the other targeting categories. It is suggested that this information source be added for completeness. However, this is merely a suggestion rather than a recommendation since many of the sources cited in this section expand considerably on the brief information originally collated in that document.</p> <p>For further relevant information that may be added on a point not covered by the sources cited in the CPIN, see also the NRC REDLAC source cited in the Home Office Response to Information Request – El Salvador: LGBT [12.19.051] (see below) and additionally Insight Crime, 'The El Salvador Gang That Kills Its Gay Members', 18 January 2017, https://www.insightcrime.org/news/analysis/the-gang-that-kills-its-gay-members/. Last accessed: 10 September 2020. <i>'A double homicide inside a juvenile detention center uncovered an unwritten rule within El Salvador's MS13 gang: under no circumstances are members allowed to be homosexual.'</i></p> <p>Recommendation – section 10.8 is titled 'general public' and provides information about several distinct but related profiles of person that are targets of gang violence', including persons who are perceived by a gang as contravening its rules or resisting its authority (particularly those living in territories where a gang enforces those rules) and children (particularly those living in those territories). As such, the section title does not accurately reflect the groups targeted by gang violence, which is not the 'general public' of El Salvador. It is recommended that the title be amended for clarity (suggestion – 'Persons perceived by a gang as contravening its rules or resisting its authority'). It is also recommended that the two distinct profiles mentioned above be separated out, with the situation of children dealt with separately (see recommendation on that point below). It is also recommended that fuller information be provided in relation to each of these categories of gang violence as suggested below for accuracy.</p> <p>The 2016 UNHCR Eligibility Guidelines on El Salvador also state:</p> <p><i>'Gangs in El Salvador reportedly perceive a wide range of acts by residents of the area under the gang's control as demonstrating 'resistance' to their authority. Acts commonly construed as challenging a gang's authority reportedly include but are not limited to: criticizing the gang; refusing a request or 'favour' by a gang member; arguing with or looking mistrustfully at a gang member; refusing to participate in gang activities or to join the gang; rejecting the sexual attention of a gang member; having (perceived) links with a rival gang or a zone controlled by a rival gang; refusing to pay extortion demands; wearing certain clothing, tattoos or other symbols; participating in civil, religious or other organizations viewed as undermining the gang's authority; and passing on information about the gang to rivals, authorities or outsiders. In some cases, a stranger accidentally turning up uninvited in a gang zone is reportedly taken as a serious affront to the gang's authority. Persons who live in localities that serve as 'invisible' boundaries between the territories of rival gangs, or where the control of one gang is being disputed by another gang, also face a heightened risk of being perceived (sometimes by both sides) as having links with the rival gang.</i></p> <p><i>'The nature of retaliation for perceived acts of 'resistance' or 'disloyalty' by inhabitants is reported to vary to some degree depending on the 'character' of the local gang and the form of 'resistance' involved. However, most perceived contraventions of these gang-imposed rules are dealt with severely: individuals whom the gang members suspect of resisting their authority are reported often to be killed without prior warning, although sometimes the killing is reportedly preceded by threats and/or other attacks against the person concerned. Religious leaders, and other formal and informal community leaders, who represent an alternative source of authority to the gangs and who oppose them, or are perceived by the gangs as doing so, are equally at risk of violent retaliation. Since the breakdown of the gang truce, and particularly throughout 2015, the gangs have reportedly escalated their use of extreme violence against the local population to unprecedented levels.'</i> (pages 29-30, footnote numbers removed)</p>	<p>Partially accepted.</p> <p>As above – the situation for LGBTI persons is well documented in more recent sources.</p> <p>Thanks for the additional source.</p> <p>Accepted re the clarifying the title and providing more information about the various groups.</p> <p>However, we would prefer sources which post-date the UNHCR guidelines.</p>

Reviewer's comments	Home Office response
<p>Recommendation – in section 10, there is no reference to ‘Journalists and human rights defenders, especially those working on issues relating to organized crime and corruption’ as a specific target of gang violence. It is recommended that a new sub-section be created with that title and with the pertinent information provided.</p> <p>The 2016 UNHCR Eligibility Guidelines on El Salvador state: <i>‘Journalists and human rights defenders, especially those working on issues relating to organized crime and corruption in El Salvador have reportedly been the subject of threats, attacks and even killings by criminal elements.’</i> (page 39, footnote numbers removed)</p> <p>More recently, see also Human Rights Watch, ‘Country Report – El Salvador’, February 2020, https://www.hrw.org/world-report/2020/country-chapters/el-salvador. Last accessed: 10 September 2020. <i>‘Journalists reporting on abuses of power or living in gang-controlled neighborhoods remain targets of death threats. Fake stories have circulated under the bylines of journalists who were not the authors, the Association of Journalists of El Salvador reported.’</i></p>	<p>Accepted. There is a reference in the overview section to journalists. However, we are not aware that journalists are a common claim type and they may face risks from state actors too. If the need arose, we would look to cover this in a separate COI product.</p>
<p>Recommendation – there is no reference to ‘Family members, dependants and other members of the household of gang members or other organized criminal groups; inhabitants of areas where gangs operate; and others who are perceived to be affiliated with a gang’ as a distinct target for the violence of gangs and other armed actors (although some information on ‘inhabitants of areas where gangs operate’ is provided in section 10.8 under the misleading heading of ‘general public’, see the sources cited at paragraphs 10.8.2-10.8.5). The country information (see below) clearly shows that the perception that a person has an affiliation with a gang (whether because of who their relatives are, where they live or on other grounds) constitutes a risk factor for being targeted for violence by opposing gangs, death squads and the security forces. It is recommended that a new sub-section be created with that title and with pertinent sources of information provided.</p> <p>The 2016 UNHCR Eligibility Guidelines on El Salvador state:</p> <p><i>‘Persons suspected by one gang of supporting or having links with a rival gang are reportedly subjected to threats and violence. Persons with a family member (or family members) in a gang, as well as other persons perceived to be affiliated with members of gangs or other organized criminal groups, are reportedly treated with suspicion and have been attacked and killed. [...] At the same time, male inhabitants of zones where the gangs operate and persons otherwise perceived – whether correctly or not – to be affiliated with the gangs by members of the security forces or by members of reputed death squads have also reportedly been attacked and killed by these armed actors.’</i> (page 33, footnote numbers removed)</p> <p><i>‘Moreover, since 2014, reports have begun to emerge of death squads and vigilante groups with possible connections to the security forces engaging in the extrajudicial killing of suspected gang members in El Salvador. In 2015 this pattern became more evident with reports of death squads dressed like policemen killing suspected MS gang members and other, mostly young, residents of MS gang-controlled neighbourhoods in different parts of the country. [...] Extrajudicial executions by the PNC of gang members and persons supposed to be affiliated with the gangs have also been reported. The security forces reportedly also carried out mass arrests without legal basis and made excessive and arbitrary use of detention, especially of youth suspected of being gang members. The security forces have reportedly subjected suspected gang members in their custody to severe physical mistreatment.’</i> (page 22, footnote numbers removed)</p> <p>Insight Crime, ‘El Salvador Police Running ‘Clandestine Jails’: Report’, 20 September 2017 https://www.insightcrime.org/news/brief/el-salvador-police-running-clandestine-jails-report/. Last accessed: 10 September 2020. <i>‘Officers of El Salvador’s national police are allegedly running “clandestine jails” where they illegally hold suspected gang members, another indication of the extreme anti-gang methods being employed by security forces already implicated in death squad activities. [...] IDHUCA had documented several cases in which young individuals were arbitrarily detained and kept without any justification or record of the detention, sometimes for months. In addition, Baulenas alleged that police regularly torture suspects, and said that his organization had evidence of 10 cases of extrajudicial killings by police. [...]’</i> See also Insight Crime, ‘Police Again at Center of Latest Death Squad Uncovered in El Salvador’, 4 October 2019, https://www.insightcrime.org/news/brief/police-center-death-squad-el-salvador/. Last accessed: 10 September 2020.</p>	<p>Accepted.</p> <p>We do not agree the sub-heading is “misleading” but it could be more precise, which we will change. We will also provide more specific information.</p> <p>As above, we plan to separate out information about state actors from this note and place this in another product.</p>

Reviewer's comments	Home Office response
<p>See also Human Rights Watch, 'Country Report – El Salvador', February 2020, https://www.hrw.org/world-report/2020/country-chapters/el-salvador. <i>'The Central American University Human Rights Institute received seven reports of elite police units burning victims. In March, in a sugarcane field, agents of the National Civil Police's Tactical Operation Section allegedly beat and strangled a blindfolded, handcuffed youth whom they suspected of gang membership or hiding weapons or drugs, and set fire to the field where they left him unconscious. Victims or witnesses of eight arbitrary arrests in two incidents in 2019 and late 2018 told Human Rights Watch of beatings at police barracks and threatened criminal charges for "illicit association," a vaguely defined offense used to prosecute those suspected of gang membership. [...] In August, the Lethal Force Monitor, a collaborative investigation by researchers in five Latin American countries, reported that Salvadoran police and soldiers killed 1,626 people from 2010 through 2017. Authorities claimed that more than 90 percent of the victims were gang members and that nearly all were killed in "confrontations" or "shootouts." [...] Also in August, the PDDH reported that it had examined killings of 28 boys, 7 women, and 81 men and found few resulted from confrontations. In 70 percent of cases, witnesses said victims were unarmed. In 37 percent, witnesses said they saw police move the body or place or hide evidence. In 30 percent, the body showed signs of torture, including sexual assault.'</i></p> <p>See also Human Rights Watch, 'Deported to Danger', February 2020, https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and. Last accessed: 10 September 2020.</p> <p><i>'Police statements to the press in articles reporting on crime sometimes solidified stigmatization. Police would describe homicide victims in these [particularly violent] neighborhoods as either gang members, collaborators of gang members, or those with personal relationships to gangs or gang members, even when relatives told the press their loved ones who were killed had no such links. For one youth from Iberia, this stigma from authorities especially stung. He broke down in tears recalling to a reporter what a policeman told him about his neighborhood: "All of them that live in that community, they are rats." The stigmatization of these neighborhoods' residents is partially due to perceived and real links between crime and poverty.'</i> (page 67, footnote numbers removed)</p> <p><i>'In this report, we documented cases in which government authorities were responsible for committing grave abuses against deportees in particularly violent neighborhoods. These abuses—alongside low arrest, hearing, and conviction rates—are especially concerning, because they contribute to residents' perception that authorities are persecutors, rather than protectors facing structural limits on their ability to successfully pursue their work.'</i> (page 72, footnote numbers removed)</p> <p><i>'People deported to El Salvador also fear so-called "death squads" or "extermination groups"—not new phenomena in El Salvador. [...] UN agencies, human rights observers, the press, and government all acknowledge that death squads and extermination groups still operate in El Salvador today. [...] Often, when these cases are described by journalists in press accounts, the assailants are described as "men wearing black" or men "wearing military or police-style" uniforms; victims are sometimes described as blindfolded, with their hands and/or feet tied behind their backs. [...] According to press accounts, people deported to El Salvador have been killed in circumstances consistent with the methods of operation that death squads and extermination groups have employed'</i> (pages 79-83, footnote numbers removed)</p>	

Reviewer's comments	Home Office response
<p>Recommendation – there is no reference to ‘children and youth’ with certain profiles as a distinct target for violence by gangs and other armed actors (although some information on ‘children’ is provided in section 10.8 under the misleading heading of ‘general public’, see the sources cited at paragraphs 10.8.6 and 10.8.7).</p> <p>The 2016 UNHCR Eligibility Guidelines on El Salvador state:</p> <p><i>‘Children and youth suffer multiple types of violence in El Salvador. Children may fall into any of the profiles listed in these Eligibility Guidelines. However, children in El Salvador may also be at risk of child-specific forms of persecution. Domestic abuse of children, both boys and girls, is reported to be relatively widespread in El Salvador. Moreover, the upsurge in gang violence since the early 2010s has reportedly given the country the highest rate of homicide among children and adolescents in the world, and homicide is the leading cause of death among adolescent boys in El Salvador. Since the early 2010s gangs have reportedly been responsible for the forced disappearance of a significant number of children and youth, with the majority of victims later found murdered.</i></p> <p><i>‘The fact that children, particularly those living in territories where the gangs operate, are frequently a target of gang violence is partly the result of the reported large numbers of youth in the gangs themselves. Children and youth who have not been recruited by a gang but who live in territories where gangs operate reportedly find it difficult to avoid coming into contact with the local gang, its members and its activities (e.g. being asked to do the gang a ‘favour’, receiving the amorous attention of a gang member, etc.) or being (mis)taken for a member or affiliate of the local gang by rival gangs. Students who go to school in an area that is controlled by a different gang than the gang that controls the area where they live are reportedly at risk of being targeted for violence by the rival gangs at school and while they travel to school. Children equally face such risks when they travel to visit relatives or attend a health centre, etc., in an area controlled by a different gang. The gangs are reported to have a presence in schools and some schools have been forced to close due to the violence of the gangs.</i></p> <p><i>‘Recruitment by gangs of local children and youth – particularly boys but sometimes also girls – reportedly starts from an early age. Efforts by gangs to recruit new members from the children and youth have reportedly seen a significant increase since the early 2010s. New members are reportedly often required to prove their value through acts of violence, despite their young age. Girls are reportedly increasingly targeted from a young age by gangs with demands to become “wives” or girlfriends of gang members. The refusal to join a gang or to collaborate with its members by a child or youth and/or their family is reportedly usually interpreted as a challenge to the gang’s authority or as a ground for suspicion of some rival affiliation, resulting in threats and violence directed against the child or youth and/or their family members. Even if the child leaves the area where the gang operates, family members who remain there reportedly may continue to face threats and violence.’</i> (pages 35-36, footnote numbers removed)</p> <p>For more recent example, see Insight Crime, ‘El Salvador Gangs Causing Tens of Thousands to Leave School’, 22 July 2016, https://www.insightcrime.org/news/brief/el-salvador-gangs-cause-tens-thousands-to-leave-school/. Last accessed: 10 September 2020. <i>‘The number of children in El Salvador abandoning school due to gang threats has risen dramatically in recent years, illustrating some of the particular impacts the country’s dire security situation has had on young people.’</i></p>	<p>Accepted.</p> <p>There is information about children in the subsection on General public, Women and girls and Recruitment strategies and reasons for joining.</p> <p>More up-to-date material would be preferred.</p>
<p>Recommendation – there is no reference to ‘Family members, dependants, other members of the households, and employees of persons falling within the previous risk profiles’ as a potential risk profile identified by the UNHCR Eligibility Guidelines. It is unclear why this information has been left out. It is recommended that this category of targets for violence be added, along with pertinent information.</p> <p>The 2016 UNHCR Eligibility Guidelines on El Salvador state: <i>‘Family members, dependants, other members of the households of individuals with any of the profiles above, as well as employees of such individuals, can reportedly also be a target for attacks and assassination by gangs, sometimes even after the person who was initially targeted by the gang in question has fled or has already been killed.’</i> (page 42, footnote numbers removed)</p> <p>See also sources such as Insight Crime, ‘Spike in Attacks on Security Force Families as El Salvador Violence Declines’, 13 June 2017, https://www.insightcrime.org/news/brief/spike-attacks-security-force-families-el-salvador-violence-declines/. Last accessed: 10 September 2020.</p>	<p>Accepted.</p> <p>We have tried to cover the main groups that we are aware claim asylum in the UK – this category appears to be a catch-all for those not covered by other groups.</p> <p>Again, more recent sources of information would be preferred.</p>

Reviewer's comments	Home Office response
<p>Recommendation – include information that indicates Salvadorans who have resided for an extended period in the United States (or possibly elsewhere overseas) face several unique risks if they are returned to El Salvador. These risks are detailed in Human Rights Watch, 'Deported to Danger', February 2020, https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and. Last accessed: 10 September 2020 (page 88 et seq). Suggestion – include this as a distinct category of target for gang violence and cross reference to the category concerning those liable to extortion and the category of those perceived to be affiliated with gangs (although, as the report makes clear, these are not the only bases for risk).</p>	<p>Accepted.</p> <p>We agree that the subject of treatment on return requires further information and investigation. However, we are not aware that this is a specific issue advanced in asylum claims made in the UK. We will make reference to this, but in a separate section linked to freedom of movement, or possibly in a separate CPIN.</p> <p>We do not consider, however, that clear conclusions about risk factors can be easily drawn from this report, which was only able to identify or investigate 208 cases of murder, disappearance or other forms of violence out of 213,000 of people deported to El Salvador between 2014 and 2018. There may be many factors why a person faces difficulty on return, including that they fall within numerous other categories discussed above and in the CPIN.</p>

2.9 Section 11 – Government anti-gang policy and law

This section presents a good overview of the main security policies and laws implemented in El Salvador to curb lethal violence and gang-related crimes, but it overlooks or at least understates the fact that these policies and laws: 1) have been driven by government electoral and political competition and, as such, have showcased tough-on-crime approach to the public instead of serving as a solution to the problem; 2) have not only failed to curb crime and homicide rates but have often been associated with an increase in both; 3) have at best been light on prevention; 4) have generated concern over their curtailment of basic human rights. The sections on the ‘Safe El Salvador Plan’, ‘Extraordinary Measures’ and the ‘Territorial Control Plan’ need to be updated to reflect recent developments, challenges and limitations.

Reviewer’s comments	Home Office response
<p>Comment and Recommendation – In subsection 11.1 the extent to which the policies of El Salvador’s successive governments have contributed to high levels of lethal violence and gang-related crime could be addressed more explicitly by referring for instance to: <i>‘Far from alleviating El Salvador’s gang problems, the state’s security-led responses have made them worse. They have led to changes in gangs’ modus operandi, their territorial expansion and their activities becoming more extreme.’</i> (page 17). Internal Displacement Monitoring Centre and School of Advanced Study, University of London, ‘An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador’, September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020.</p> <p>See also the following non-open access source for a more comprehensive perspective on the deleterious consequences of the hardline approaches that El Salvador’s governments have taken to crime and violence: Sonja Wolf, 2017, <i>Mano Dura: The Politics of Gang Control in El Salvador</i>. University of Texas Press.</p> <p>Suggestion – Subsection 11.1.1 could include a more comprehensive overview of security policies and laws in El Salvador during the past two decades, in addition to the opening paragraph. A sample of what is suggested is as follows:</p> <p><i>‘Over the past two decades, successive administrations belonging to both main parties implemented policies anchored in coercive law enforcement, mass incarceration, joint police and military operations, and harsher laws against gangs. These came at the expense of crime prevention and rehabilitation initiatives aimed at gang members. A 2012-2013 truce among gangs, supported by officials in former President Mauricio Funes’ administration, was the exception. But the government’s failure to meet certain gang demands and widespread popular opposition to the truce led to its collapse. In its aftermath, violence spiked again, an increasing part of it pitting gangs against security forces, while politicians from both main parties reportedly tried to reestablish contact with gang leaders in order to negotiate support ahead of the 2014 presidential election. El Salvador’s annual murder rate rose to 103 per 100,000 inhabitants in 2015 – then the world’s highest.’</i> (pages 1-2, footnote numbers removed). International Crisis Group, ‘Miracle or Mirage? Gangs and Plunging Violence in El Salvador’, Latin America Report No. 81, 8 July 2020, https://d2071andvip0wj.cloudfront.net/081-miracle-or-mirage.pdf Last accessed: 21 September 2020.</p> <p>Suggestion – state security policies in El Salvador have been a highly politicised issue. A reference that could help draw attention to this tendency in the country’s pre-2019 governments in subsection 11.1 is: International Crisis Group, ‘El Salvador’s Politics of Perpetual Violence’, Latin America Report No. 64, 19 December 2017, https://d2071andvip0wj.cloudfront.net/064-el-salvador-s-politics-of-perpetual-violence.pdf Last accessed: 18 September 2020.</p>	<p>Partially accepted.</p> <p>We will add some additional material but the purpose of the section is to provide an overview of government, not to cover it in depth. However, we will provide the additional material as links.</p> <p>Are the reviewers aware of material about the current government’s policies?</p>

Reviewer's comments	Home Office response
<p>The following excerpt could be cited in this regard:</p> <p><i>'Whereas all recent governments have admitted the need for a holistic approach to combating gang violence and its root causes, preventive strategies have tended to feature more on paper than in practice. El Salvador's highly competitive two-party system steers policymakers toward measures that are politically and electorally appealing rather than those that address the multiple causes behind the gang phenomenon. Public fatigue, chronic violence and demands for punishment favour such coercive approaches.'</i> (page 20, footnote numbers removed).</p> <p>Indeed, some have suggested that the mano dura policies were actually a means by which the then governing party deflected attention away from its ongoing political erosion. See Holland, A. C., 2013, 'Right on Crime? Conservative Party Politics and Mano Dura Policies in El Salvador,' Latin American Research Review, 48 (1): 44–67, https://oar.princeton.edu/jspui/bitstream/88435/pr1dr1m/1/Holland_RightonCrime.pdf Last accessed: 25 September 2020.</p> <p>It is important to supplement this point by noting that homicide rates in El Salvador were no longer increasing by the time the government introduced the mano dura policies in 2003. However, we know of no open access reference in English that speaks directly to this point. An example from a non-open access source of what is being suggested is as follows:</p> <p><i>'Crucially, the first of El Salvador's mano dura policies were implemented at a moment in which homicide rates had declined relative to the 1990s; indeed, 2002 registered the lowest homicide rate of the previous five years. Meanwhile, El Salvador's gang-abatement laws have served to legitimize military-led solutions, 'stop-and-frisk' measures, mass arrests, and prisons' overcrowding with gang-like citizens—many of whom have not been sentenced—rather than to curb homicidal violence and organized crime.'</i> (page 112, references removed). Ainhoa Montoya, The Violence of Democracy: Political Life in Postwar El Salvador. Cham, Switzerland: Palgrave Macmillan.</p> <p>In Spanish, the following open access source could be cited: Aguilar Villamariona, Jeannette. 2006. 'Los efectos contraproducentes de los Planes Mano Dura', Quórum, Revista de pensamiento iberoamericano, 16: 81–94. https://dialnet.unirioja.es/servlet/articulo?codigo=2698555. Last accessed: 25 September 2020.</p> <p>Recommendation – In subsection 11.1, the following quotation would further support the fact that, in El Salvador, the notion of prevention has featured more prominently in governmental discourse and on paper than in actual practice. This point is important to underline in this overview section as it has been a feature of El Salvador's security policy for the last couple of decades:</p> <p><i>'As illustrated by data on El Salvador's public spending on security, comparatively little is invested in prevention. From 2008 to 2014, the annual budget for justice and security rose by \$120.2 million annually, to reach \$775 million a year, equivalent to about 3 per cent of annual GDP in 2014. Some 44 per cent of the 2011 security budget was invested in the police and justice ministry, 31 per cent in the judiciary, and only 1 per cent on prevention.'</i> (page 20, , footnote numbers removed). International Crisis Group, 'El Salvador's Politics of Perpetual Violence', Latin America Report No. 64, 19 December 2017, https://d2071andvip0wj.cloudfront.net/064-el-salvador-s-politics-of-perpetual-violence.pdf Last accessed: 18 September 2020.</p> <p>Suggestion – 11.1.3 is missing a note on governmental security strategies and measures adopted between 2009 and 2012. The following references offer details on the primary initiative in El Salvador (by then-President Funes) to promote a more comprehensive approach to security, including a focus on prevention and rehabilitation—a plan soon thwarted by mounting political and public pressure:</p> <p>Chris Van der Borgh and Wim Savenije, 2014, 'De-securitising and Re-securitising Gang Policies: The Funes Government and Gangs in El Salvador', Journal of Latin American Studies, 47, 149-176. https://dspace.library.uu.nl/handle/1874/329730 Last accessed: 25 September 2020.</p> <p>Hoppert-Flämig, Susan. 2013, 'A Salvadoran Turnaround? The FMLN's Response to Citizen Security Needs'. In Abello Colak, Alexandra, Angarita Cañas, Pablo Emilio, eds., Latin America's New Security Thinking: Towards Security as a Democratic Value, CLACSO, pp. 71-86. https://researchingsecurity.org/conferences/presentations/a-salvadoran-turnaround-the-fmlns-response-to-citizen-security-needs/ Last accessed: 25 September 2020.</p>	

Reviewer's comments	Home Office response
<p>Recommendation – The limitations of the Safe El Salvador Plan have not been adequately reflected. The following excerpt from the ICG report ‘El Salvador’s Politics of Perpetual Violence’ can help emphasise the disputed impact of the plan in subsection 11.2:</p> <p><i>‘The merits of the new strategy have been disputed, as have its alleged accompanying human rights violations in the last two years. Total homicides fell by 20 per cent from 2015 to 2016, and government officials had estimated another 27 per cent drop by the end of 2017. However, this foreseen reduction has not been sustained, nor has the general public noted a significant fall in violence. The second half of 2017 witnessed an uptick in violence, including 887 murders between September and October 2017. In a stunning admission, a senior government official said that authorities were “fighting a war that cannot be won”.’</i> (page 18, footnote numbers removed). The full reference is: International Crisis Group, ‘El Salvador’s Politics of Perpetual Violence’, Latin America Report No. 64, 19 December 2017, https://d2071andvip0wj.cloudfront.net/064-el-salvador-s-politics-of-perpetual-violence.pdf Last accessed: 18 September 2020.</p> <p>An InSight Crime article reflects a Salvadoran news outlet report eight months into the Plan exposing the Plan’s dearth of funding and resulting futility—specifically through the example of a municipality ostensibly benefiting from it:</p> <p><i>‘Ciudad Delgado, a huge, densely populated and largely marginalized municipality abutting the capital, San Salvador, was the flagship of the government security plan, which was rolled out in July 2015 amid much fanfare and one of the world’s highest peacetime homicide rates. [...] However, instead of being the beacon of hope, it has become the example of government futility. To be sure, Ciudad Delgado illustrates the illusory nature of the heavy, militarized police presence amid a continued lack of territorial control by the state and absence of effective, long-term social, economic and educational programs. [...] The Plan’s emphasis on prevention has also been undermined by a lack of funding. The strategic architecture and political support required to address a problem as complex as violence in El Salvador have not materialized.’</i> This has been sourced from InSight Crime, ‘El Salvador’s ‘Plan Seguro’ Failing to Make Communities Safe: Report’, 28 March 2016, https://www.insightcrime.org/news/brief/el-salvador-s-plan-seguro-failing-to-make-communities-safe-report/ Last accessed: 21 September 2020.</p> <p>The following paragraph encapsulates the limitations of the Safe El Salvador Plan, which has otherwise been addressed in a scattered manner throughout the 11.2 subsection:</p> <p><i>‘The prevention measures that underpin PESS have been underfunded, which has undermined their effectiveness. Security elements have been rolled out, but some have been implemented in ways that have led to the abuse of power and human rights violations. Joint military and police operations in affected communities have been marked by the excessive use of force, and young people are assumed to be gang members and suffer arbitrary harassment and abuse.’</i> (page 18, footnote numbers removed).</p> <p>This is an excerpt from: Internal Displacement Monitoring Centre and School of Advanced Study, University of London, ‘An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador’, September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020.</p>	<p>Partially accepted.</p> <p>As above, we will review and ensure the section provides an accurate snapshot of past policies, but we do not consider that Home Office officials required this level of detail. However, we will provide links to the additional sources.</p>

Reviewer's comments	Home Office response
<p>Recommendation – In subsection 11.3, a note should be included to the effect that while these measures were meant to be only temporary and, according to El Salvador's constitution, resorted to solely under exceptional circumstances, they have been extended ever since they were put in place in 2016:</p> <p><i>'In recent years, El Salvador has adopted a series of measures, designed, in principle, to be temporary.'</i> (para. 18, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions)</p> <p><i>'The military role in public security is [...] clearly established as exceptional. However, in practice, the executive, the legislature and the military and police forces have turned what should be an exceptional regime into a norm in the name of public emergency.'</i> (para. 25, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p> <p>Recommendation – In subsection 11.3, there is a need to highlight the effects of overlapping security policies and emergency regimes and the problems thereof. The following excerpt from the 2018 report by the UN special rapporteur on extrajudicial executions can be quoted in this regard:</p> <p><i>'Several Governments, including the current one, have used their constitutional powers to authorize the armed forces to execute public security tasks, for which they are not trained and which may distort their functions and lead to further abuses of power and human rights violations. She is also concerned that since 2015, gang members are prosecuted under the Special Law against Acts of Terrorism to "restore order and create social peace". The Special Rapporteur stresses that the cumulative effect of overlapping permanent and complex regimes of emergencies makes accountability and oversight of emergency powers difficult (see A/HRC/37/52, para. 59).'</i> (para. 19, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p> <p>Suggestion – In subsection 11.3, include an excerpt from the report by the UN special rapporteur on extrajudicial executions stating that there has been a dearth of evidence that the extraordinary measures have been effective in curbing gang-related lethal violence or crime:</p> <p><i>'Officials pointed to the decline in homicide rates since 2015 as evidence that the measures are working. Official figures indicate that between 2016 and 2017, homicide rates in the prioritized municipalities declined by some 25 per cent, largely attributable to a drop in gang-related murders. The reasons for this apparent decline should, however, be further documented to identify the factors that have influenced it, in particular as it appears that a similar reduction in homicides has occurred in non-prioritized municipalities.'</i> (para. 28, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p>	<p>Accepted.</p> <p>Though arguably only the first quote is necessary to make this point. The second ('Several Governments, including the current one, have used their constitutional powers to authorize the armed forces to execute public security tasks, for which they are not trained and which may distort their functions and lead to further abuses of power and human rights violations.') appears a little speculative and the third arguably does not point to a 'dearth' of information, but rather a suggestion that more investigating is needed.</p>
<p>Recommendation – In subsection 11.4, the following excerpts from US CRS, 'El Salvador: Background and US Relations' report would update and supplement the information available in the CPIN report on the Territorial Control Plan:</p> <p><i>'A year later, he has publicly announced only three of those seven phases, and the enforcement of a strict national quarantine in response to the COVID-19 pandemic has dominated government efforts and public attention. The Bukele government disbanded the council that the prior government used to discuss security issues with civil society and the private sector, but its security plan otherwise appears to resemble the focused, municipal-level efforts of the prior FMLN government's Safe El Salvador Plan.'</i> US CRS, 'El Salvador: Background and US Relations' (page 9, footnote numbers removed), 1 July 2020. https://crsreports.congress.gov/product/pdf/R/R43616 Last accessed: 21 September 2020.</p> <p>It is also recommended including a note on the difficulties to proceed with the Plan by Nayib Bukele's government due to the lack of a legislative majority:</p> <p><i>'For years, Salvadoran presidents have deployed thousands of military troops to support the police, but observers have been particularly concerned about President Bukele's use of the military. Bukele has tasked thousands of members of the armed forces with supporting his security plan. In August 2019, Bukele announced phase three (Modernization) of his plan, which has not yet been implemented. In February 2020, the National Assembly refused to approve a \$109 million loan to equip the police and military, even after Bukele had those forces surround the legislative palace—a move the Supreme Court and international observers rebuked.'</i> US CRS, 'El Salvador: Background and US Relations' (pages 9-10, footnote numbers removed), 1 July 2020, https://crsreports.congress.gov/product/pdf/R/R43616 Last accessed: 21 September 2020.</p>	<p>Thanks for the sources.</p>

Reviewer's comments	Home Office response
<p>Recommendation – A useful source with which to supplement and update subsection 11.4 is the report by the International Crisis Group entitled ‘Miracle or Mirage? Gangs and Plunging Violence in El Salvador’, especially its statements on the government’s lack of transparency with regard to the Plan, the Plan’s preventative initiatives and their limitations, and human rights abuses stemming from states of emergency declared in El Salvador’s prisons. International Crisis Group, ‘Miracle or Mirage? Gangs and Plunging Violence in El Salvador’, Latin America Report No. 81, 8 July 2020, https://d2071andvip0wj.cloudfront.net/081-miracle-or-mirage.pdf Last accessed: 21 September 2020.</p> <p>Examples of the kind of information included in this report are:</p> <p><i>‘Once in power, Bukele announced the Territorial Control Plan. Government officials have stated that this plan consists of seven “phases” or components that mirror those in the Cuscatlán Plan, with a total cost of \$575 million for 2019-2021. Neither diplomats nor civil society representatives, however, have seen a document listing all the facets of the Territorial Control Plan, leading some to doubt whether such a document exists. A government official stated that it was the president’s prerogative to preserve secrecy regarding the plan. When asked if any of the forthcoming phases differed from previous administrations’ security policies, he said one of them will focus on gang member rehabilitation.</i></p> <p><i>To date, the Territorial Control Plan has focused mostly on law enforcement in 22 prioritised municipalities. Its measures have included the permanent deployment of police and military patrols; mass detentions; and the provision of new personal equipment (such as boots and uniforms) for security forces. The government also tightened controls on communications and money flow in jails, and confined as well as transferred thousands of gang members. Prison authorities affirmed in late 2019 that they had managed to cut all detainees’ communications with the outside world, thus blocking orders from jailed gang leaders. Bukele has also sought to modernize the security forces’ equipment and technology, but this project depends on a \$109 million loan from the Central American Bank for Economic Integration, requiring approval by the opposition-controlled Legislative Assembly. The Assembly’s refusal to give it a green light heightened tensions with the executive and spurred an institutional crisis in February 2020.</i></p> <p><i>After an uptick of violence in April, further steps to toughen gang members’ prison regime sparked international outrage. [...] He [Bukele] also endorsed security forces’ use of lethal force and offered legal support to officers found killing “in self-defence or in defence of honourable Salvadorans’ lives”. Observers worried that such rhetoric could lead to an increase in police and military abuses.’ (pages 10-11, footnote numbers removed).</i></p> <p>The following excerpts from the same report offer details about the Plan’s efforts to prevent crime at the community level and the reasons for their limited impact:</p> <p><i>‘Soon after taking power, the government also created a Unit for the Reconstruction of the Social Fabric to spearhead all other institutions involved in security policy. [...] The unit’s purpose is to tackle the underlying conditions that prompt young people to join gangs, such as social exclusion, economic marginalisation, scarce job opportunities and lack of access to sports and recreation. [...] So far, the unit has fostered state-sponsored football camps, vocational training and scholarships, among other things. But its centrepiece is the plan to build “cubes”, glass-walled centres to be placed in poor and violence-ridden communities, aimed at providing a safe space for entertainment and training for young people. The government plans to build at least 50 cubes, prioritising poor neighbourhoods living under gang rule. [...]’ (page 12, footnote numbers removed).</i></p> <p>Despite having been acknowledged as a positive initiative, only one such cube has been completed and is operational thus far:</p> <p><i>‘the cubes’ costs are prohibitive and risk undermining the sustainability of the project in the long run. [...] Each requires around \$700,000 in building costs alone, plus an annual \$350,000 for personnel, security, bills and maintenance.</i></p> <p><i>Although the Unit for the Reconstruction of the Social Fabric is also supposed to provide economic opportunities in communities where gangs recruit, there has not been any initiative to this end, with the exception of training programs for young people. Since the start of the coronavirus outbreak, the Unit’s focus has instead turned to handing out food bags to 100,000 households living in extreme poverty, according to its director.’ (page 13, footnote numbers removed).</i></p>	

Reviewer's comments	Home Office response
<p>The report also reflects important criticisms of the Plan, especially how it could play a role in violating the human rights of detainees:</p> <p><i>'Civil society organisations, security experts, political opponents and some foreign analysts, however, have been wary or critical of the government's security policy. Some noticed that the Territorial Control Plan includes "iron fist" policies not dissimilar to those of previous governments. Others complain about the ostensible lack of transparency and virtual exclusion of civil society from its design, and the absence of technical or academic preparation of government officials on security matters. Harsh measures in jails could also lead to future problems. Human rights groups have also condemned steps taken in prisons, such as frequent transfers of gang members, strict confinement, suspension of family visits and rehabilitation programs, and food rationing, arguing that such measures violate detainees' and their families' rights. According to the Inter-American Commission on Human Rights, the measures may be considered torture if they are prolonged.'</i> (pages 14-15, footnote numbers removed).</p>	
<p>Recommendation – It is recommended that a new subsection be created within subsection 11 that properly conveys and highlights the human rights abuses that have resulted from state security laws and policies, whether directly or as a result of state oversight of systematic practices such as extrajudicial killings of gang or gang-like members (suggested title – 'Human rights abuses resulting from state security laws and policies'). Examples of excerpts that could be cited in this section include:</p> <p><i>'The deteriorating security situation following the breakdown of the gang truce is reported to have prompted a strong response from politicians and the security forces. In January 2015, high-ranking police officers and politicians were reported to have authorized members of the security forces to use their weapons against criminals "without fear of any consequences". In February 2015, the Police Inspector General reportedly characterized the confrontations between the gangs and the security forces as a 'war', arguing that gang members killed during such confrontations do not count as executions'</i> (page 21, footnote numbers removed, 2016 UNHCR Eligibility Guidelines on El Salvador).</p> <p><i>'A related area of concern is legislative change that has led to near-complete police impunity, giving them "carte blanche to do whatever they want." Changes to part of the penal code in 2014 make cases of state abuse easy to dismiss if, for example, the accused's commanding officer submits a report saying the use of lethal force was required. This has resulted in almost all cases against the police and military being thrown out before they reach a judge, a particular concern given the growing number of complaints, the repressive elements of PESS and the lack of options for anything other than a militarised response.'</i> (page 18, footnote numbers removed). Internal Displacement Monitoring Centre and School of Advanced Study, University of London, 'An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador', September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020.</p> <p><i>'The Special Rapporteur found a pattern of behaviour among security personnel amounting to extrajudicial executions and excessive use of force, nurtured and aggravated by very weak institutional responses. Elements of the legal framework, such as the Special Law against Acts of Terrorism and its application to gangs, elements of the 2013 reform of the Code of Criminal Procedure and the 2016 extraordinary security measures have contributed to this.'</i> (para. 36, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p>	<p>Partially accepted.</p> <p>As previously stated, we do not propose to cover state abuses in this note. We are considering including it in another COI product.</p>

2.10 Section 12 – Criminal justice system

This is an accurate but untidy section, with information that could either be cross-referenced in different subsections or actually moved for a more efficient organisation of the content. The section is lacking some basic context. In addition, the issue of police participation in extrajudicial executions merits its own sub-section, distinct from the one on impunity. The information on available women's services could be moved to the same subsection or at least cross-referenced if the aim is to include a gender perspective throughout Section 12.

Reviewer's comments	Home Office response
<p>Suggestion – Subsection 12.2 would benefit from further explanation about the responsibilities of additional institutions that comprise El Salvador's criminal justice system by, for instance, citing from: International Crisis Group, 'El Salvador's Politics of Perpetual Violence', Latin America Report No. 64, 19 December 2017, https://d2071andvip0wi.cloudfront.net/064-el-salvador-s-politics-of-perpetual-violence.pdf Last accessed: 18 September 2020.</p> <p><i>'The institutions in charge of investigating and trying crimes in El Salvador are the prosecutor's office, the police and the judiciary. The prosecutor's office (in Spanish Fiscalía General de la República) is part of the larger public ministry, while the judiciary is headed by the Supreme Court and its different chambers. Both are independent public powers; in contrast, the National Civil Police is run by the executive branch's Ministry of Justice and Public Security' (page 5, footnote numbers removed).</i></p> <p>If the prosecutor's office and the judiciary are not classified as law enforcement agencies, the subsection could be renamed so as to encompass these entities.</p> <p>Suggestion – Subsection 12.2 could also include some background on the separation of public security and military functions that occurred as a result of peace accords that put an end to El Salvador's civil war in 1992. This background would explain why various national and international organisations have raised concerns about the risks of undermining this separation. An example of what is being suggested is as follows:</p> <p><i>'To end military rule, the Peace Accords stipulated a set of reforms affecting primarily the military and military-controlled police forces. The Accords called for a purge of the military and its removal from the public domain; its functions were relegated to the protection of borders and the performance of external military operations. The police forces (National Police, National Guard, and Treasury Police) that had participated in the harsh repression of the population before and during the 1980s war were dissolved; in 1992, a new police force, the National Civilian Police (PNC), was created that absorbed demobilized excombatants from both sides of the war and recruited 60 percent of its members from civilians. Yet the success of those demilitarizing processes is questionable given the increasing toughening of approaches to security, the permanent employment of the military in public patrolling, and the remilitarization of the country's police, part of whose personnel as demobilized excombatants had been effectively trained during the 1980s conflict in repressive approaches akin to the ethos of postwar mano dura.' (page 108, references removed). Ainhua Montoya, 2018, The Violence of Democracy: Political Life in Postwar El Salvador. Cham, Switzerland: Palgrave Macmillan.</i></p> <p>With regard to the concerns raised, some examples are:</p> <p><i>'With regard to public safety, the Government has strengthened joint police-military work. In 2016, it launched the "Force for the Intervention and Recovery of the Territory", composed of 600 military and 200 police officers in February; the Specialized Reaction Forces, composed of 600 military and 400 police officers, in April; a task force "Centro Histórico", composed of 400 military reservists and 400 police officers in June; and the Joint Group for Community Support in November. The involvement of the armed forces in policing functions dates back to December 1992 and increased significantly in 2009. It has expanded without a proper legal framework that determines the specific role of the military units involved in public security tasks, thus potentially leading to a de facto militarization of civil policing.' (para. 22, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</i></p>	<p>Accepted.</p> <p>We will review, restructure and update this section in its entirety.</p> <p>The excerpt from the Crisis Group is useful; we will include links to the further contextual background.</p>

Reviewer's comments	Home Office response
<p><i>'The joint police-military deployments have been accompanied by ambiguous and permissive speech regarding their human rights obligations. For example, the Director of the National Public Security Academy stated that: "The full legitimacy of the State to preserve the police is in your hands ... There is no need to think that there are human rights involved, that there is criticism from the press or international organizations: when the legitimacy of the State is disrespected, you have to make use of all tactics." The Director of Police publicly affirmed that: "No case will be left in impunity, we will look for them under stones and if they resist, they will die. Whoever harms a member of the police should prepare for a hail of fire.'</i> (para. 26, footnote numbers removed, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p> <p>Suggestion – Subsection 12.2 could reproduce a citation suggested in 11.3 to note that the deployment of military forces in public security has become permanent rather than exceptional:</p> <p><i>'The military role in public security is [...] clearly established as exceptional. However, in practice, the executive, the legislature and the military and police forces have turned what should be an exceptional regime into a norm in the name of public emergency.'</i> (para. 25, footnote numbers removed, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p>	
<p>Suggestion – In subsection 12.3, note the predicaments of police officers who live in the same areas as the gangs they combat while doing their jobs. An example of this suggestion is the following excerpt:</p> <p><i>'The National Civil Police has 28,000 officers, around 90 per cent of whom come from humble social backgrounds, and the average salary is \$424 per month. This forces many to live in gang-controlled areas, usually neighbourhoods with lower rents, putting them and their families at risk. Officers in the field describe feeling alone and emotionally exhausted during but also after work.'</i> (page 5, footnote numbers removed). International Crisis Group, 'El Salvador's Politics of Perpetual Violence', Latin America Report No. 64, 19 December 2017, https://d2071andvip0wj.cloudfront.net/064-el-salvador-s-politics-of-perpetual-violence.pdf Last accessed: 18 September 2020.</p>	Thanks.
<p>Suggestion – Rename subsection 12.7 "Effectiveness of law enforcement agencies" or, if the prosecutor's office and judiciary are not technically classified as law enforcement agencies, rename it in such a way that it encompasses these additional institutions, as the section speaks to the effectiveness of all of them through the selected excerpts. If this suggestion is taken, some rearranging of the subsections will be in order, such that at least 12.9 precedes this renamed section.</p> <p>Suggestion – In subsection 12.7, include a note on the impunity that has actually resulted from the mano dura policies and the little coordination among institutions:</p> <p><i>'in El Salvador extreme criminal violence and new norms of legal prosecution based on mass detentions have gravely undermined the country's courts. [...] Poor relations with the police undermine the prosecutor's office'</i> (page 5). International Crisis Group, 'El Salvador's Politics of Perpetual Violence', Latin America Report No. 64, 19 December 2017, https://d2071andvip0wj.cloudfront.net/064-el-salvador-s-politics-of-perpetual-violence.pdf Last accessed: 18 September 2020.</p>	Accepted.

Reviewer's comments	Home Office response
<p>Recommendation – Divide 12.8 into two subsections, the first on ‘Impunity’, as in generally weak or passive institutional responses, and the second on ‘Extrajudicial Executions by State Security Forces’. The section’s conjoining of both issues is confusing and does not give adequate attention to the grave issue of police and military involvement in extrajudicial executions.</p> <p>Suggestion – Include in 12.8 (Impunity subsection) an additional paragraph in the citation of the 2016 UNHCR Eligibility Guidelines on El Salvador.</p> <p><i>‘Between 2009 and 2015, the PNC was the State institution about which the highest number of complaints was made regarding human rights abuses. In 2014 alone, 900 police officers were reported to have been sanctioned for misconduct, with this figure likely representing only a fraction of those who committed abuses. It is reported that overall public opinion in El Salvador tends to view the police as driven by aggressive and vindictive motives rather than by professional ethics. Indeed, individual officers and entire local forces within the police reportedly sometimes take one or the other side in disputes between rival local gangs. Moreover, it is reported that neither the police nor any other State authorities have investigated recent murders carried out by uniformed and heavily armed death squads that give the appearance of having official links.’</i> (page 23, footnote numbers removed)</p> <p>Suggestion – Include in 12.8 (Impunity subsection) additional information about the possibly systematic nature of police excesses and the denial of this by authorities. A helpful source is: International Crisis Group, ‘El Salvador’s Politics of Perpetual Violence’, Latin America Report No. 64, 19 December 2017, https://d2071andvip0wj.cloudfront.net/064-el-salvador-s-politics-of-perpetual-violence.pdf Last accessed: 18 September 2020.</p> <p>The following paragraph could be cited for this purpose:</p> <p><i>‘Government authorities acknowledged there may be some cases of excesses or misconduct but said they were “personal decisions [by officers], not a state policy”. However, several media outlets have published in-depth investigations of alleged massacres of suspected gang members, sexual abuse of minors and extortion. Although the police monitors alleged abuses, and senior security authorities meet monthly with human rights representatives to discuss relevant cases, NGOs have denounced lack of accountability for officers suspected of abuse.’</i> (page 6, footnote numbers removed).</p> <p>Suggestion – Note in 12.8 (Impunity subsection) that the US Department of State 2017 Country Report on Human Rights in El Salvador and subsequent reports have highlighted that <i>‘Impunity persisted despite government steps to dismiss and prosecute abusers in the security forces, executive branch, and justice system’</i> (see also 2018 and 2019 US Department of State Country Report on Human Rights in El Salvador, page 1). In addition, these reports have indicated that officers within these quick-reaction groups have committed serious human rights offenses and are being investigated and, in the case of the Police Reaction Group, even dismantled (this is noted in the 2019 United States Department of State Country Report on Human Rights in El Salvador, page 3).</p> <p>Recommendation – Include in subsection 12.8 (Impunity subsection) the following note on impunity with regard to crimes against lesbian, gay, bisexual, transgender and intersex persons:</p> <p><i>‘Civil society reports indicate almost complete impunity for killings of lesbian, gay, bisexual, transgender and intersex persons. The endemic violence in the country and the territorial control of gangs over certain areas has also had a negative impact on them. In addition to unlawful killings, they have suffered a wide range of human rights violations, including forced displacement, threats and intimidation, sexual violence and torture.’</i> (para. 76, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p> <p>Recommendation – In the suggested subsection on ‘Extrajudicial Executions by State Security Forces’ (or in the ‘Impunity’ subsection if this suggestion is not taken), consider including the following citations to note reports of extrajudicial killings and other abuses by the police:</p>	<p>Accepted.</p> <p>We will create a short sub-section on human rights abuses by the police. However, as stated previously, we consider that a supplementary COI product is required to cover state abuses and other issues.</p> <p>Again, more recent source material would be preferable.</p>

Reviewer's comments	Home Office response
<p>Move this to suggested section paragraph 12.8.2.</p> <p><i>'Interviews conducted with survivors and witnesses of so-called armed confrontations pointed out similar, highly concerning, patterns across these "clashes". In particular, alleged gang members were reportedly killed execution-style and the crime scene tampered with by those responsible or others, including by placing weapons and drugs alongside the dead bodies. A number of interviewees in different locations pointed to a pattern of army officers being replaced immediately after an incident by another team. With few exceptions, the testimonies suggested extrajudicial killings rather than excessive use of force. That pattern was confirmed by similar cases of extrajudicial executions investigated by the Office of the Human Rights Advocate, non-governmental organizations (NGOs) and journalists.'</i> (para. 39, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p> <p>Although there is no clear count of extrajudicial executions by police and military officers, the 2018 report by the Special Rapporteur on extrajudicial executions noted the following increase:</p> <p><i>'the percentage of murders allegedly attributed to the police increased from less than 1 per cent in 2010 (11 out of 4,004 homicides) to almost 5 per cent in 2015 (328 out of 6,656 homicides) and more than 10 per cent in 2017 (412 out of 3,954 homicides).'</i>' (para. 5)</p> <p>The citation suggested for section 11 (specifically a subsection on 'Human rights abuses resulting from state security laws and policies') explaining how legislative changes have contributed to the impunity enjoyed by police and military officers in cases involving extrajudicial executions could be reproduced here:</p> <p><i>'A related area of concern is legislative change that has led to near-complete police impunity, giving them "carte blanche to do whatever they want." Changes to part of the penal code in 2014 make cases of state abuse easy to dismiss if, for example, the accused's commanding officer submits a report saying the use of lethal force was required. This has resulted in almost all cases against the police and military being thrown out before they reach a judge, a particular concern given the growing number of complaints, the repressive elements of PESS and the lack of options for anything other than a militarised response.'</i> (page 18, footnote numbers removed). Internal Displacement Monitoring Centre and School of Advanced Study, University of London, 'An Atomised Crisis: Reframing Displacement Caused by Crime and Violence in El Salvador', September 2018, https://www.internal-displacement.org/sites/default/files/inline-files/201809-el-salvador-an-atomised-crisis-en.pdf Last accessed: 22 September 2020.</p> <p><i>'The deteriorating security situation following the breakdown of the gang truce is reported to have prompted a strong response from politicians and the security forces. In January 2015, high-ranking police officers and politicians were reported to have authorized members of the security forces to use their weapons against criminals "without fear of any consequences". In February 2015, the Police Inspector General reportedly characterized the confrontations between the gangs and the security forces as a 'war', arguing that gang members killed during such confrontations do not count as executions'</i> (page 21, footnote numbers removed, 2016 UNHCR Eligibility Guidelines on El Salvador)</p> <p>Additional sources provided in Section 10 could also be reproduced here:</p> <p><i>'Moreover, since 2014, reports have begun to emerge of death squads and vigilante groups with possible connections to the security forces engaging in the extrajudicial killing of suspected gang members in El Salvador. In 2015 this pattern became more evident with reports of death squads dressed like policemen killing suspected MS gang members and other, mostly young, residents of MS gang-controlled neighbourhoods in different parts of the country. [...] Extrajudicial executions by the PNC of gang members and persons supposed to be affiliated with the gangs have also been reported. The security forces reportedly also carried out mass arrests without legal basis and made excessive and arbitrary use of detention, especially of youth suspected of being gang members. The security forces have reportedly subjected suspected gang members in their custody to severe physical mistreatment.'</i> (page 22, footnote numbers removed, 2016 UNHCR Eligibility Guidelines on El Salvador)</p>	

Reviewer's comments	Home Office response
<p>Insight Crime, 'El Salvador Police Running 'Clandestine Jails': Report', 20 September 2017, https://www.insightcrime.org/news/brief/el-salvador-police-running-clandestine-jails-report/. Last accessed: 25 September 2020. <i>'Officers of El Salvador's national police are allegedly running "clandestine jails" where they illegally hold suspected gang members, another indication of the extreme anti-gang methods being employed by security forces already implicated in death squad activities. [...] IDHUCA had documented several cases in which young individuals were arbitrarily detained and kept without any justification or record of the detention, sometimes for months. In addition, Baulenas alleged that police regularly torture suspects, and said that his organization had evidence of 10 cases of extrajudicial killings by police. [...]'</i> See also Insight Crime, 'Police Again at Center of Latest Death Squad Uncovered in El Salvador', 4 October 2019, https://www.insightcrime.org/news/brief/police-center-death-squad-el-salvador/. Last accessed: 25 September 2020.</p> <p>See also Human Rights Watch, 'Country Report – El Salvador', February 2020, https://www.hrw.org/world-report/2020/country-chapters/el-salvador. Last accessed: 25 September 2020. <i>'The Central American University Human Rights Institute received seven reports of elite police units burning victims. In March, in a sugarcane field, agents of the National Civil Police's Tactical Operation Section allegedly beat and strangled a blindfolded, handcuffed youth whom they suspected of gang membership or hiding weapons or drugs, and set fire to the field where they left him unconscious. Victims or witnesses of eight arbitrary arrests in two incidents in 2019 and late 2018 told Human Rights Watch of beatings at police barracks and threatened criminal charges for "illicit association," a vaguely defined offense used to prosecute those suspected of gang membership. [...] In August, the Lethal Force Monitor, a collaborative investigation by researchers in five Latin American countries, reported that Salvadoran police and soldiers killed 1,626 people from 2010 through 2017. Authorities claimed that more than 90 percent of the victims were gang members and that nearly all were killed in "confrontations" or "shootouts." [...] Also in August, the PDDH reported that it had examined killings of 28 boys, 7 women, and 81 men and found few resulted from confrontations. In 70 percent of cases, witnesses said victims were unarmed. In 37 percent, witnesses said they saw police move the body or place or hide evidence. In 30 percent, the body showed signs of torture, including sexual assault.'</i></p> <p>See also Human Rights Watch, 'Deported to Danger', February 2020, https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and. Last accessed: 25 September 2020.</p> <p><i>'In this report, we documented cases in which government authorities were responsible for committing grave abuses against deportees in particularly violent neighborhoods. These abuses—alongside low arrest, hearing, and conviction rates—are especially concerning, because they contribute to residents' perception that authorities are persecutors, rather than protectors facing structural limits on their ability to successfully pursue their work.'</i> (page 72, footnote numbers removed)</p>	
<p>Suggestion – Move 12.9 behind subsection 12.6 Recruitment and training.</p> <p>Suggestion – In 12.9, quote from the 2016 UNHCR Eligibility Guidelines on El Salvador so as to offer consistency vis-à-vis other sections in which this source has served as a key reference. This addition would further enhance the subsection by emphasising the corruption pervading the judiciary and the many judges against whom complaints have been lodged, as well as the direct link between this corruption and the country's ongoing impunity:</p> <p><i>'The judicial system is reported to be particularly inefficient and subject to corruption, a practice that in turn contributes to high levels of impunity for crimes in El Salvador, where the criminal conviction rate reportedly is less than 5 per cent. In 2012 alone, there were reports of ongoing investigations into complaints against 487 of the 600 serving judges in El Salvador. The Salvadorian penal system is reported to have a history of particular weakness when it comes to prosecuting high-level drug traffickers. Even specialized anti-mafia judges have reportedly been arrested on charges of receiving bribes from organized criminal groups'</i> (page 24, footnote numbers removed).</p>	<p>Not accepted.</p> <p>See comments previously about the UNHCR guidelines (and other older sources in this note). Where more recent information is available from authoritative sources, we will use this to ensure currency.</p>

Reviewer's comments	Home Office response
<p>Suggestion – Move subsection 12.10 above such that it directly follows from 12.9.</p> <p>Recommendation – In subsection 12.10, cite from the 2016 UNHCR Eligibility Guidelines on El Salvador on the low rates of reporting and prosecuting of gang crimes, extortion among them:</p> <p><i>'In general, [...] intimidation and violence against complainants reportedly continues to contribute to a climate of impunity from criminal investigation and prosecution. Victims are particularly averse to reporting crimes perpetrated by gangs for fear of reprisals. For example, a survey indicates that 84 per cent of businesses that were subjected to extortion did not lodge a complaint with the police or other authorities due to threats by gangs and the gangs' practice of killing those who do report them to the authorities. Complaints to the police about gang extortion are reportedly often relayed back to the gangs, which then exact severe retribution on the complainants.'</i> (page 24, footnote numbers removed).</p> <p>Recommendation – In subsection 12.10, note the reasons that explain why women may be reluctant or afraid to report domestic or gang violence. This can be supported, for instance, with the following excerpt from the 2016 UNHCR Eligibility Guidelines on El Salvador.</p> <p><i>'Fear, shame and lack of confidence in what is generally considered an ineffective and unsupportive justice system reportedly come together to prevent many women from reporting domestic or gang violence. Moreover, a particular issue reported to exacerbate women's vulnerability is the fact that the penal code in El Salvador prohibits abortion in all circumstances such that, between, 2000 and 2011, it is reported that 129 women were prosecuted for crimes relating to abortion, 23 of whom were convicted of abortion and 26 of homicide. By contrast, despite the fact that Salvadorian women, men and children are at risk of trafficking (for forced labour as well as sexual exploitation), the police in El Salvador are reported to have made only 96 arrests for human trafficking between 2012 and 2015, of which only 35 cases ended in conviction.'</i> (page 25, footnote numbers removed)</p> <p>Suggestion – Although related to an earlier section, the following could be referenced in subsection 12.10 so as to offer a more integral approach to the issue of prosecutions.</p> <p><i>'To date none of the allegations have resulted in the conviction and sentencing of any police or military officer, making conviction rates for killings by security personnel even lower than the overall criminal conviction rate, which stands at less than 5 per cent. Few of these allegations have been fully and properly investigated.'</i> (para. 45, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions).</p>	<p>Accepted – although if there are more recent sources on this topic, that would be helpful.</p>

Reviewer's comments	Home Office response
<p>Suggestion – In subsection 12.11, cite the special rapporteur on extrajudicial executions to note that assistance is rarely available for most victims in general:</p> <p><i>'The Special Rapporteur was alarmed by the paucity of services available to survivors of violence.'</i> (para. 8, 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions)</p> <p>Recommendation – In subsection 12.11, the limitations of the service Ciudad Mujer, created to assist women who are victims of violence or other crimes, should be acknowledged. In this vein, the following has been highlighted by an InSight Crime investigation:</p> <p><i>'Coerced from all sides, women have little institutional resources at their disposal. El Salvador has created government centers dubbed "city of women" (Ciudad Mujer) that group together services ranging from filing an official police complaint to banking services and health attention. But the UN official said that funds are too limited and institutional coordination too weak to really have any impact.'</i></p> <p><i>The issue is also often deeply rooted in reactionary entrenched mentalities. Sex workers, for instance, extorted financially and sexually by gangs and corrupt security forces alike, told InSight Crime that their access to these attention centers was generally denied due to the stigmatized nature of their work.'</i></p> <p>Sourced from: InSight Crime, 'Extortion and Sexual Violence: Women's Unspoken Suffering', 26 April 2019, https://www.insightcrime.org/investigations/extortion-sexual-violence-womens-unspoken-suffering/ Last accessed: 28 September 2020.</p> <p>Recommendation – Move or at least cross-reference in this subsection (12.11) the following paragraphs so as to build a more comprehensive picture of the assistance available to women: 12.3.4, 12.7.3, 12.9.6 and 12.12.5.</p> <p>Comment and Recommendation – 12.11 does not mention the assistance available to lesbian, gay, bisexual, transgender and intersex persons, as well as migrants and internally displaced persons and human rights defenders, even though these are included as the main 'groups at risk' in the 2018 report by the UN Special Rapporteur on extrajudicial executions. Nor does it suggest what services are available for young people and children, despite being an age segment very affected by lethal violence and forced gang recruitment or collaboration. All these could even merit their own subsection; at a bare minimum some detail should be included in this one. Examples of references/quotes in this regard are:</p> <p>The 2018 report by the UN Special Rapporteur on extrajudicial executions, summary or arbitrary executions:</p> <p><i>'The lack of trust in State institutions and the systematic abuse of and discrimination against lesbian, gay, bisexual, transgender and intersex individuals inhibits the victims' search for justice and redress. [...] While the definition of hate crime was included in the Penal Code in 2015, no case has so far been catalogued as such and no conviction has been obtained under that provision.'</i> (para. 75)</p> <p><i>'Civil society reports indicate almost complete impunity for killings of lesbian, gay, bisexual, transgender and intersex persons. The endemic violence in the country and the territorial control of gangs over certain areas has also had a negative impact on them. In addition to unlawful killings, they have suffered a wide range of human rights violations, including forced displacement, threats and intimidation, sexual violence and torture.'</i> (para. 76)</p> <p><i>'Both State and non-State actors target transgender women. They are particularly exposed to police violence during the evening and night. The Special Rapporteur learned of several horrific attacks on transgender women by police and gang members. She received information about a transgender woman who was raped by two police officers in order to be released from detention.'</i> (para. 78)</p> <p><i>'The Special Rapporteur appreciates the launch by the Ministry of Justice and Public Security of its institutional policy for the lesbian, gay, bisexual, transgender and intersex population. That is an important step towards addressing the aforementioned violations. Other initiatives include the development of a new protocol for lesbian, gay, bisexual, transgender and intersex persons deprived of their liberty guaranteeing dignified conditions during imprisonment and a pilot violence prevention programme carried out in the municipality of Santiago Nonualco (La Paz).'</i> (para. 80)</p>	<p>Accepted.</p> <p>We will include some more material in this report but consider that more detail about women and LGBTI persons might be better placed in a supplemental CPIN.</p>

Reviewer's comments	Home Office response
<p>2018 Report of the Special Rapporteur on the human rights of internally displaced persons:</p> <p><i>'At the time of the visit, there was no legal or policy framework in place for internally displaced persons and no registration system to record and monitor cases. The Ministry of Justice and Public Security stated that the numbers affected by internal displacement due to violence had been low and that their displacement was commonly temporary and quickly resolved, normally through return to their homes. The Special Rapporteur was informed that all victims were provided with assistance and protection under Government policies, including the Safe El Salvador Plan, which were having a positive impact on criminal activity. However, this position was in marked contrast to the views of the majority of other public officials, including senior judges and the Ombudsman, who acknowledged and described the extent of internal displacement and expressed their concern and frustration about the situation and the position of the Government.'</i> (para. 31)</p> <p><i>'The legislation relating to illegal limitation to freedom of movement requires the filing of a report to certify that the crime was committed in order to involve a State institution (national police, for instance) that can provide a response. In the current context of violence, civil society representatives state that most people do not file reports due to concerns about their safety because of the weak protection mechanisms provided by the State. Equally, while providing a limited legal protection framework that is relevant to aspects of the experience of internally displaced persons, it does not establish forced internal displacement as a specific crime resulting in a particular category of victims in need of protection, restitution of rights or durable solutions.'</i> (para. 33)</p> <p><i>'In 2006, the Supreme Court of Justice passed a Special Law for the Protection of Victims and Witnesses. While a positive step, it was noted that the Law focused on witnesses of crime and witness protection and did not include internally displaced persons as a unique category of victims requiring support, assistance and protection. The Law provides for measures to protect the identity and location of victims or witnesses; temporary or permanent protection through the provision of police escorts, temporary housing, or change of domicile or employment; and support measures to provide health care, psychological support and legal services, and help with housing, food, maintenance and employment. Urgent measures can be applied immediately and temporarily according to the risk, before a permanent solution is found.'</i> (para. 34)</p> <p><i>'Within its limited capacity and resources, the Ombudsman's Office provides legal assistance and psychosocial support to victims of forced displacement or those at risk of displacement, with support from UNHCR and civil society groups. Many cases are referred directly to civil society organizations with greater capacity to provide essential assistance, such as safe houses. In 2017, the Ombudsman's Office released its forced displacement registration report for 2016, in which it called for the Government to officially recognize the problem of internal displacement and to improve existing measurement and registration mechanisms among other measures'</i> (para. 37, footnote numbers removed).</p>	
<p>Suggestion – In subsection 12.12, note that corrupt police officers and public officials have been responsible for revealing the whereabouts of citizens who have joined El Salvador's witness protection programme. We know of no open access reference in English that speaks directly to this point but an example of what is being suggested is:</p> <p><i>'even though a state witness protection program exists, this can be accessed only by those who are involved as actual witnesses in criminal trials. While in the program, they are separated from their family and sequestered in a house under the protection of police officers. Their protection ends with the conclusion of the trial. Funds are so meager that only critical witnesses are accepted and, even then, there is evidence that some witnesses have been murdered by gangs and organized crime structures who have uncovered the whereabouts of witnesses through corrupt police officers or public officials'</i> (page 261, references removed, Ainhoa Montoya, 2018, The Violence of Democracy: Political Life in Postwar El Salvador. Cham, Switzerland: Palgrave Macmillan).</p>	<p>Is the source a published text – as it seems to be.</p> <p>If so, we are happy to quote the reviewer, referencing their own work.</p>

2.11 Section 13 – Freedom of movement

The statistics on internal and external migration (13.1) require updating. The part on internal relocation (13.2) would benefit from some modification and the inclusion of additional information contained elsewhere in the CPIN (or cross-referencing to it).

<p>Recommendation – in section 13.1, suggest citing a report that alludes to the existence of different estimates for the scale of internal displacement in El Salvador in place of source 13.1.1 which cites only one such estimate. The report is as follows.</p> <p>Internal Displacement Monitoring Centre, School of Advanced Study, University of London, Knox, Vickie, Cantor, David, ‘An Atomised Crisis: Reframing Displacement Caused By Crime and Violence in El Salvador’, September 2018, https://www.internal-displacement.org/sites/default/files/publications/documents/201809-el-salvador-an-atomised-crisis-en.pdf. Last Accessed: 10 September 2020. <i>‘What little data is available suggests that the number of people internally displaced by criminal violence in El Salvador is high, and has risen significantly in recent years. In a 2017 public survey, 5.1 per cent of respondents said they had been forced to move in the previous year because of threats. This percentage, extrapolated to reflect the population of El Salvador, produces a figure of 296,000 new displacements, with over a quarter of people having moved twice or more. Using a different methodology, a government-led profiling study published in 2018 found that 1.1 per cent of the households questioned had been forced to change their residence within the last ten years [between 2006 and 2016] because of violence.’</i> (page 6, square brackets added, footnote numbers removed)</p>	<p>Accepted, however we may move this information to a supplementary COI product.</p>
<p>Recommendation – in section 13.1, suggest citing updated figures on refugee numbers in place of source 13.1.1. As at the end of 2019, there were a total of 178,300 Salvadorian refugees and asylum seekers worldwide. UNHCR, ‘Fact Sheet: North of Central America Situation’, July 2020, https://data2.unhcr.org/en/documents/details/77934. Last accessed: 10 September 2020.</p>	<p>As above.</p>
<p>Suggestion – in section 13.2.4, move the excerpt from the source cited at this paragraph to before the source cited at 13.2.2, since the former source (2016 UNHCR Eligibility Guidelines on El Salvador) was published prior to those cited in paragraphs 13.2.2 et seq. This ensures consistency with the CPIN methodology of usually citing sources under a section heading in their date of publication order.</p>	<p>Accepted.</p>

3. Review of responses to COI requests

3.1 1-10. Response to an Information Request – El Salvador: Crime [02/19-080]

Summary of request: Risk of youth recruitment to gangs on return and consequences of refusal to join. Internal relocation and protection issues.

<p>It is unclear from the request summary whether the request concerns the risk of youth recruitment into gangs generally or, more narrowly, the existence of any additional unique risk factors for youths who are sent to El Salvador after living overseas (i.e. the ‘deportee’ scenario). The Response appears to try and cover the former (1.1.1-1.1.2) and the latter (1.1.3-1.1.4). It is also curious that the Response does not refer to the CPIN on El Salvador – presumably the CPIN was not in existence at the time of the request and the comments below assume as much.</p>	<p>The response predates publication of the CPIN and is superseded by it. Therefore, we have archived the response and it will no longer be accessible to decision makers.</p>
<p>The Response misses what is probably the principal point of reference or departure in the context of information relevant to assessing asylum claims, i.e. the 2016 UNHCR Eligibility Guidelines on El Salvador. That source offers an important baseline of information specifically on the issue of youth recruitment by gangs and the consequences of refusal (pages 11-13, 35-38), as well as questions of state protection (pages 22-26) and internal relocation (pages 26-27). It also addresses the deportee scenario (page 28). The sources produced by the IDMC (1.1.2 and 1.1.3) and the NGO Cristosal (1.1.4) are reliable and on point. However, it is unclear why the US OSAC source (1.1.1) was included in place of a range of more pertinent sources about gangs and their composition and modus operandi. The Al Jazeera source (1.1.5) appears reasonable, although more robust sources (which it probably reflects but does not cite) could have been used to substantiate the wider points about state protection and internal relocation, including the UNHCR Eligibility Guidelines and the IDMC report. The issue of state protection is largely unaddressed by the Response.</p>	
<p>No changes to the document are recommended since this source has presumably been superseded by the CPIN on El Salvador. However, if that is not the case, then the information here should be supplemented with extracts drawn from the sources cited in the CPIN once the latter has been updated in line with the Review above.</p>	

3.2 1-10. Response to an Information Request – El Salvador: LGBT [12.19.051]

Summary of request: Information on LGBT persons and general information on the country.

The second part of the request summary is quite broadly drawn ('and general information on the country'). The Response appears to develop that in relation to freedom of movement/internal relocation for LGBT individuals.	The response predates publication of the CPIN and has been superseded by it. We will archive the response.
The Response misses a key point of reference or departure in the context of information relevant to assessing asylum claims, i.e. the 2016 UNHCR Eligibility Guidelines on El Salvador. That source offers an important baseline of information specifically on the issue of LGBT individuals in El Salvador (pages 38-39) and internal relocation considerations that would be relevant also to LGBT individuals (pages 26-27). Otherwise, the sources cited in the Response look to be appropriate and provide basic information on the issues involved. Note, though, that the description of the source at 2.1.1. ('Forced Migration, an organisation that documents migration reported in October 2019') is incorrect – the source is actually a journal article published by Vickie Knox. The NRC REDLAC source is a good one and has information that might usefully be added to that cited in the section on LGBTI persons (10.7) of the CPIN.	
No changes to the document are recommended since this source has presumably been superseded by the CPIN on El Salvador. However, if that is not the case, then the information here should be supplemented with extracts drawn from the sources cited in the CPIN once the latter has been updated in line with the Review above.	

3.3 1-10. Response to an Information Request – El Salvador: Political affiliation [06/20-086]

Summary of request: Registration of political party, 'Nuevas Ideas'.

<p>This is a very basic request on the issue of the registration of the political party of El Salvador's incumbent president.</p>	
<p>This request is reasonably covered. On the subject of political affiliation, however, much could be added that is not currently reflected in the CPIN report, focused as it is on gangs and gang crimes. New additions could offer pertinent background on the country's political polarisation and the aggressions and death threats that arise on the basis of political affiliation. These could also shed light on largely overlooked aspects in the CPIN report such as links between gangs and political actors having to do with anything from covert electoral negotiations to certain crimes. It is unclear whether this information request will be eventually incorporated into the CPIN report and how that would be done given the current structure of the report. A new section could be created in the report that covers the contemporary political and historical background and incorporates this request as well as the additional suggested issues. Relevant sources that update and expand information about the incumbent government as well as the country's political background, the issue of political violence and the links between the country's political actors and gangs are: International Crisis Group, 'Miracle or Mirage? Gangs and Plunging Violence in El Salvador', Latin America Report No. 81, 8 July 2020, https://d2071andvip0wj.cloudfront.net/081-miracle-or-mirage.pdf Last accessed: 21 September 2020; or the non-open access book: Ainhoa Montoya, 2018, The Violence of Democracy: Political Life in Postwar El Salvador. Cham, Switzerland: Palgrave Macmillan.</p>	
<p>No changes to the document itself are recommended. However, general background on political affiliation in El Salvador and the country's political party system would contribute towards a better understanding of the issues covered in the CPIN report.</p>	<p>We will be producing a new COI product on El Salvador which will provide general background, including the political situation.</p>

