



Inspection Report on Country of Origin Information, Ethiopia, Iran and Zimbabwe

January 2022

David Neal

Independent Chief Inspector of
Borders and Immigration

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Our purpose

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

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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 is my first report as the Independent Chief Inspector of Borders and Immigration. It covers the reviews considered and signed off by the IAGCI at its November 2021 meeting that related to Ethiopia, Iran and Zimbabwe.

I have no further recommendations to make in addition to the ones contained in the individual reviews, the majority of which the Home Office has already accepted fully or partially.

The report was submitted to the Home Secretary on 17 January 2022.

A handwritten signature in black ink, appearing to read 'David Neal', followed by a period and a horizontal line underneath.

David Neal
Independent Chief Inspector of Borders and Immigration

1. Scope

1.1 In June 2021, the Independent Advisory Group on Country Information (IAGCI) sought tenders for reviews of the following Country Policy and Information Notes (CPINs) and Country of Origin Information Requests (COIRs):

- Ethiopia
 - ‘Opposition to the government’ (July 2020)
 - Ten COIRs (from 2020 and 2021)
- Iran
 - ‘Women fearing ‘honour’-based violence’ (March 2021)
 - ‘Women – early and forced marriage’ (February 2021)
 - ‘Kurds and Kurdish political groups’ (January 2019)
- Zimbabwe
 - ‘Opposition to the government’ (February 2019)
 - ‘Medical treatment and healthcare’ (April 2021)
 - Seven COIRs (from 2020 and 2021)

1.2 These particular CPINs were selected with the aim to review reports that were recently published and those that were due for review by the Home Office in late 2021. At the time of selection, Iran accounted for approximately 11% of all asylum claims made in Q2 2021,¹ whilst the selected CPINs for both Ethiopia and Zimbabwe were recent or due for review.

1.3 The tenders were assessed by the IAGCI Chair, with input from the Chief Inspector. The reviewer with the most relevant, country-specific knowledge, with particular expertise in refugee and human rights, along with familiarity with the UK system, was selected in each case.

1.4 The completed reviews were quality assured by the IAGCI Chair and sent to the Country Policy and Information Team (CPIT), who added its responses, forming a single document for each country review.

1.5 The IAGCI met virtually on 3 November 2021 to consider the reviews and the CPIT responses. The agenda and attendees of the meeting are at Annex A.

¹ Immigration statistics, year ending June 2021. <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2021/how-many-people-do-we-grant-asylum-or-protection-to#asylum-applications>

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

3 November 2021 (11:00am to 1:00pm) via Microsoft Teams

IAGCI Members:

Michael Collyer (MC), University of Sussex (Chair)
Larry Bottinick (LB), UNHCR UK
Giorgia Dona (GD), University of East London
Ceri Oeppen (CO), University of Sussex
Susan Pitt (SP), Upper Tribunal Judge
Katinka Ridderbos (KR), UNHCR Geneva
Harriet Short (HS), One Pump Court
Nando Sigona (NS), University of Birmingham

Apologies (Members):

Julie Vullnetari (JV), University of Southampton

Independent Chief Inspector of Borders and Immigration (ICIBI) Representatives:

David Neal (DN), Independent Chief Inspector
Hollie Patel (HP), Minute taker
Halbert Jones (HJ), Minute taker

Home Office Country Policy and Information Team (CPIT):

Martin Stares (MS), Head of CPIT
Robin Titchener (RT), Senior Country Manager (Africa and Americas)
Jacqueline Niven (JN), Senior Country Manager (Asia)
Jeanette Walcott (JW), Senior Country Manager (Europe and Middle East)
Anna Johnstone (AJ), Country Manager (South and Central Africa plus Caribbean)
Angela Yates (AY), Country Manager (Horn of Africa plus Central America)
Pauline Crichlow (PC), Country Manager (Central Asia)

Reviewers:

Laura Hammond (LH), Ethiopia
Kudzai Chatiza (KC), Zimbabwe
Iran Reviewer (Anon), Iran

Annex B: Biographies of the reviewers

Laura Hammond (Ethiopia)

Laura Hammond is Professor of Development Studies at School of Oriental and African Studies (SOAS) University of London. She is also head of the London International Development Centre-Migration Leadership Team, and Team Leader of the EU Trust Fund's Research and Evidence Facility on migration and conflict in the Horn of Africa. She has been conducting research on refugees, conflict, food security, migration and diasporas in and from the Horn of Africa since the early 1990s. She lived in Ethiopia from 1993–2000, conducting research and working for UN agencies, non-governmental organisations (NGOs) and donors including UNHCR, United Nations Development Programme (UNDP), U.S. Agency for International Development (USAID), Oxfam, Médecins Sans Frontières, the International Committee of the Red Cross, the Food Economy Group and the World Food Programme. She is the author of 'This Place Will Become Home: Refugee Repatriation to Ethiopia' (Cornell University Press: 2004), editor (with Christopher Cramer and Johan Pottier of 'Researching Violence in Africa: Ethical and Methodological Challenges' [Brill 2011] and many book chapters and journal articles. She was a member of the Independent Advisory Group on Country Information from 2009 to 2020 and Chair from 2013 to 2020. She is a Fellow of the Academy of Social Sciences.

Anon. (Iran)

[redacted]

Kudzai Chatiza (Zimbabwe)

Kudzai Chatiza is a student of land, local governance with experience of over 27 years in development work, research, civil society strengthening, housing, urban development, and consulting on/in Zimbabwe and the East and Southern Africa (ESA) region. Some of the research and consulting has supported UN-aided policy development, and direct engagement with governments on policy and service delivery.

Annex C: Review of the July 2020 Home Office Country Policy and Information Note on Ethiopia: Opposition to the Government

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

Professor Laura Hammond FaCSS

SOAS University of London

October 2021

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1. Introduction

1.1 Instructions

I have been instructed to review the Home Office's Country Policy and Information Note (CPIN) 'Ethiopia: Opposition to the Government' (Version 4.0, July 2020). Specific guidance for this review has been provided to me by the Office of the Independent Chief Inspector for Borders and Immigration as follows:

Description of work

Specifically the review should entail:

- assessing the extent to which information from source documents has been appropriately and accurately reflected in the CPIN Reports
- identifying additional sources detailing the current human rights situation in the country with respect to main grounds for asylum claims (which are noted in each 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

Specific guidelines

Reviewers should follow these specific guidelines:

- the review should focus exclusively on the country of origin information contained within the document, and not pass judgement on the policy guidance provided
- the CPIN should be reviewed in the context of its purpose as set out above. It should consider the situation in the country 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. A reporting template will be provided to reviewers (for reference please refer to the most recent reviews on the IAGCI webpage for examples of the template)

- any suggestions for additional information (or corrections to information in the document) must be referenced to a source document for the Home Office to be able to use it (preferably Open Source). The Home Office may use foreign language source documents, but only if the information is considered essential and is not available in English language source

In compiling this review, I have been mindful of the significant changes to the country conditions that have taken place in Ethiopia since the publication of the CPIN in July 2020, and in particular since November 2020 when civil conflict broke out in the northern region of Tigray and later in Amhara and Afar regions.

1.2 Methodology

I have carefully reviewed the document section by section. I have referred to the sources listed in the bibliography of the CPIN, as well as additional sources that are publicly available. I have also used my own background as an expert on Ethiopia for the past 30 years to evaluate the information presented in the report.

The report below highlights the areas where attention is needed. I have quoted in *italics* the text being referred to in each paragraph. Where I suggest changes to the text, I either note them in underlined text directly in the quoted passage or else suggest rewording in the text that follows.

1.3 Summary of review

The Ethiopia: Opposition to the government CPIN provides a broadly accurate and clear description of the conditions that were in place as of mid-2020. This included a general and significant opening of space for free expression in many parts of the country, release of political prisoners and jailed journalists and bloggers, and registration of formerly banned groups as legitimate political parties. Much of the information from the report comes from the September 2019 Home Office Fact Finding Mission to Ethiopia and is a good demonstration of the value of such missions to collecting detailed and accurate data from a wide range of sources in the country. The report is generally clearly written and sources are appropriately identified.

The report, however, suffers from two main weaknesses. The first is that it tends to focus inordinately on the aspects of the Ethiopian political landscape which have opened up and less on the areas where human rights and protection concerns continue to be seen. This can be seen in particular in Section 2: Consideration of issues, in which generalisations about the overall political climate are made. These, as I have noted below, tend to give the impression that political opposition is able to operate unfettered, that freedom of expression of all kinds is allowed, and that most political prisoners have been released.

What we have seen since Prime Minister Abiy Ahmed took power is that there was initially a significant opening of space for the expression of political plurality, but that over time this space has been constrained, with large numbers of arrests in Tigray, Amhara, and Oromia regions in particular (even before the start of the hostilities in the North), constraints on freedom of expression, and curtailment of the activities of newly-registered political opposition parties. Many of these incidents are mentioned in the report as exceptions to the new climate of openness that Ethiopia has seen, but they

seem to be treated as aberrations rather than as evidence that the opening is not as significant as had originally been proclaimed (not least by the bestowing of the Nobel Peace Prize on PM Abiy).

The report's focus on the steps taken by the new government to open political space may, in some cases, be due to the fact that its information-gathering for it ended some time before the actual publication date – so, for example, the arrests that followed the killing of popular Oromo musician Hachalu Hundessa on 29 June 2020 (technically before the publication date of the CPIN) are not discussed. The arrests that followed the assassination of Amhara Regional President Ambachew Mekonnen, his adviser Ezez Wassie in Bahir Dar, and the national security forces Chief of Staff Seare Mekonnen in Addis Ababa (See 3.7) are discussed in Section 4.4, but they are not seen as a major shift in government policy towards opposition figures and their supporters, which is what they have turned out to be.

The second point which makes the report difficult to understand in some places, particularly for people who may not be familiar with the vast array of Ethiopian political personalities, parties and locations, is that there is a lack of context given to the opposition parties and what they stand for. Mention is made of the Ogaden National Liberation Front (ONLF), for instance, as having been formed in 1984 (See 11.1) and the fact that a ceasefire agreement was signed with the government in August 2018, but no information is given about the nature of the nearly four decade-long ONLF struggle against the Ethiopian state (and its various governments) or of the fact that the peace agreement had been negotiated (with Kenya as a mediator) since 2012. Nor is any information given about what the peace agreement contains, which would help the reader to understand how the two parties had come to an agreement and how the ONLF is now approaching its interactions with the Ethiopian State. This is perhaps the most striking example, because it is the longest, but lack of context also prevents an understanding of the Ginbot 7's various iterations and alliances over the years, which saw it emerge from the Coalition for Union and Democracy (CUD) after the latter's leaders were arrested in the aftermath of the 2005 elections and released only after they were forced to sign confessions. Indeed, the Chairwoman of the National Electoral Board of Ethiopia, Birtukan Mideksa, was a former CUD leader who spent 18 months in prison.

Without such context, the report would be difficult for anyone who has not been following Ethiopian politics closely for many years to make much sense of what is being presented. Also, given that many of the leading figures – such as Birtukan Mideksa, Berhanu Nega, Jawar Mohamed and others – have shifted alliances from one party to another, and from regime supporter to critic or vice versa, these details may make a material difference in the way that an asylum seeker's claims are considered. I do realise that the report is already quite long, at 125 pages, but I would suggest that future iterations of such a report include a paragraph at the beginning of the section on each party briefly summarising their political stance and any relevant history relating to their interactions with the state.

This leaves my final point (which I give as my top recommendation below), which is to question the extent to which the July 2020 CPIN can still be said to be useful in light of subsequent events in Ethiopia. I recognise that it is outside the scope of my terms of reference to provide a full update on events that have taken place over the past 16 months, but the dramatic nature of these events, and the fact that they are hardly hinted at at all in the report, makes it inconceivable not to mention them.

The hostilities that broke out in the Northern Tigray region on 3 November 2020 brought to a head tensions that had been building since well before Abiy Ahmed came to power as Prime Minister. The animosity reflected the frustration that people had felt with the ruling coalition that had dominated the Ethiopian People's Revolutionary Democratic Front (EPRDF) from 1991 to 2018, on the central government side, and insistence on the Tigrayan side that, under the terms of the Constitution's provisions for ethnic federalism, it had a right to determine its own leadership. It also built on long-term animosities over competing land claims, particularly in the area of western Tigray which Amharas claim was taken from them in the early 1990s. However, the heavy-handed treatment by the Government of Ethiopia toward the Tigray Defence Forces and Tigrayan civilians generally, has been characterised by brutality, and there is strong evidence of war crimes and crimes against humanity having been committed, including the use of rape as a weapon of war, selective starvation of a population, torture, arbitrary arrests and killings. It will require a whole new CPIN to document the situation in the north of Ethiopia, even given the extremely limited access to information from the front lines. One cannot speak of the current government as being tolerant of political pluralism and free speech, given its approach to the conflict in Tigray, which has now also spilled over into the Amhara and Afar regions.

While the Government of Ethiopia has been keen to refer to the conflict against the Tigray Defence Forces as an internal security matter, the involvement of the Eritrean military in collusion with federal forces, and the evidence of mass killings, ethnic cleansing, rape and sexual violence and torture, as well as the killing of at least 23 humanitarian aid workers over the last year show that this is a full-blown civil war with no clear end in sight. The conflict risks destabilising the federal government and has put Tigrayan civilians, including politicians, journalists, academics, civil society leaders, health workers, both in Tigray and in other parts of the country, at grave risk. Even non-Tigrayans who express support for a negotiated end to the violence have been criticised by the ruling regime, and my contacts – both Tigrayan and non-Tigrayan – in Addis Ababa have expressed fears for their own safety if they speak out against the war.

Because of this situation, I would urge the Home Office Country Policy Information Team (CPIT) to remove this report from circulation and to produce a new report on political opposition to the Ethiopian Government as quickly as possible to address the emerging bases for claims that many asylum seekers from northern Ethiopia may have.

Main suggestions relating to the COI Requests:	
<p>1. The July 2020 CPIN on Ethiopia: opposition to the government should be removed from circulation and updated as an urgent priority to reflect the deteriorating security and human rights situation in the country, in particularly in Tigray, Amhara and Afar regions.</p>	<p>Partially accepted: We recognise that the situation in Ethiopia has changed significantly since July 2020. However, we have been waiting on the promulgation of a Country Guidance (CG) case on risks faced by Oromo Liberation Front (OLF) supporters, which was heard by the Upper Tribunal (UT) in February 2021, and we expect the determination to be released shortly.</p> <p>Nevertheless, we will remove the existing CPIN. When the CG case is promulgated, we will draft and publish an OLF-specific CPIN, taking into account the UT’s findings. CPINs covering other opposition groups, e.g. Ginbot 7 and Tigrayan People’s Liberation Front (TPLF), will be considered according to business need.</p> <p>Reviewer response: I think that it is necessary to address the question of whether and to what extent Tigrayans face risk, given that COI from before 2018 would not have identified them as being at risk at all and the current CPIN’s characterisation of the risk they face does not, in my view, acknowledge the full range of risks that Tigrayans in the country face.</p>

<u>Main suggestions relating to the COI Requests:</u>	
<p>2. Future CPINs should, in summarising the general situation of the country, reflect the diversity of conditions in Ethiopia. While there have been some important openings of political space, there have also been some shockingly repressive practices that must be reflected in the report summaries.</p>	<p>Accepted: We agree that is important when summarising the situation in the assessment and COI sections that we aim to accurately capture the diversity of conditions and experiences relevant to the group(s) being considered as far as is possible. We believe we provided an accurate reflection of the situation at the time of the report. However, since the CPIN was published, the situation has changed. Any more recent attempts to close political space will be reflected in a new CPIN or CPINs.</p>
<p>3. Future CPINs should also, when discussing particular opposition groups, provide a minimum of one paragraph of context to explain what the main grievance(s) of the group are and any relevant historical information to ensure that the description of mergers, alliances, splits, agreements and disagreements involving the group can be understood by someone who does not have an in-depth knowledge of the country. Having seen many other CPINs over the years, I would suggest that this recommendation should apply to all country reports dealing with opposition groups.</p>	<p>Accepted: we agree it is useful for Decision Makers (DMs) to be provided with some historical background about political groups as context to understanding their present circumstances. We will aim to balance that with DMs’ clear ask that CPINs are kept as short and succinct as possible.</p>

1.4 Understanding of the themes addressed in the Country Information Guidance (CIG) reports

How well does the report reflect prevalent legal usage and academic understandings of the themes under consideration?

As noted above, the report is based on a solid understanding of the legal usage and academic understanding of the themes under consideration. However, it becomes difficult to follow for someone who may not know Ethiopia all that well due to a lack of contextual information about the political and historical positions of each of the opposition groups discussed.

1.5 Quality and balance of sources

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

The quality of sources is generally very good – as noted above, it is evident that the fact-finding mission of September 2019 yielded important information that has definitely enhanced the quality of the report. There is one place – in the description of the Ogaden National Liberation Front – where ‘Encyclopaedia Britannica’ is cited as an authoritative source. I have looked at the original source and it does not provide much beyond the most basic information. The encyclopaedia cannot be considered a primary source, so I have recommended that it not be used, and have suggested an alternative open access source.

2. Review

2.1 Consideration of issues

Section 2 Consideration of issues provides a relatively brief overview of a range of issues relevant to the consideration of opposition to the government. I understand that, in many paragraphs, very general information is given that is considered at greater length later on in the report. However, I do have several recommendations for improved clarity and coherence in this section.

Issue	Home Office response
2.4 Risk, a. Political opposition – general	<p>Subsequent to this review and promulgation of the CG case mentioned above, we will substantially and substantively revise the CPIN (or CPINs, since we are considering breaking the note up into discrete notes examining the particular political groups). It is likely that much of the text will be rewritten, therefore it is probable that most, if not all, of Prof Hammond’s proposed changes will not be reproduced in the revised version of the CPIN.</p> <p>We have acknowledged what we agree with in our response below, based on the CPIN’s content and information available as of June/July 2020.</p> <p>Reviewer response: Is the response above, that ‘it is probable that most if not all of Prof. Hammond’s proposed changes will not be reproduced in the revised version of the CPIN’ correct? There appears to be an error here.</p>
2.4.1, 2.4.2 EPRDF is written as ERPDF (See also 3.11.7 where the same typos exist)	Accepted
2.4.1 Rather than saying EPRDF had ruled ‘for over 20 years’ I would say since May 1991	Accepted

<p>2.4.3</p> <p><i>The new prime minister initially introduced a wave of reforms including:</i> <i>an opening up of the political environment and a shift in the government’s stance towards the political opposition, <u>freedom of speech.</u></i> (Underline added)</p> <p>While Prime Minister Abiy Ahmed may have declared his intention to allow freedom of speech, his performance since then has been rather less ambitious. Rather than saying ‘freedom of speech’ I recommend being more specific, referring to the release of journalists held in detention and unbanning of several news outlets. These steps certainly opened up space for freer expression, but true and full freedom of speech is still lacking in Ethiopia.</p>	<p>Accepted</p>
<p>2.4.5</p> <p><i>‘The first regional and nationwide elections since Prime Minister Abiy came to power were scheduled for August 2020. These have since been postponed due to the COVID-19 pandemic with no new date agreed.’</i></p> <p>Although this is correct in terms of the cut-off date for publication of this report, it is worth noting that the elections were held nationwide in 2021, and that Tigray Region unilaterally held elections in September 2020, which is one of the triggers that sparked the violence that began in November 2020.</p>	<p>Noted, with thanks.</p> <p>Developments since July 2020 will be included in the updated CPIN(s).</p>
<p>2.4.5</p> <p><i>‘The government facilitated and accepted the results of a referendum on the future status of the Sidama zone in November 2019.’</i></p> <p>There is a lack of context concerning the reference to Sidama zone’s referendum, so it is not clear in the text what the referendum was about. It was a vote to determine whether Sidama should be recognised as an autonomous regional state. According to the National Elections Board of Ethiopia, “over 98% of people who voted wanted the creation of a new regional state. Out of a registered voter population of 2,280,147, those that voted YES were 2,277,063, representing 98.52 percent whiles (sic) the remaining 1.48 percent voted NO. The turnout was 99.86 percent the NEBE added.” AfricaNews, ‘Sidama referendum: Over 98% vote ‘YES’ for Ethiopia’s 10th regional state,’ 23/11/2019. https://www.africanews.com/2019/11/23/sidama-referendum-over-98-vote-yes-for-ethiopia-s-10th-regional-state//</p>	<p>Accepted</p>
<p>2.4.6</p> <p><i>‘Although the experiences of opposition groups differ depending on the political group, and the region and area they operate in, generally there has been an improvement in groups’ ability to function and challenge the government.’</i></p> <p>While this is true in much of the country, there are important exceptions, as this report shows in parts, and as the current situation in Tigray can attest. The passage gives the impression that political opening has taken place throughout the country, which is misleading. I recommend rewording to say ‘The experiences of opposition groups differ depending on the political group and the region and area they operate in; in some areas there has been an improvement in groups’ ability to function, while in others this space is still severely limited.’</p>	<p>Partially accepted: The quote was an accurate reflection of the general situation at the time of publication and more detail about the circumstances of specific named groups is set out in the sections which followed (2.4.14 to 2.4.27). As Prof Hammond mentions, the situation has changed since the publication of the report – especially in Tigray – and these changes will be reflected in the updated CPIN(s).</p>

<p>2.4.8</p> <p><i>‘Historically, opposition party members and activists have been subject to arbitrary arrest and lengthy detention without charge, ill treatment, torture and extrajudicial killings. In July 2018 Prime Minister Abiy Ahmed admitted the use of torture and unlawful interrogation techniques on those detained under the previous regime, and by the end of 2018 over 60 high level government officials had been arrested on charges of torture and corruption. The process to bring those to justice is reportedly slow and not wholly effective however, there have been examples of cases being prosecuted for past abuses. Since April 2018 approximately 10,000 political prisoners have been released and/or granted pardons, including prominent politicians, journalists and human rights activists.’</i></p> <p>While it is true that many political prisoners were released in the early days of PM Abiy’s tenure, it is also true that arbitrary and political arrests have increased more recently. This is referred to with reference, for example, to Tigrayans being arrested as noted in 4.3.8, as well as Amharas being arrested in the days following the assassination of the Amhara Regional President (see section 4.4.13). It is therefore misleading to refer only to the release of political prisoners and not to the increasingly frequent arrest of political actors since 2018.</p>	<p>Partially accepted: As Prof. Hammond notes below, the next paragraph in the report (2.4.9) goes on to mention ‘hundreds of arrests for political reasons, particularly in Oromia’. The note also acknowledges politically motivated arrests re the ONLF in para 2.4.19 and the OLF in para 2.4.25. However, it does not mention the post-July 2018 arrests of Tigrayans and Amharas.</p>
<p>2.4.9</p> <p><i>‘While some sources report hundreds of arrests for political reasons, particularly in Oromia, including low level supporters or sympathisers, they are usually held for a short time and then released, and the overall numbers of arrests have declined since April 2018. Additionally, while there are some reports of torture and ill-treatment of detainees and of harsh detention conditions which vary between settings, there is also evidence that torture is no longer routine or widespread.’</i></p> <p>It is claimed that the overall numbers of arrests have declined since April 2018. Although it comes after the date of publication of this report, it is worth noting that, even at the time the report was published, there were reports of increased incarceration. Just after this report was published, the Ethiopian Human Rights Commission issued a report indicating that more than 9,000 people had been arrested after violent protests against the government following the 29 June assassination in Addis Ababa of popular Oromo musician Hachalu Hundessa (See Reuters 13 August, 2020, ‘Mass arrests in Ethiopia raise spectre of repressive past,’ https://www.reuters.com/article/us-ethiopia-arrests-idUSKCN2591KH; Human Rights Watch, 15 August, 2020. ‘Ethiopia: Opposition Figures Held Without Charge,’ https://www.hrw.org/news/2020/08/15/ethiopia-opposition-figures-held-without-charge). Protests in response to Hachalu’s killing began in Addis Ababa but quickly spread throughout Oromia Region, prompting arrests across the region and resulting in over 170 deaths, some by security forces (see Human Rights Watch (HRW) 2021 World Report, https://www.hrw.org/world-report/2021/country-chapters/ethiopia. Arrests included those of Jawar Mohammed, Bekele Gerba and Eskinder Nega and Sintayehu Chekol “for their alleged involvement in the violence” (see HRW above). These figures are discussed in Section 4.2.7 but the fact that they were incarcerated just before the report was released is not mentioned, presumably because the arrests took place after the data collection had taken place. However, they pre-date the publication date so should be included.</p> <p>More recently, the arbitrary detentions of Tigrayans, activists and journalists, both in Tigray and in Addis Ababa, have escalated, as documented in a press release from Amnesty International (16 July, 2021, ‘Ethiopia: End arbitrary detentions of Tigrayans, activists and journalists in Addis Ababa and reveal whereabouts of unaccounted detainees,’ https://www.amnesty.org/en/latest/press-release/2021/07/ethiopia-end-arbitrary-detentions-of-tigrayans-activists-and-journalists-in-addis-ababa-and-reveal-whereabouts-of-unaccounted-detainees/). On 30 September, 2021, VOA News reported that, according to Mulugeta Gebrehiwot Berhe, ‘a former senior Ethiopian official and Tigrayan who founded the Institute for Peace and Security Studies at Addis Ababa University,’ ‘More than 17,000 Tigrayans were in the military alone when the war began [in November 2020] and have been detained.’ https://www.voanews.com/a/africa_ethiopia-detains-tigrayans-amid-war/6205198.html</p>	<p>Partially accepted: Due to our internal review process and external consultation process, there can be a time lag between collection of information and publication of the report, which explains the unintentional omission of some events which occurred close to publication date. However, we agree that, ideally, all events which occurred prior to the cut-off date for the report should have been included.</p> <p>Thank you for the post-July 2020 references. These will be looked at during the drafting of the new CPIN.</p>

<p>Further evidence of an increasing trend of political arrests is reported by the BBC on 8 June 2021, which includes information relevant to the period covered by the report:</p> <p>“About 45,000 detainees have been released”</p> <p>Human rights organisations have long criticised Ethiopia for the detention of government opponents.</p> <p>During Mr Abiy’s initial year as Prime Minister, he was praised for freeing political prisoners.</p> <p>Fisseha Tekle, a researcher at Amnesty International, said the exact number of those released was not available, but it could be in the region of 45,000.</p> <p>However, many other people have been detained during Mr Abiy’s term of office.</p> <p>Human rights organisations have documented evidence of thousands of arrests.</p> <p>“Evidence collected by Amnesty International in Tolay [military camp], shows that at least 10,000 people were detained there in rounds of mass detention that started in January 2019, and continued to September 2019,” said Amnesty.</p> <p>“Similarly, former detainees at Sanqale [police training centre] estimated the detainees there to be at least 2,000.”</p> <p>In 2020, the state-run Ethiopian Human Rights Commission reported 9,000 people had been detained following outbreaks of violence after the killing of Oromo singer Hachalu Hundessa.</p> <p>“The release of thousands of political detainees in the last months of the [previous] administration and initial months of Mr Abiy’s time in office were ground-breaking, but the lull was brief,” says Laetitia Bader, from NGO Human Rights Watch.</p> <p>“From mid-2019, following an alleged attempted coup in the Amhara region, the government started to arrest political opponents.</p> <p>“This trend increased significantly from 2020, with the widespread arrests of supporters, family members and political opposition figures, journalists, and artists.” (See https://www.bbc.co.uk/news/world-africa-57158038)</p>	
<p>2.4.9</p> <p>This paragraph also claims that “there is evidence that torture is no longer routine or widespread.” This generalisation, while reported in some places, has so many exceptions, and more recently has been so soundly reversed, given the treatment of Tigrayans in the north and in Addis Ababa as well as others engaged in protests and armed protests against the state, that it is at best not helpful, and at worst possibly dangerously misleading. I recommend removing this statement.</p>	<p>Partially accepted: The paragraph, as quoted above, did acknowledge that there were reports of torture which varied between settings, as well as evidence that torture was not routine. Events since July 2020 have made clear, certainly in the conflict situation in Tigray, that the situation may have changed. However, this was less apparent in July 2020.</p> <p>The post-July 2020 evidence of ill-treatment or torture of detainees will be re-examined for the revised CPIN(s).</p>

<p>2.4 b. Formerly designated terrorist organisations</p>	
<p>2.4.15</p> <p><i>‘However, during 2018, Prime Minister Abiy Ahmed removed the designation of these groups as terrorist organisations and welcomed high-profile leaders and their groups back to Ethiopia. A number of high-profile prisoners have also been released and/or pardoned, including the deputy leader of Ginbot 7 who had been detained since 2014.’</i></p> <p>It was not Prime Minister Abiy Ahmed who removed the designation of opposition groups as terrorist organisations, but rather the Council of Representatives. While powerful, Abiy does not have the kind of absolute power that this paragraph suggests. This should be corrected. See Al Jazeera, 5 July 2018. ‘Ethiopia removes OLF, ONLF and Ginbot 7 from terror list,’ https://www.aljazeera.com/news/2018/7/5/ethiopia-removes-olf-onlf-and-ginbot-7-from-terror-list</p>	<p>Accepted, thank you for the clarification</p> <p>Is Prof. Hammond able to provide references which can clarify the following points?</p> <p>Our understanding is that in January 2015, Ginbot 7 and Ethiopian People’s Patriotic Front (EPPF) merged, with the new organisation called Arbegnoch Ginbot 7 for Unity and Democracy Movement (AGUDM) and that this coalition collapsed in September 2015. What we’re unclear about is what happened afterwards, specifically:</p> <p>Is the EPPF still active? The organisation has a website which is regularly updated but are there sources which show whether the organisation has been involved in any recent anti-government activities or come to the adverse attention of the authorities? (The references provided by Prof. Hammond in her review of the EPPF response 11/20-062 date from 2007 and 2008)</p> <p>Reviewer response:</p> <p>It appears that at least some members of the EPPF are still active and are allied with Arbegna Fano, a group sometimes misleadingly attributed as a ‘youth’ group, which has been linked to violence in Northern Gondar and Western Tigray (including the massacre at Mai Kadra in December 2020). See https://eppf.net/Ethiopia/fano/ and https://borkena.com/2020/04/23/fano-leader-mesafint-tesfu-reportedly-gave-in-through-mediation/</p>

It should be noted for clarity that AGUDM is also sometimes referred to as AG7 or Patriotic Ginbot 7. In May 2015, another agreement was announced forming a coalition between Patriotic Ginbot 7 and the Tigray People's Democratic Movement, the Gambella People's Liberation Movement (GPLM), Benishangul People's Liberation Movement (BPLM), Amhara Democratic Force Movement (ADFM).

Does Arbegnoch Ginbar still exist? Has the organisation been involved in any recent anti-government activities or come to the adverse attention of the authorities? Does it exist and operate as a separate entity or is it part of the EZEMA coalition along with Ginbot 7?

Reviewer response: Arbegnoch Ginbar reportedly split from Ginbot 7 in September 2018. See <https://borkena.com/2018/09/23/arbegnoch-ginbar-splits-from-ginbot-7-soon-after-returning-home/>

It has joined the coalition EZEMA (Ethiopian Citizens for Social Justice) <https://www.africanews.com/2019/05/10/ethiopia-s-ginbot-7-dissolves-transforms-into-new-united-party//>

Does Ginbot 7 still exist as a separate entity or has it been entirely swallowed by EZEMA?

Reviewer response:

I have not been able to find evidence of recent activities of Ginbot 7 as an opposition party. Its leader, Berhanu Nega, was named as Minister of Education in October 2021. See <https://borkena.com/2021/10/06/education-quality-a-priority-for-the-new-minister-berhanu-nega/>

<p>2.4.b.ii. ONLF</p>	
<p>2.4.18</p> <p><i>'In August 2018, the ONLF declared a ceasefire and in October of that year signed a peace agreement with the government and were welcomed back to the Somali Region (the Ogaden) in eastern Ethiopia.'</i></p> <p>Rather than merely indicating that a 'ceasefire' was declared in August 2018, more context is needed to briefly explain what the conflict between ONLF and the federal government was about, and the fact that the peace talks that culminated in the ceasefire began in 2012 (and were brokered by Kenya). The ONLF conflict with the Ethiopian state is a long one, which has to do with territorial control, governmental neglect of the Somali Regional State, the ONLF's early insistence on secession from Ethiopia which, has now been replaced by a desire for greater regional autonomy and resources. Later in the report Encyclopaedia Britannica is given as a source of authoritative information on the Ogaden/ONLF conflict. While the information contained in this entry is accurate, it is not a primary source of data and is so general as to be not very helpful. A better source would be: Conciliation Resources/Aden Abdi, September 2018, 'Does change in Ethiopia offer hope for Ogaden peace talks?' https://www.c-r.org/news-and-insight/does-change-ethiopia-offer-hope-ogaden-peace-talks</p>	<p>Accepted: We agree that a paragraph of background information for each political party would provide useful context in the COI section, however we need to reach a balance between need-to-know context and keeping the CPIN as succinct as possible.</p>
<p>2.4.b.iii. OLF</p> <p><i>'Since the country guidance determination of MB, the country situation has improved. Following the removal of the OLF's designation as a terrorist group in 2018, hundreds of thousands of people gathered in Addis Ababa to welcome back its leaders, although sources noted subsequent arrests. In April 2019 the Oromo Liberation Army (OLA) split from the OLF political party and in May the OLF stated it would merge with the Oromo Federalist Congress (OFC). In November 2019, the OLF registered with the election board (NEBE) as a political organisation, agreeing to work with other political parties in Oromia state. In January 2020, the OLF signed an agreement with the Oromo Federalist Congress (OFC) and Oromo Nationalist Party (ONP) to form a coalition in the forthcoming elections (at the time of writing postponed indefinitely). However, some sources indicate that the OLF (and the OLA) may not be a single entity, but has fractured into a number of sub-groups and in some areas is not controlled by a single person or entity. OLF sources told the Home Office in September 2019 that they operated in Addis Ababa and the surrounding area and had opened 40 offices in 2019 across the country, although 30 subsequently closed.'</i></p> <p>This paragraph, on the opening of space for the OLF to operate in, is misleading. It begins by saying that the country situation has improved since the country guidance determination MB (OLF and MTA – risk) Ethiopia CG [2007] UKAIT 00030 (28 March 2007). While it is true that the OLF's designation as a terrorist organisation was lifted in 2019 and it began to operate more widely throughout the country as a legitimate political party, it is also the case that the OLF and OFC (Oromo Federalist Congress) have accused the Ethiopian Government of harassment, mass arrests, and office closures. The sentence indicating that the OLF "had opened 40 offices in 2019 across the country, although 30 subsequently closed" elides the reason for the closures. Ezega News Agency reported on 27 February 2020 that "The Oromo Liberation Front (OLF) and Oromo Federalist Congress (OFC) have accused the Oromia security forces of detaining over 5,000 of their members and shutting down offices in Oromia region ahead of the 6th Ethiopian national elections to be held in late August. The allegation comes as the Oromia regional government blames the rebel Oromo Liberation Front (OLF) also known as 'Shene' and another Oromo armed group called 'Aba Torbe' or a 'killing squad' are causing terrors against supporters of Prime Minister Abiy Ahmed." (Ezega, 'OLF, OFC Accuse Government of Detaining over 5000 Members, Shutting Down Offices' 27 February 2020. https://www.ezega.com/News/NewsDetails/7783/OLF-OFC-Accuse-Government-of-Detaining-over-5000-Members-Shutting-Down-Offices</p>	<p>Partially accepted: As mentioned previously, this paragraph provided an assessment of the general situation, which was an accurate reflection at the time of the report. Later paragraphs in the note acknowledge and consider the different and varying reports of arrests of people linked with the OLF.</p> <p>However, since the CPIN was published, the situation has continued to change, including the arrests of OLF members, referred to by Professor Hammond, and also the more recent appointment of the Deputy Chairman of the OLF to Abiy Ahmed's Cabinet. All post-July 2020 information will be considered when drafting the revised CPIN(s).</p>
<p>2.4.23</p> <p><i>'Armed members of the OLF – the Oromo Liberation Army (OLA) – returned to Ethiopia in September 2018 and committed to laying down arms, with sources indicating that, in February 2–10, up to 1,000 members had entered government rehabilitation camps...'</i></p> <p>For context, it would be better to say that rather than "Armed members of the OLF – the Oromo Liberation Army (OLA) – returned to Ethiopia" that "The leadership of the Oromo Liberation Front returned from exile in Eritrea in September 2018." (See Reuters, 15 September 2018. 'Exiled leader of Ethiopian rebel group returns home amid reforms,' https://www.reuters.com/article/us-ethiopia-politics-idUSKCN1LV0GP)</p>	<p>Accepted</p>

2.2 Country information (Section 3)

<p>3.1 Change of prime minister</p>	
<p>3.1.1</p> <p><i>The United States Department of State (USSD) ‘Country Reports on Human Rights Practices – Ethiopia’ (USSD report 2019) published 11 March 2020 covering events in 2019 noted: ‘In February 2018 then prime minister Hailemariam Desalegn announced his resignation to accelerate political reforms in response to demands from the country’s increasingly restive youth. In April 2018 parliament selected Abiy Ahmed Ali as prime minister to lead broad reforms.’</i></p> <p>This paragraph implies that the main agents of change within Ethiopia were the ‘increasingly restive youth’. In fact, the demands for the change in leadership were more widespread than this and involved broad swathes of society who were frustrated at the repression of the Tigrayan-led EPRDF government. Grievances included concerns about the spread of land settlement from Addis Ababa into territory claimed by the Oromia Region, other land conflicts between Amhara and Tigray regions, and in parts of Oromia. Concerns also included lack of political space, curtailment of free speech, arbitrary arrests, control by the government over the leadership of Orthodox Christian and Muslim institutions, and other factors. See New York Times, 18 February 2018. ‘A Placeholder Prime Minister Departs. What Comes Next?’ https://www.nytimes.com/2018/02/18/opinion/ethiopia-hailemariam-desalegn-state-emergency.html</p>	<p>Accepted, and thank you for the reference</p>
<p>3.5 Accountability for past torture/corruption</p>	
<p>3.5.5 – Abdi Mohammed Omar, the former president of Somali Federal Regional State, is variously referred to throughout this report with this name, and also as Abdi Illey or Abdi Iley. He should be referred to consistently throughout using both Abdi Mohammed Omar and Abdi Illey, as he is better known by some by the latter name.</p>	<p>Accepted</p>
<p>3.6 Designated terrorist organisations</p>	
<p>3.6.7</p> <p>Insert quotes around the title of the Al Jazeera article cited –</p> <p><i>Al Jazeera in its article Thousands of Ethiopians hail return of once-banned Oromo group, dated 15 September 2018.</i></p>	<p>Accepted</p>
<p>3.6.8</p> <p><i>‘The HO FFM team interviewed Hassan Moalin, ONLF who stated that the ONLF signed a deal with the government on 21 October 2018 and on the 1 December 2018, they were welcomed back to Addis Ababa. The same source noted: ‘When Abiy came to power in 2018, he opened a political space for us all. We believed it was a miracle when he delists us (sic) as terrorists in parliament and said they were struggling for their right and the government [EPRDF] was committing a crime against humanity.’</i></p> <p>It would be clearer to indicate on the last line that the accusation that the ‘government was committing a crime against humanity’ refers to the EPRDF, as indicated in the underlined text.</p>	<p>Accepted</p>
<p>3.7 Assassinations and attempted coup: June 2019</p>	
<p>3.7.2</p> <p><i>‘Foreign Policy, a global affairs media organisation, in its article entitled ‘Ethiopia is at a ‘Very Critical Juncture’ published on 24 June 2019 noted that there was confusion about the nature and planning of the assassinations.’</i></p> <p>This article is incorrectly cited. It is not Foreign Policy that is expressing the view that Ethiopia is at a critical juncture, but rather the article is a Q&A with HRW’s Felix Horne, and this position is that of Horne. The article itself is written by Jefcoate O’Donnell. https://foreignpolicy.com/2019/06/24/ethiopia-is-at-a-very-critical-juncture-abiy-bahir-dar/</p>	<p>Accepted</p>

2.3 Treatment of opposition group (Section 4)

<p>4.2 Discrimination and harassment</p>	
<p>4.2.1</p> <p><i>'The UN Human Rights Council's Summary of Stakeholders' submissions on Ethiopia dated 4 March 2019 in a submission from Cultural Survival, US noted "...surveillance of the general population had been conducted at the grassroots level and that EPRDF, had several informants and enforcers in the remote regions of the country. Surveillance had been conducted through a 'one-to-five' system, where one party member had been assigned to monitor five people."¹⁴⁹ The time frame and profile of those subject to surveillance was not noted in this report. The submission refers to the New York Times article from November 2017.'</i></p> <p>What is the submission referred to in the last sentence? The UNHRC's report does not refer to this article, and no citation is given to the CS submission directly. It is not clear why this is mentioned as one must click through to the footnote's URL to know that this is an article about surveillance in Ethiopia. It should also be noted that surveillance in Ethiopia is not a new thing, and that people have, at least since the Red Terror during the 1970s, become accustomed to being watched by their neighbours and by local leaders, in cities through the local council or <i>kebele</i> system.</p>	<p>Accepted. The submission referred to in the last sentence is the submission from Cultural Survival to the Human Rights Council (submission date October 2018) available here. This should have been made clearer in the text.</p>
<p>4.2.6</p> <p><i>In the same report, the Ambo University lecturers in relation to Oromia <u>said</u> that 'Political groups can function but there is still some way to go...'</i></p> <p>Insert underlined text.</p>	<p>Accepted</p>
<p>4.2.7</p> <p><i>'DFID Ethiopia staff noted to the HO FFM team that the <u>there were</u> differing experiences between different political groups and that the main challenges came from non-state actors, 'OLF have said their movements are being restricted. But this is from a spike in groups not government restrictions. Eskinder Nega's [a journalist and leader of the Addis Ababa Baladera Council] group have been refused offices...it is not the government who are restricting them, it is groups at a regional level. In most cases there is a long way to go to reach international standards, it is broadly mixed.'</i></p> <p>It is not clear what is meant by <i>'this is from a spike in groups'</i>.</p> <p>Note that the reference should be to the Baladera Council rather than Baladera.</p> <p>It is also not clear what 'groups at a regional level' refers to. Regional government? The claim that Eskinder Nega was not subject to government interference is unlikely to be true given that, on 30 June 2020 he was arrested and charged with inciting violence in the aftermath of the assassination of Hachalu Hundessa (see 2.4.9 above).</p>	<p>Accepted. We agree that the notes from the FFM are not clear or precise on these points.</p> <p>On the point about Eskinder Nega, the observation was made by the Department for International Development in September 2019, 9 months prior to events in June 2020, and at which time may have been accurate. However, the source does appear to accept that Mr Nega was experiencing interference but, perhaps, the issue of difference is from whom and rests on the interpretation of what is meant by 'regional groups'. If, as suggested above, what is meant is the local authorities as seems likely, then this does not appear to be inconsistent with other sources. Either way, it was the view of the source, based on their experience, at the time they were interviewed.</p>

<p>4.2.10</p> <p>The AI May 2020 report stated:</p> <p><i>‘There have been repeated incidents where members, supporters and leaders of political parties have been unable to hold meetings, demonstrations, and press conferences due to violence and disturbances between opposition supporters and security forces. The police repeatedly prohibited Eskinder Nega, the leader of the Addis Ababa Caretaker Council, from holding press conferences in Addis Ababa.’</i></p> <p>This statement contradicts the claim made in 4.2.7 that Eskinder has not been submitted to government restrictions. In addition, it is necessary to clarify what is meant by the Baldera (sic) Council, referred to in 4.2.7 and the Addis Ababa Caretaker Council referred to here. Eskinder Nega founded the Balderas for Democracy Party in October 2019. It was registered as a political party in January 2020 (see New Business Ethiopia, 22 January 2020, ‘Ethiopia Recognizes Balderas as Political Party, https://newbusinessethiopia.com/politics/ethiopia-recognizes-balderas-as-political-party/).</p> <p>On 30 June, Eskinder Nega was arrested in the aftermath of the killing of Hachalu Hundessa. He was charged together with six other Balderas leaders on 10 September 2020 with “crimes including training a terror group to assassinate the former acting Addis Ababa mayor and inciting ethnic and religious conflict to try and illegally take power in the capital.” (Ethiopia Insight, 20 September 2020, ‘Ethiopian opposition leader Eskinder Nega charged with terror plot to kill ex-Addis Ababa mayor,’ https://www.ethiopia-insight.com/2020/09/20/ethiopian-opposition-leader-eskinder-nega-charged-with-terror-plot-to-kill-ex-addis-ababa-mayor/). The charges stem from Eskinder and his colleagues’ formation of an oppositional ‘caretaker council’ to oppose the Addis Ababa city government.</p> <p>As the text reads now, it is not clear whether Eskinder Nega’s role in the caretaker government was sanctioned (it was not) by government, and it is not clear that the Baldera Council refers to the self-appointed ‘caretaker council’ that was made up of Baldera leaders.</p> <p>This point emerges again in 4.3.12:</p> <p><i>The same source also observed ‘There are exceptional cases where we do have political prisoners but I do not think Abiy would go too far. The Bahir Dar incident [assassinations and alleged coup attempt] now have 300 Amhara activists and political prisoners because of the nationalist issue. An example of this are the forces related to the Baladera (sic) Council, the plan for a caretaker government. He was so annoyed by that, impatience.’</i></p> <p>Clarification is needed as to what the Baldera Council was. Moreover, it is not clear at all what is meant by the last sentence (<i>He was so annoyed by that, impatience</i>).</p>	<p>Accepted: the AI report was released 8 months after the Department for International Development material in 4.2.7, so the information may not be a contradiction so much as a change of circumstances. Also, as suggested above, the DfID material does acknowledge that Eskinder Nega experienced difficulties; the issue of contestation appears to be over the interpretation of ‘regional groups’ and from whom. However, a reordering of the COI (specifically having 4.2.10 immediately after 4.2.7) would have helped to draw out the difference between the 2 sources.</p> <p>Background context on the Balderas for Democracy Party and the party’s formation of a caretaker council would have assisted decision maker’s understanding.</p>
<p>4.3 Arbitrary arrest and detention</p>	
<p>4.3.4 and throughout the report: Wondemagegn Goshu is identified as being affiliated with Addis Ababa University, but it is not clear in what capacity. Clarification should be made that he is Assistant Professor at Addis Ababa University’s College of Law and Governance Studies.</p>	<p>Not accepted: In principle we agree that providing an indication of a source’s expertise and experience are preferable. However, the FFM report referred to Wondemagegn Goshu in accordance with his wishes as expressed to the FFM team. We continued this approach when referring to him in the CPIN.</p>

<p>4.3.7</p> <p>The HO FFM report noted that experiences in arrests could vary between regions. The legal expert noted:</p> <p><i>‘Tigray – there are no such arrests in the Tigray region. They are doing their own business and the Govt. isn’t interfering in the Tigray region too much. There isn’t much interaction between the Federal Govt. and the Tigray regional Govt. But in the Amhara and Oromia regions the federal govt is actively involved. There are mass arrests in both. In the Amhara <u>regions region</u>, they are selective – it’s influential people. In the Oromia region, it is not quite the same.</i></p> <p>This passage contradicts Section 4.3.8 below, and has since been shown to be completely false, as the arrests and animosity between federal government and Tigray regional authorities has escalated into all-out war from November 2020. The substance of the conflict in Tigray is precisely over the accusation by the Tigray authorities that the central government has been interfering in regional affairs too much.</p> <p>Also, please see edit above regarding Amhara region – replace regions with the singular.</p>	<p>4.3.7 and 4.3.8</p> <p>Noted: The CPIN simply reflects the views of the legal expert in September 2019, which accurately reflected their views and experience at the time. That another source had a different perspective does not necessarily invalidate that of the legal expert.</p> <p>The war in Tigray began after the publication of the July 2020 CPIN and while Professor Hammond is correct to point out that the COI indicated tensions between the federal government and the Tigray authorities, there was no indication that the tensions would escalate into war.</p>
<p>4.3.8</p> <p>DFID Ethiopia staff noted to the HO FFM team in September 2019 that:</p> <p><i>‘There have been a couple of high-profile arrests and charges, head of [the National Intelligence and Security Service] NISS who is Tigrayan, arrest warrant issued. He has not been arrested due to political reasons, [but there is a] feeling that there is a targeting of Tigrayans...A long list of Tigrayan people arrested, there is a narrative that Tigrayan people have been targeted now. Think it is a past struggle, obviously I do not see this government has a principle for doing this. They have done better than previous government.</i></p> <p><i>‘However, it is true there are Tigrayans being arrested for political reasons and not for crimes committed. The current government have a principle vision, but how much does this flow through all the organs of states at the moment is unclear. There is a central control over what regions can do, but we are not sure if there are capabilities to do this. There has been an over-representation of Tigrayans in political positions, and people are abusing aspects of security situation and within the forces so that Tigrayans do not appear over-represented.’</i></p> <p>This contradicts the claim made in 4.3.8 that the federal government was not interfering in the affairs of the Tigray regional authorities. It is also here and only here in this report that one can see the seeds of the conflict that broke out into civil war in November 2020. This is remarkable, that at the time of publication, July 2020, only four months before the eruption of hostilities between the central and regional government in Tigray, hardly any notice was taken of deteriorating relations or heightening animosity. And yet the claims that are now being fought over have been building for many years. They are concerned with land rights, particularly in the western zone of Tigray region, as well as grievances over the way that the Tigrayan leadership governed all of Ethiopia from 1991 to 2018. For at least a year prior to the outbreak of hostilities, relations were tense between Amhara and Tigray regions, and travel between the two was insecure. Violent skirmishes were reported at local level. It is these seeds of conflict that later fuelled the outbreak of war.</p> <p>These contradictions should be addressed, although now that the violence in Tigray has eclipsed many of the dynamics reported in this report, it is clear that an entirely new report is needed to take them into account.</p>	<p>(see above)</p> <p>The majority of claims for asylum received by the Home Office from Ethiopia have historically been linked to the Oromia region and the OLF, hence our CPINs have focused on this area.</p> <p>While the situation in Tigray is now the dominant conflict in Ethiopia, we are not aware of any significant numbers of TPLF-related claims for asylum.</p> <p>The general situation in Tigray will be included in a revised Opposition to Government CPIN for completeness and context (although we are also considering whether, instead of a general CPIN, discrete notes considering particular political groups would be more useful for our customers). However, it is not our intention to produce a CPIN which specifically addresses the risk to Tigrayans or supporters of the TPLF, unless we see an increase in claims on this basis which raises a business need to provide this information.</p>

4.8. Students and youth organisations	
<p>4.8.2</p> <p>The same report noted:</p> <p><i>‘Ethiopia has a history of political agitation at the university and student protests across regions are not uncommon.’</i></p> <p>It is not clear whether the speaker means political agitation at Addis Ababa University (which has historically been a site of a great deal of political activism and agitation) or more broadly at other universities as well – the reference to protests across the regions suggests the latter – parenthetical clarification should be given. It is the case that student protests have taken place across the country, not only at Addis Ababa University.</p>	Accepted

2.4 All Ethiopian Unity Party (AEUP) (Section 5)

<p>5.1.3</p> <p><i>The Reporter in ‘Blue ceases its existence In a bid,’ 5 January 2019 noted:</i></p> <p><i>‘A year ago, it was reported that Blue [Semayawi Blue Party] was in a discussion to merge with All Ethiopian Unity party (AEUP); however, AEUP is not part of the recent merger. In this regard, The Reporter asked the vice chairman [of Semayawi Blue Party], the current status of their discussion with AEUP.</i></p> <p><i>“We are still open to work with any other party so long as they are willing to cease their existence. Of course we were in a discussion with AEUP to merge but they are not willing to cease their existence,” Getaneh explained.’</i></p> <p>This passage should either be moved to section 9 or deleted as it does not add any new information that is not included in section 9. Furthermore, in Amharic Semayawi means Blue, so the correct way to refer to the party is either the Semayawi Party or Blue Party. It is incorrect and redundant to call it the Semayawi Blue Party.</p>	Accepted
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2.5 Ethiopia Citizens for Social Justice (ECSJ/E-ZEMA) (Section 6)

<p>6.1.1 in this section discusses the formation of the Ethiopia Citizens for Social Justice (ECSJ) through the merger of seven opposition parties. However, while 6.1.1 and 6.1.2 refer to the ECSJ, from 6.1.3 to the end of the section, the party is referred to as E-ZEMA without any clarifying text to indicate that the two acronyms are interchangeable. EZEMA (note this is the common use of the term rather than E-ZEMA) is the transliteration of the Amharic name for the ECSJ.</p>	Accepted
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2.6 Ogaden National Liberation Front (Section 11)

<p>11.1 History and background</p>	
<p>11.1.1</p> <p>In this paragraph a very brief description of the ONLF is given, which does not give any context for the more than three decade long counterinsurgency involving the ONLF. It is thus difficult to appreciate the significance of the peace agreement signed in 2018 or the shift of the ONLF from a rebel army to a political party.</p> <p>Please see my note about Section 2.4.18. The description of the ONLF presented in 11.1.1 lacks context. In addition, I would suggest using a more complete primary source of information than Encyclopaedia Britannica – see reference to Conciliation Resources in 2.4.18.</p>	<p>Partially accepted: We agree that context is important but the CPIN has to balance volume and content so it is not always possible to provide detailed historical overviews of all of the parties and conflicts. In this instance, we consider that the information provided in 11.1.1, 11.1.2, 11.1.3 and 11.2.1 was sufficient, although it may have been clearer to paraphrase the content, rather than provide quotations.</p> <p>Thank you for the alternative reference.</p>

2.7 Oromo Federalist Congress (Section 12)

<p>12.2 Relationship with other political parties</p>	
<p>12.2.5</p> <p>Second paragraph: <i>‘The coalition [between the OFC, OLF and ONP] comes hardly a week after OFC unveiled its latest member, prominent activist <u>Mohammed Jawar</u>, who said he joined because of a ‘shared federalist’ agenda...’</i></p> <p>Although the Africa News article cited does name him as Mohammed Jawar, his real name is Jawar Mohammed.</p>	

2.8 Oromo Liberation Front (OLF) (Section 13)

<p>13.2 Aims and objectives</p>	
<p>13.2.5</p> <p><i>‘In the same report, the Ambo University lecturers noted that the original aim of the OLF in the 1960s was to create a separate Oromo country but that the position now was different. The OLF wanted proportionate representation in the army and police, and Addis Ababa recognised as the capital of Oromia.’</i></p> <p>This does not make sense as Addis Ababa has always been recognised as the capital of Oromia since the establishment of the system of ethnic federalism under the EPRDF, in addition to being the national capital.</p>	

Links that are not working (numbers correspond to footnote numbers):

2. <https://teams.ho.cedrm.fgs-cloud.com/sites/PROCBF/CPIPROC/Delivery/Delivery/Countries/Ethiopia/Country%20Policy%20and%20Information%20Notes/Political%20Opposition/ETH%20Pol%20Opps/Archive>
4. <https://crsreports.congress.gov/Product/PDFNotFound>
66. <https://commonslibrary.parliament.uk/africa/ethiopia-charts-a-new-course-under-abiy-ahmed-but-challenges-remain/>
112. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/053/56/PDF/G1905356.pdf?OpenElement>
143. <https://www.cia.gov/library/publications/the-world-factbook/geos/et.html>
146. <https://monitoring.bbc.co.uk/login>
189. <https://monitoring.bbc.co.uk/login>
- 333, 340, 341, 342. <http://oromoliberationfront.org/en/mission/>
336. <https://sahanjournal.com/oromo-activists-launch-new-political-party/#.XPfigYWcGhc>
337. <http://www.gadaa.com/OromoLiberationFront.html>

3. Information request reviews

<p>Reference number: 02/21-058</p> <p>Date: 4 March 2021</p> <p>Subject: Ethnicity</p> <p>Key words: Tigrayan ethnic group</p> <p>Summary of request: Current treatment of Ethiopian nationals who identify as Tigray ethnicity. In particular, treatment on return to Ethiopia.</p> <p>This Information Request includes a summary of events up to 4 March 2021. I have reviewed it in terms of the situation as of that date, rather than to the present date, though my Recommendation #1 above applies here: the events of the conflict have deteriorated and the conflict has escalated significantly since 4 March, making the response given now outdated and incorrect. The response says (in 1.1.1):</p> <p><i>Four weeks of intense fighting resulted in what appeared to be a decisive victory for the federal government, but recent information suggests that scattered local challenges and a massive humanitarian emergency is creating a costly occupation. Pockets of resistance still exist and some clashes continue to occur, and some combination of federal government troops, Eritrean soldiers and Amhara regional militias claim to have successfully established control over all major towns in the region.</i></p> <p>Events since March 2021 have shifted the conflict if not in favour of the TPLF (particularly since the June 2021 withdrawal of Ethiopian government troops from the regional capital, Mekelle, and the restoration of the TPLF leadership’s control over the regional government, followed by renewed fighting by the TPLF against the government – see AlJazeera, 30 June 2021, ‘TPLF says Ethiopian gov’t claim of Mekelle withdrawal a “lie”’ https://www.aljazeera.com/news/2021/6/30/army-can-re-enter-tigray-within-weeks-if-needed-govt-official) The fighting has been particularly intense in the western part of Tigray in the town of Humera and its surroundings, and has spilled over into northern parts of Amhara region and Afar region. See VOA News, 16 July 2021, ‘Observers Worry Tigray Fighting Shifting to Ethnic Conflict, https://www.voanews.com/a/africa_observers-worry-tigray-fighting-shifting-ethnic-conflict/6208335.html and Reuters: 22 July 2021, ‘Fighting in Ethiopia’s Afar forces 54,000 people to flee, official says,’ https://www.reuters.com/world/africa/fighting-ethiopia-afar-forces-54000-people-flee-official-says-2021-07-22/)</p>	<p>Thank you for the post-March 2021 references. We will remove the response and update as necessary.</p>
<p>1.1.2</p> <p>This paragraph cites an Australian Department of Foreign Affairs and Trade Ethiopia country report from August 2020 as noting:</p> <p><i>‘Ethnic Tigrayans constitute 6.1 per cent of the population. They reside predominantly in Tigray State, the northernmost part of Ethiopia (neighbouring Eritrea, where Tigrayans constitute a majority)...’</i></p> <p>This is incorrect. The term Tigrayan refers to Ethiopian citizens who are Tigrinya-speakers and whose ancestry derives from the region of Tigray. Tigrayans also refer to themselves as <i>tegaru</i>. In Eritrea, Tigrinya-speaking citizens are referred to as Tigrinya. Although they speak the same language as Tigrayans, they do not have the same identity or history, and in the battle between the Ethiopian government forces and the TPLF, the Eritrean army has joined the Ethiopian government, thereby pitting those members of the Eritrean military who are Tigrinya against Ethiopian Tigrayans.</p>	<p>Thanks. See comment above.</p>

<p>2. Treatment of Tigrayans on return</p> <p>2.1.1. CPIT (Country Policy Information Team) can find no current information specifically about returning Tigrayans.</p> <p>2.1.2. The Australian Department of Foreign Affairs and Trade (DFAT) Ethiopia country report from August 2020 noted:</p> <p><i>‘The authorities have typically welcomed voluntary returnees to Ethiopia, including, since April 2018, government critics and opponents. DFAT assesses that returnees, including failed asylum seekers and/or government critics and opponents, face a low risk of monitoring, harassment, detention and official discrimination. While the authorities have significant intelligence-gathering capabilities and are likely to be aware of major anti-government protest activity undertaken in other countries and online, DFAT assesses that people who openly criticise the ruling party while they are outside of Ethiopia face a low risk of official harm on their return to Ethiopia. DFAT assesses that, under the current federal government, failed asylum seekers face a low risk of harm on their return to Ethiopia, including where they sought asylum on political grounds.’</i></p> <p>Given the brutality of the war in Tigray and the systematic targeting of Tigrayans, both in Tigray and in Addis Ababa that are highlighted in this response, it is completely inappropriate to cite the DFAT report from August 2020, <u>which predates the eruption of fighting in the north of the country</u> as a reliable source. Indeed, 1.2.1 to 1.2.4 of this report cites UNOCHA and The New Humanitarian, both authoritative sources with a regular monitoring presence in Ethiopia, who outline significant risks that Tigrayans may face. Therefore I urge the HO to remove paragraph 1.2.1 in its entirety as being outdated and dangerously inaccurate given events, that have transpired after August 2020.</p>	<p>As above, we will remove the response and update as necessary.</p>
<p>Reference Number: 11/20-062</p> <p>Date: 3 December 2020</p> <p>Subject: Political opposition</p> <p>Key words: Politics</p> <p>Summary of request: Treatment of political opposition members of the Ethiopian People’s Patriotic Front.</p>	
<p>The Tracking Terrorism website provided background on the EPPF:</p> <p><i>‘The Ethiopian People’s Patriotic Front (EPPF) was founded in Eritrea with the merging of the Ethiopian Democratic Movement (EDM), the Benishangul People’s Liberation Movement (BPLM), and the Ethiopian Patriotic United Front (EPUF). The organization’s stated goal is ‘to bring an end to the TPLF tyranny and oppression through armed struggle and bring about unity, justice, democracy, and equality to the Ethiopian people.’ Founded as a rebel group in Eritrea in 1987-88 at the beginning the war between Ethiopia and Eritrea, it operated primarily in the northern Gondar Zone of the Amhara Region in Eritrea. This group tried unsuccessfully to deploy armed dissident groups inside Ethiopia: the Kefagn Patriotic Front, the Ethiopian Unity Front, the Coalition of Ethiopian Democratic Forces and the Benishangul People’s Democratic Movement. In 2005 the movements both dissolved into different Ethnic movements:- Tigerian, Beneshagoul, Southern, Gambella.</i></p> <p><i>‘Ethiopian People’s Patriotic Front (EPPF), also known as Alliance for Freedom and Democracy is an active group formed c. 2000.’</i></p> <p>There are multiple errors in this passage. The EPPF <u>was founded in 1998</u>. It was founded at the beginning of the war between Ethiopia and Eritrea which <u>began in 1998 (and ran until 2000)</u>. It was founded in the Gondar Zone of the Amhara Region of <u>Ethiopia</u> (not Eritrea). The so-called ‘Ethnic movements’ listed are names of regions, not movements or ethnic groups, and are misspelled. They should be: Tigrayan, Benishangul (which refers to Benishangul-Gumuz region, which is made up of several different ethnic groups), Southern (Region – also made up of more than 50 different ethnic groups) and Gambella (also a multi-ethnic region).</p> <p>For alternative sources see EPPF Ethiopia Synopsis of a Struggle from 1998-2008, video produced by the EPPF on the occasion of its 10th Anniversary: https://www.dailymotion.com/video/x7rrjjm</p> <p>Also see John Young, ‘Armed Groups Along Sudan’s Eastern Frontier: An Overview and Analysis,’ Small Arms Survey report, 2007. https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.175.515&rep=rep1&type=pdf</p>	<p>We will remove the response.</p> <p>Thank you for the alternative references.</p>

<p>South of Tigray, Kefagn [a political faction created in opposition to the TPLF's claims over land claimed by Amharas to be part of Gondar Province, considered by the TPLF to be West Tigray zone] carried on a shadowy existence for many years. In 1999 it joined the EUF with two other parties: the Coalition of Ethiopian Democratic Forces and the Benishangul People's Democratic Movement. The Kefagn group later became part of the Ethiopian People's Patriotic Front (EPPF).⁹ This armed group, which appeals to Amhara and pan-Ethiopian sentiments, carries out operations in Gondar and in Gojam, the area west of Lake Tana, and claims to be operational in parts of Gambella, which may suggest a link with Tuat Pal (see below). It is believed to be supported by the Eritrean army and supplies are or were funnelled down the Sudanese corridor. The best indication of Eritrean support has been press releases issued in the name of the EPPF from Asmara, reporting armed encounters and claiming various military victories against the Ethiopian army—although such reports cannot be confirmed. The EPPF is led by Zewdalem Kebede of the International Leadership Commission. In June 2006 the Ethiopian army claimed that it had killed 111 rebels from a group aided by Eritrea—probably the EPPF—in the north Gondar area, although this was denied by the EPPF and Eritrea (AFP, 2006). The EPPF claims that the Alliance for Freedom and Democracy (AFD), founded on 22 May 2006 in Utrecht, the Netherlands, is its political wing.¹⁰ The AFD is a product of the controversial 2005 national elections in Ethiopia and is made up of the Coalition for Unity and Democracy Party, the Ogaden National Liberation Front (ONLF), the Oromo Liberation Front (OLF), the Sidama Liberation Front, and the United Ethiopia Democratic Front. (p. 35)</p>	
<p>This Information Request also includes reference to the outdated and now inaccurate assessment of the Australian DFAT which should not be used: The Australian Department of Foreign Affairs and Trade (DFAT) Ethiopia Country Report noted:</p> <p><i>'The authorities have typically welcomed voluntary returnees to Ethiopia, including, since April 2018, government critics and opponents. DFAT assesses that returnees, including failed asylum seekers and/or government critics and opponents, face a low risk of monitoring, harassment, detention and official discrimination. While the authorities have significant intelligence-gathering capabilities and are likely to be aware of major anti-government protest activity undertaken in other countries and online, DFAT assesses that people who openly criticise the ruling party while they are outside of Ethiopia face a low risk of official harm on their return to Ethiopia.</i></p> <p><i>'DFAT assesses that, under the current federal government, failed asylum seekers face a low risk of harm on their return to Ethiopia, including where they sought asylum on political grounds.'</i>²</p>	
<p>Reference Number: 12/20-040 Date: 15 January 2021 Subject: Women Key words: Women</p> <p>Summary of request: What support networks exist for a single woman with a child after a return as an unsuccessful asylum seeker? Societal attitudes to single women with children, particularly in terms of stigma and/or discrimination? 3. Societal attitudes towards children born of mixed parentage, e.g. Ethiopian mother and Eritrean father? 4. Instances of State/non – State persecution towards such individuals.</p>	
<p>As with the previous two information requests, reference is given to the Australian DFAT statement that 'failed asylum seekers face a low risk of harm on their return to Ethiopia, including where they sought asylum on political grounds.' This, as argued above, is very unlikely to be true. The only part of this statement that remains valid is the quote in 1.3.1 that:</p> <p><i>'There is no recent credible evidence to suggest Eritreans face a significantly greater risk of official or societal discrimination than other groups based on their ethnicity since the enactment of the Proclamation on Ethiopian Nationality in 2003. DFAT assesses Ethiopians with Eritrean heritage do not face a significantly greater risk of official or societal discrimination than other groups in Ethiopia based on their ethnicity.'</i></p> <p>This statement is likely to be true unless the individual is a failed asylum seeker from Eritrea, in which case the current warm relationship between Ethiopian and Eritrean governments might place such an individual at risk of being forcibly returned or surrendered to Eritrean authorities.</p>	<p>Thanks. We will remove the response and update as necessary.</p>

² DFAT, 'Country Information Report-Ethiopia' (p.47 and 48), 12 August 2020

<p>Reference Number: 01/21-017 21 January 2021 Subject: Ethnicity; religion Key words: Oromo; Oromo Liberation Front Summary of request: Information needed about the treatment of Oromos generally and the Oromo Liberation Front (OLF).</p>	
<p>2.2.1 This section provides an overview of the Ethiopian constitution which stipulates that all persons are equal under the law and are entitled to equal protection. The passage goes on to make the remarkable (and entirely unsubstantiated) claim that: <i>‘With the exception of the ethnic Anuak people of Gambela State, most ethnic groups in Ethiopia are indistinguishable by their physical appearance, partly as a result of inter-marriage.’</i> The singling out of one ethnic group as being physically distinguishable while all the rest of the more than 80 other ethnic groups are apparently not distinguishable is completely without basis in fact and even carries with it the suggestion of a racist reading of ethnicity in Ethiopia. It is also entirely unrelated to the information asked for in the Information Request so it is not clear why it has been included. It should be excised from this and any other report in which it is used.</p>	<p>Noted. DFAT are generally a reliable source so we would assume they obtained this from a credible source in turn. Is Prof. Hammond aware of other information on this topic that we may be able to examine and refer to? The section is about ethnicity generally and was part of a continuous quote from the DFAT report. It seemed to have general relevance to the section (albeit does not go to the core of the response) which considered the position of the Oromo, and removing it disturbed the flow of the quote.</p>
<p>The DFAT report is cited further in 2.2.1: <i>‘Different ethnic groups have a history of co-existence in Addis Ababa, and discrimination on ethnic grounds is not common there. One source described ethnicity as a ‘non-factor’ in Addis Ababa — most people consider themselves from Addis Ababa as opposed to a particular ethnic group. Violence based on ethnicity is not common in Addis Ababa, but is a growing concern in regional states.’</i> This statement, given information about Tigrayans being arbitrarily arrested in Addis Ababa, and violence taking place between Oromos and federal police (among other examples) is highly questionable, although it is perhaps a matter of one’s own perspective. It is true that, in many contexts, people from different ethnic backgrounds get along with each other in Addis Ababa, but not true that ethnicity is entirely immaterial to social relations.</p>	
<p>4.1.2–4.1.4 These paragraphs include several additional passages from the highly problematic August 2020 DFAT report. As with the references above, the situation since August 2020 has changed significantly so I would not support using this source to comment on current risk levels. The claim that <i>‘... tolerance for political dissent has increased considerably since April 2018. Opposition political parties are able to organise and operate significantly more freely, particularly in Addis Ababa, and their members face a low risk of harassment, arrest and detention by virtue of their political affiliations and views. DFAT assesses Ethiopians can openly criticise the ruling party.’</i> (4.1.3) is particularly problematic in light of the government’s tight control over information and the activities of opposition parties, including the OLF (see my comments on the Opposition Groups CPIN at 2.4.b.iii).</p>	
<p>The rest of this Information Request response provides a useful overview of the events pertaining to the Oromo and OLF since the July 2020 publication of the CPIN on Opposition Groups.</p>	

<p>Reference Number: 02/21-017 11 February 2021 Subject: Religion; ethnicity Key words: Political; Interethnic Conflict. Summary of request: Treatment of the Wolaita ethnicity in Ethiopia. I have no critical remarks on this IR as it is thorough and uses credible sources.</p>	
<p>Ethiopia: National Movement of Amhara Reference Number: 03/21-087 14 April 2021 Subject: Political affiliation Key words: Political groups – National Movement of Amhara Summary of request: How would a member of the National Movement of Amhara be treated by the state on return to Ethiopia? I have no critical remarks on this IR as it is thorough and uses credible sources. The question of how a person who was an NaMA supporter would be treated would likely depend on whether they were seen as being associated with the attempted coup over the regional administration in June 2019.</p>	
<p>Reference Number: 04/21-043 30 April 2021 Subject: Religion; ethnicity Key words: Ethiopians of Eritrean origin Summary of request: Would it be feasible for a person to return to Ethiopia who previously lived there, was born there and had citizenship there? Would having parents of Eritrean heritage make it difficult to return to Ethiopia? Would a person of Eritrean heritage be at risk on return, or face difficulties? I have no critical remarks on this IR as it is thorough and uses credible sources. However, the question of how a person of Eritrean heritage would be received in Ethiopia should include the caveat that the person would not be able to be returned to Tigray region, as Tigrayan hostility against Eritreans is well established.</p>	Noted

<p>Reference Number: 0920.011 10 September 2020 Subject: Legal system; judiciary Key words: Returnees – treatment by the state – freedom to leave/re-enter Ethiopia Summary of request: How are returned failed asylum seekers, who have been involved in Qeerroo activities, treated by the Ethiopian government?</p>	
<p>1.1.2 Again the same passage from the Australian DFAT August 2020 report is used, which I have argued repeatedly above is out of date and should not be used. Moreover, this IR response does not mention at all the Qeerroo group or whether people would face a higher risk if they had been involved in Qeerroo activities, which the IR makes specific reference to. As noted in the CPIN Ethiopia Opposition to the Government Section 13.6, Qeerroo is a loosely defined group affiliated with the Oromo Liberation Front. Several individuals who claim affiliation with Qeerroo have been arrested since Abiy Ahmed came to power in 2018. In June 2020, Jawar Mohamed, widely credited as one of the founders of the Qeerroo movement, was arrested. The question of how someone who has been involved in Qeerroo activities would be treated may depend on the extent to which they are considered by the government to be associates of Jawar. (See Ethiopia Insight, 7 April 2021, ‘Ethiopia’s Oromo youth are disaffected – but also divided, co-opted, and demoralized,’ https://www.ethiopia-insight.com/2021/04/07/ethiopias-oromo-youth-are-disaffected-but-also-divided-co-opted-and-demoralized/)</p>	<p>We will remove the response and update as necessary.</p>
<p>Reference Number: 11/20-042 25 November 2020 Subject: Security forces Key words: Conflict in Tigray Summary of request: Information on the November 2020 conflict in Tigray</p>	
<p>For background information about the Tigray people, see Encyclopaedia Britannica - Tigray As I have argued above, Encyclopaedia Britannica is not a primary source and thus should not be used. I would omit this reference. The reference to the Guardian article in section 1.1.2 provides more relevant information than the brief two-paragraph entry in the encyclopaedia. There are also two paragraph 1.1.1 and 1.1.2 entries. Otherwise, despite being eclipsed by more recent events, the IR response gives a good and quite thorough account of the first month of the Ethiopia/ Tigray war (November 2020).</p>	

Reference Number: 12/20-042

15 January 2021

Subject: LGBT persons

Key words: Treatment – gay people

Summary of request:

What are the risk factors for gay people returned to Ethiopia? Is there protection? Can they relocate to avoid persecution?

It is extremely surprising that, in this IR response, no mention is made of the CPIN on Ethiopia: Background information, including internal relocation (Sept. 2020) in which Section 18 is wholly devoted to discussing ‘Sexual orientation, gender identity and expression.’ In that section, the point is made that homosexuality is considered an ‘indecent act’ and is prohibited under Article 629 of the Penal Code (Proclamation No. 414/2004). The following passages are cited in 18.1.1:

‘Homosexual act Article 629. Homosexual and other Indecent Acts. Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment. Aggravation Article 630(1). General Aggravation to the Crime. The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal: [...] (b) makes a profession of such activities within the meaning of the law (article 92).’

Section 18.1.2 also notes that:

‘The USSD report 2019 noted: ‘Consensual same-sex sexual activity is illegal and punishable by three to 15 years’ imprisonment. No law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.’

Even though these passages are available in other Country of Origin Information Products, it would have been prudent and useful to include them in this IR response, to draw attention to the fact that there is no legal basis for protection of any LGBTI individuals. This lack of protection is country-wide, so there would be no internal relocation option available.

We will remove the response and update as necessary.

Annex D: Review of the March 2021 Home Office Country Policy and Information Note on Iran: Women fearing ‘honour’-based violence

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

[redacted]

[redacted]

October 2021

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1. Introduction

1.1 Instructions

I have been instructed by the IAGCI to review and evaluate the March 2021 Country Policy and Information Note (CPIN) Iran: 'Women fearing 'honour'-based violence', in the context of its purpose, and identify areas where it can be improved. I am instructed to focus exclusively on the country of origin information contained within the document. I have not been asked to comment on Home Office policy.

I am instructed to specifically:

- assess the extent to which information from source documents has been appropriately and accurately reflected in the CPIN
- 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 that no reference is made to an individual source which could expose them to risk

1.2 Methodology

I first examined the report as a whole and then reviewed each section separately, evaluating the quality and accuracy of the information provided. I examined the sources consulted and the accuracy of the citations. I have suggested consultation with some recent scholarly studies in the field for deeper understanding of honour and honour-based violence in the Iranian society. I have offered recommendations or suggestions for each section to improve the quality of the report. I have also pointed out contradictions in some sources consulted, and have suggested rephrasing some paragraphs for accuracy.

1.3 Summary of review

The report is well-researched and provides much accurate and updated information on honour killing in Iran. It provides a good understanding of the notion of honour, women's position in Iran, various factors contributing to honour-based violence, and discrimination against women in Iran's legal system. The report has consulted various important sources including reports by international organisations. More scholarly research on the subject of women in Iran and gender-based violence could be included for deeper understanding of the subject matter. I suggest the report should include direct citation of relevant articles of the Iran's penal code and civil code (see my recommendations in the review). I also suggest including a section on persecution of women's rights activists that reveals the challenges Iranian women face in demanding their rights.

Home Office comment: Thank you for the positive appraisal.

As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK and, whilst it might be useful to have a broader knowledge of the country, the CPIN is not intended to be an exhaustive survey of a particular subject or theme. Were we to include such a section, we would also start from a more neutral starting point of exploring the situation for women's rights activists rather than pre-supposing that persecution takes place.

We also add the caveat that, while we agree a wide range of sources helps strengthen the COI, our ability to access some academic literature may be restricted by limits in our available resources. However, we note that the reviewer has some publicly accessible material in the review that provides a rounded and detailed picture of the situation in Iran and these will be considered in the CPIN update as a result of this review.

1.4 Recommended sources

Alinia, M. (2013). 'Honor and Violence against Women in Iraqi Kurdistan'. New York: Palgrave Macmillan.

Al-Khayyat, S. (1990). 'Honour and Shame: Women in Modern Iraq'. London: Saqi Books.

Mojab Sh. and Joseph S. (2005). Honor. Iran and Afghanistan. 'Encyclopedia of Women & Islamic Cultures' II, 215-216.

Gill, A. (2014) Honour', 'honour'-based violence and so-called 'honour' killings. In "Honour' Killing and Violence: Theory, Policy and Practice'. Gill, A., Roberts, K., Strange, C. (eds). London: Palgrave Macmillan.

Schneider, I. (2012). The Concept of Honor and its Reflection in the Iranian Penal Code. 'Journal of Persianate Studies' 5, 43-57. https://brill.com/view/journals/jps/5/1/article-p43_4.xml?language=en&ebody=Abstract%2FExcerpt

Islamic Penal Code of the Islamic Republic of Iran- Book Five, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/#18>

Gender Inequality and Discrimination: The Case of Iranian Women, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/#16>

Civil Code of Iran, [https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_\(marital_duties\)](https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_(marital_duties))

"Iran: Gender Discrimination at Its Worst," International Solidarity Network, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1178&file=EnglishTranslation>

Home Office comment: Thank you for the recommended sources, some of which are already included in the CPIN. We also add the caveat that, while we agree a wide range of sources helps strengthen the COI, our ability to access some academic literature may be restricted by limits in our available resources.

1.5 Understanding of the themes addressed in the Country Information Guidance (CIG) reports

The report demonstrates a good level of understanding of the issues in question. I recommend consulting and including recent scholarly studies on Iranian women and honour-based violence in Iran (see my recommendations). I also recommend adding relevant articles of Iran's penal code and civil code and a section on the persecution of women's rights activists.

1.6 Quality and balance of sources

Sources are obtained from reputable international organisations and institutions and are of high quality and relevant. I recommend adding more recent academic works and citation of the relevant articles of Iran's penal code and civil code.

2. Review

2.1 Assessment

<p>1.2.1. “An ‘honour’ crime is an act of violence or abuse, including killing, which has been or may be committed to protect or defend the honour of an individual, family and/or community for alleged or perceived breaches of the family and/or community’s code of behaviour.”</p> <p>I suggest replacing ‘protect’ with ‘restore’ because often honour-based violence occurs when the family’s honour is perceived to have been ‘tainted’ and violence occurs to restore it.</p> <p>“On the basis of mostly anthropological research the ideal type of honor killing can be constructed, according to which women are the ‘repositories’ of family honor. A woman’s illicit sexual relation is taken as an indicator of the family’s weakness, or even more so the weakness of the male members of the family. The men must react on the basis of the code of honor and kill the woman, and sometimes also the lover, to restore the family’s honor.”</p> <p>Source: Schneider, I. (2012). The Concept of Honor and its Reflection in the Iranian Penal Code. <i>Journal of Persianate Studies</i> 5, 43-57. https://brill.com/view/journals/jps/5/1/article-p43_4.xml?language=en&body=Abstract%2FExcerpt</p>	<p>Accepted. We will amend this when we update the CPIN as a result of this review.</p>
<p>2.4.1. “The penal code does not specifically criminalise ‘honour’ crimes and Islamic law gives individuals the right to demand retaliation in kind for a murder or deliberate body injury (see Penal Code).”</p> <p>The penal code actually provides grounds for honour crimes. See for instance, Article 630 of the Iranian Penal Code:</p> <p>Article 630 – When a man sees his wife committing <i>zina</i> with another man, provided that he is certain that his wife is willing [to have sex], he can kill both of them in the same position; however if he knows that his wife acts under coercion, he may only kill the man [i.e. her rapist]. The same rule applies to assault and battery.</p> <p>Source: Islamic Penal Code of the Islamic Republic of Iran- Book Five, https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/#18</p>	<p>Partially accepted. The CPIN recognises the penal code provides grounds for honour crimes and this is reflected in the assessment and country information. The concept of <i>zina</i> is addressed in a free-standing CPIN on Adultery, to which decision makers are directed.</p>
<p>2.4.7. “In general, women and girls are not at risk from an ‘honour’ crime. However, this will depend on their particular circumstances, including age, family background, ethnicity, place of residence, education and socio-economic status. Although ‘honour’ crimes can take place in all kinds of families, there is a greater risk of an ‘honour’ crime against a woman or girl from a poor, more traditional, religious family, especially in rural or tribal areas. If a woman or girl can show there is a real risk she has been, or will be, subject to honour-based violence, this would amount to persecution or serious harm, but the onus is on her to show this.”</p> <p>That “in general women and girls are not risk from an ‘honour’ crime” is vague. I recommend rephrasing it as: “whether women and girls are at risk from an ‘honour’ crime, depends on their family background, the family’s socio-economic status, education, place of residence, ethnicity, and tribal, political, religious affiliation of the family.”</p>	<p>Not accepted. We believe the assessment that women and girls are not generally at risk is entirely justified on the evidence. CPINs are also designed (in line with para 339JA of the immigration rules) to provide an assessment of the ‘general situation’ (whilst simultaneously allowing decision makers to consider the individual case in front of them against this), so it is right that we consider it from this perspective.</p>

<p>2.5.2. “Although women are protected by law, in practice this is not systematically enforced because of deep-rooted patriarchal, social and cultural barriers and prejudices. Women are regarded both legally and through patriarchal social systems as inferior to and of less worth than men.”</p> <p>The statement is contradictory. It starts by stating that “women are protected by law” which is incorrect. Women are not protected by law and, as rightly noted in the last sentence of the paragraph, they are considered to have less worth than men. The law is discriminatory against women. This is illustrated by Articles of the Penal Code related to women. For instance, Diyeh (blood money) for murdering a woman is half that of a man (Article 544 of the new Penal Code, similar to Article 300 of the old Code) and the testimony of a man is often given twice the weight of a woman’s. Also Article 907 of the Civil Code states that the inheritance of sons is twice as much as that daughters’, and Articles 946 to 948 exclude real estate from the kind of properties that may be inherited by a surviving wife.</p> <p>A significant point to note is the concept of “<i>tamkin</i>” (obedience) that is, the wife’s <i>tamkin</i> (submission) which is defined as an unhampered sexual availability which is regarded as a man’s right and a woman’s duty. Without an acceptable excuse, the wife’s failure to comply with the lawful wishes of her husband constitutes “<i>nushuz</i>” (disobedience) and means that she may lose her right to maintenance (Article 1108 of Iran’s Civil Code). This creates legal grounds for divorce or domestic violence.</p> <p>Also see Article 64 on adultery.</p> <p>Sources:</p> <p>Civil Code of Iran (Marital Duties), https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_(marital_duties)</p> <p>‘Gender Inequality and Discrimination: The Case of Iranian Women’, https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/#16</p> <p>‘Iran: Gender Discrimination at Its Worst’, International Solidarity Network, https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1178&file=EnglishTranslation</p>	<p>Partially accepted. Women are protected by law <i>in general</i> – we will make this clear in the CPIN update as a result of this review. We accept that some laws are discriminatory and the CPIN makes reference to some discriminatory practices throughout and we direct decision makers to the relevant sections in the COI.</p> <p>As per the Preface of the CPIN, it is not intended to be an exhaustive survey of a particular subject or theme. We aim to cover the more common and/or complex issues raised in protection claims in the UK and the CPIN represents this in regard to ‘honour’ crimes. The concept of <i>tamkin</i> and maintenance are addressed in the CPIN on early/forced marriage.</p>
<p>“In January 2021, the government passed a bill criminalising violence against women, including action or behaviour that causes physical or mental harm, although allows for alternative sentencing for husbands and parents, and puts an emphasis on mediation rather than protection and prosecution in domestic violence cases. At the time of writing, the bill had yet to be passed by parliament or the Guardian Council, which consists of jurists and religious experts who have the authority to reject laws if not consistent with the constitution or Islamic law.”</p> <p>The bill is yet to be passed by the Guardian Council.</p>	<p>Accepted. We will continue to include the caveat to indicate the bill is yet to become law (should this still be the case) when we update the CPIN as a result of this review.</p>
<p>2.5.8. “In general, the state is able to provide effective protection to a woman or girl in fear of an ‘honour’ crime. However, due to discriminatory laws and practices against women and girls, the state – particularly in rural, more traditional areas – may be unwilling to provide effective protection. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.”</p> <p>That the state is able to provide effective protection to a woman or girl in fear of an honour crime is not quite accurate. In section 2.6 I address the insufficiency of social services and safe homes for women, and it is important to note that, with discrimination against women existing in the law, women do not have much confidence in seeking justice. Honour is a complex social institution and is upheld by the society and the state alike. The state has also sought to dismantle women’s rights movements, and women’s rights activists are at risk of facing criminal allegations, arbitrary arrest and detention. See the following report by the Iran Human Rights Documentation Center and in particular on the One Million Signatures Campaign that was a campaign to collect one million signatures in support of changing discriminatory laws against women. Activists of the campaign have been jailed.</p> <p>Source: Silencing the Women’s Rights Movement in Iran, https://iranhrdc.org/silencing-the-womens-rights-movement-in-iran/</p>	<p>Not accepted. This assessment indicates that the state has the ability to provide effective protection but may be unwilling to do so due to discriminatory laws and practices, which are referred to in the preceding paragraphs on protection, and where decision makers are directed to the relevant country information.</p> <p>We would respectfully suggest that this highlights the importance of the direction to reviewers that they <i>‘focus exclusively on the country of origin information contained within the document [... and ...] not comment on Home Office policy.’</i></p>

2.2 Country information

<p>3.1. Penal code:</p> <p>This section provides good understanding of the provisions in the law for honour killing. It has consulted and cited reputable sources. I recommend adding relevant information from the penal code. Furthermore, the section has focused on one aspect of the discriminatory law that is different to the treatment in <i>qisas</i>.</p> <p>Article 630 – When a man sees his wife committing <i>zina</i> with another man, provided that he is certain that his wife is willing [to have sex], he can kill both of them in the same position; however if he knows that his wife acts under coercion, he may only kill the man [i.e. her rapist]. The same rule applies to assault and battery.</p> <p>Source: Islamic Penal Code of the Islamic Republic of Iran- Book Five, https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/#18</p> <p>Article 637 – When a man and a woman who are not married to each other, commit indecent acts other than <i>zina</i>, such as kissing or sleeping next to one another, they shall be sentenced to up to ninety-nine lashes; and if the act is committed by force only the one who has used force shall be punished as <i>ta'zir</i>.</p> <p>Article 638 – Anyone in public places and roads who openly commits a <i>harām</i> (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months' imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudency, they shall only be sentenced to ten days to two months' imprisonment or up to 74 lashes.</p> <p>Note: Women, who appear in public places and roads without wearing an Islamic <i>hijab</i>, shall be sentenced to ten days to two months' imprisonment or a fine of fifty thousand to five hundred Rials.</p> <p>Source: Islamic Penal Code of the Islamic Republic of Iran – Book Five, https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/</p>	<p>Accepted. We will refer to the relevant penal code provisions when we update the CPIN as a result of this review.</p>
<p>3.2. Laws aimed at protecting women and children</p> <p>The section covers the new bill criminalising violence against women well, and rightly notes that it is yet to be passed by the Guardian Council. It has noted the social barriers facing women to seek out help when facing honour-based violence.</p>	<p>Thank you.</p>

2.3 Position of women in society

The section is well-researched and provides a good understanding of cultural and societal attitudes towards women. Deeper understanding of the notion of honour as discussed in scholarly studies will improve the report significantly. Some suggestions are:

“[H]onor,’ a translation of *nāmus*, *sharaf*, and a number of related concepts, is a central term in the languages and cultures of Afghanistan and Iran... *Nāmus* in Persian, Dari, Tajik, and other languages of the region, is at the core of a semantic field, which includes synonyms such as *āberu*, reputation, *sharaf*, honor, dignity, *iffat*, chastity, *ird*, reputation, honor... Although polysemic, these concepts point to the hierarchical organization of female and male sexualities, as well as class and status.”

Source: Mojab Sh. and Joseph S. (2005). Honor. Iran and Afghanistan. *Encyclopedia of Women & Islamic Cultures II*, p. 215.

Minoo Alinia, Professor of Sociology at Hugo Valentin Centre, Uppsala University, has identified three main features of violence in the name of honour and its primary characteristics are:

“...its strong focus on the control of female sexuality, which is organized and maintained in various ways through discourses, policies and practice. The second characteristic is the control of reproduction, or the maintenance of the biological, social and political boundaries of the collectivity and its social organization. The third feature is that this control and regulation are motivated, normalized and maintained through the honour discourse and the system of norms and moral obligations connected to it.” She explains that, when these norms are questioned or rejected, violence and even killing can result because, by protesting against control of their sexuality, women are questioning an entire social structure based on their subordination. Alinia notes that any “questioning of the norms of the honour discourse is regarded as a challenge to the manhood or masculinity of male members of the family and kin, whose gender identity is connected to the control of female members’ sexuality.”

Source: Minoo Alinia (2013). *Honor and Violence against Women in Iraqi Kurdistan*. New York: Palgrave Macmillan. pp. 145-46.

I also suggest including the state’s attempts to restrict women’s access to higher education in certain courses such as nuclear physics, computer science, archaeology and business, in recent years.

Source: <https://www.bbc.co.uk/news/world-middle-east-19665615>

Partially accepted. Thank you for the positive appraisal. As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK and, whilst it might be useful to have a broader knowledge of the country, the CPIN is not intended to be an exhaustive survey of a particular subject or theme.

We also add the caveat that while we agree a wide range of sources helps strengthen the COI, our ability to access some academic literature may be restricted by limits in our available resources.

2.4 Honour-based violence

<p>This is a strong section. It has rightly illustrated that honour killing happens as a result of a combination of elements and the pressure from the traditional society and family. I suggest including a definition of masculinity as presented in scholarly articles such as those mentioned above for a deeper understanding of masculinity and ‘hypermasculinity’ as promoted by the state.</p> <p>Sources: Gerami, Sh. (2003). Mullahs, Martyrs, and Men: Conceptualizing Masculinity in the Islamic Republic of Iran. <i>Men and Masculinities</i>, https://journals.sagepub.com/doi/10.1177/1097184X02238526</p> <p>‘Iranian Masculinities’, <i>Iran Namag, Special Issue</i>, 2018, 3:1, https://www.irannamag.com/en/issue/volume-3-number-1-spring-2018/</p>	<p>Accepted. Thank you for the positive appraisal. As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK and, whilst it might be useful to have a broader knowledge of the country, the CPIN is not intended to be an exhaustive survey of a particular subject or theme.</p> <p>We also add the caveat that while we agree a wide range of sources helps strengthen the COI, our ability to access some academic literature may be restricted by limits in our available resources. However, we note that the reviewer has suggested some publicly accessible material that provides a rounded and detailed picture of the situation in Iran.</p>
<p>5.2. Demographic and socio-economic factors, and perpetrators</p> <p>This section presents a balanced picture of the demography of honour killing and its socio-economic factors. Honour killing is the highest in provinces with the highest rate of unemployment and poverty.</p>	<p>Thank you for the positive appraisal.</p>
<p>5.3 Prevalence</p> <p>The section is well-researched and provides much accurate information on the subject.</p>	<p>Thank you for the positive appraisal.</p>

Review of the February 2021 Home Office Country Policy and Information Note on Iran: Women – early and forced marriage

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

[redacted]

[redacted]

October 2021

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1. Introduction

1.1 Instructions

I have been instructed by the IAGCI to review and evaluate March 2021 Country Policy and Information Note (CPIN) 'Iran: Women – Early and forced marriage', in the context of its purpose, and identify areas where it can be improved. I am instructed to focus exclusively on the country of origin information contained within the document. I have not been asked to comment on Home Office policy.

I am instructed to specifically:

- assess the extent to which information from source documents has been appropriately and accurately reflected in the CPIN
- 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 that no reference is made to an individual source which could expose them to risk

1.2 Methodology

I examined the report as a whole and then reviewed each section separately, evaluating the quality and accuracy of the information provided. I examined the sources consulted and the accuracy of the citations. I have suggested consultation with some recent scholarly studies for a deeper understanding of the subject. I have offered either recommendations or suggestions for each section to improve the quality of the report. I have also pointed out contradictions in some sources consulted, and have suggested replacing one particular source in the report which is outdated.

1.3 Summary of review

The report is overall well-researched and provides accurate and updated information on early marriage in Iran. It could provide more clarity on the legal age of marriage, as consultation with one outdated source (2000–2001) has resulted in contradictory information. I have recommended consulting more updated and scholarly studies on the topic and have provided a list of suggestions. For subjects such as the role of Islam and temporary marriage, I have recommended consultation with more authoritative sources than cited sources in the report (see my recommendations in the review). The report provides comprehensive information on the reasons for early marriage, its prevalence, attitudes toward women, and discrimination against women in Iran's legal system. While it has correctly identified resources for supporting victims of early marriage, the insufficiency of such resources is highlighted. I have suggested adding data to illustrate this insufficiency.

Home Office comment: Thank you. Annotations on the above summary can be found in section 2.

1.4 Recommended sources

Asghari, Sh. (2019). Early Marriage in Iran: A Pragmatic Approach. *Journal of Human Rights Practice*, Volume 11, Issue 3, pp. 569-588.
<https://academic.oup.com/jhrp/article/11/3/569/5652057>

Azimi, Kh. (2020). The trend of girl child marriage in Iran based on national census data. *Sexual and Reproductive Health Matters*, 28, 1,
<https://www.tandfonline.com/doi/full/10.1080/26410397.2020.1820655>

Haeri, Shahla (2014). *Law of Desire: Temporary Marriage in Shi'i Iran*. Syracuse University Press.

Hosseini, B. (2021). *Temporary and Child Marriages in Iran and Afghanistan; Historical Perspectives and Contemporary Issues*. Springer.

Yaghoobi, Claudia. (2020). *Temporary Marriage in Iran*. Cambridge University Press.

Civil Code of Iran (Marital Duties), [https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_\(marital_duties\)](https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_(marital_duties))

Gender Inequality and Discrimination: The Case of Iranian Women, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/#16>

'Iran: Gender Discrimination at Its Worst', International Solidarity Network, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1178&file=EnglishTranslation>

Home Office comment: Thank you for the recommended sources, some of which are already included in the CPIN. We also add the caveat that while we agree a wide range of sources helps strengthen the COI, our ability to access some academic literature may be restricted by limits in our available resources.

1.5 Understanding of the themes addressed in the Country Information Guidance (CIG) reports

The report demonstrates a good level of understanding of the issues in question and is comprehensive. I recommend consulting more updated resources and recent scholarly studies (see my recommendations for details).

1.6 Quality and balance of sources

Overall sources are obtained from reputable international organisations and institutions and are of high quality and relevant. I recommend more recent academic works and direct citation of the relevant articles of Iran's penal code and civil code (see my recommendations in the review).

2. Review

2.1 Assessment

<p>2.4.1 “Women and girls are protected by law in general. However, this is not systematically enforced in practice because of deep-rooted patriarchal, social and cultural barriers and prejudices. Women are regarded, both legally and through patriarchal social systems, as inferior to and of less worth than men. Despite a rise in the levels of education and literacy rates amongst women, they continue to face legal and societal discrimination in personal status matters relating to marriage, divorce, inheritance and child custody.”</p> <p>That ‘women are protected by law’ is incorrect. Women are not protected by law and this is acknowledged in the same paragraph which makes the whole statement contradictory. The law is discriminatory against women and this is illustrated by Articles of the Penal Code and Civil Code related to women, that consider women to have less worth than men. For instance, Diyeh (blood money) for murdering a woman is half that of a man (Article 544 of the new Penal Code, similar to Article 300 of the old Code) and the testimony of a man is often given twice the weight of a woman’s. Also Article 907 of the Civil Code states that the inheritance of sons is twice as much as daughters’, and Articles 946 to 948 exclude real estate from the kind of properties that may be inherited by a surviving wife.</p> <p>A significant point to note is the concept of <i>tamkin</i> (obedience) that is, the wife’s <i>tamkin</i> (submission) which is defined as an unhampered sexual availability which is regarded as a man’s right and a woman’s duty. Without an acceptable excuse, the wife’s failure to comply with the lawful wishes of her husband constitutes <i>nushuz</i> (disobedience) and means that she may lose her right to maintenance (Article 1108 of Iran’s Civil Code). This creates legal grounds for divorce or domestic violence.</p> <p>Also see Article 64 on adultery.</p> <p>Sources:</p> <p>Civil Code of Iran (Marital Duties), https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_(marital_duties)</p> <p>‘Gender Inequality and Discrimination: The Case of Iranian Women’, https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/#16</p> <p>‘Iran: Gender Discrimination at Its Worst’, International Solidarity Network, https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1178&file=EnglishTranslation</p>	<p>Partially accepted. Women are protected by law <i>in general</i>. However, it is noted that some laws are discriminatory and the CPIN makes reference to some discriminatory practices throughout and we direct decision makers to the relevant sections in the COI.</p> <p>As per the Preface of the CPIN, it is not intended to be an exhaustive survey of a particular subject or theme. We aim to cover the more common and/or complex issues raised in protection claims in the UK and the CPIN represents this in regard to early/forced marriage.</p> <p>The concept of <i>tamkin</i> is noted at para 3.1.4 and the right to maintenance at 3.5.2. However, we are happy to clarify some of these issues in the COI and will refer to the recommended sources.</p>
<p>2.4.3. “A woman may seek divorce through the courts although in practice the process can be long and complicated and is seen as shameful.”</p> <p>I recommend adding:</p> <p>“Articles 1130 and 1133 of the Civil Code entitle men to divorce their wives whenever they wish whereas they require women seeking divorce to prove that they are enduring an intolerable level of difficulty and hardship in the marriage. Examples of such hardship include “the husband having a drug or alcohol addiction which damages the marital life, and which he refuses to quit in a period prescribed by a doctor ... the husband being sentenced to five or more years of imprisonment ... the husband mistreating the wife in a manner that is intolerable in her condition ... [and] the husband being afflicted with some incurable mental illness or contagious disease that disrupts the marital life.”</p> <p>Source: “Iran: Gender Discrimination at Its Worst,” International Solidarity Network, https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1178&file=EnglishTranslation</p>	<p>Not accepted. The assessment/policy/guidance section aims to give an overview of the COI and decision makers are directed to the relevant sections in the country information for more detail, in this case to the section at 3.6 on Divorce and child custody, which refers to the Civil Code.</p>

<p>2.5.5. “In general, the state is able to provide effective protection to a woman or girl in fear of a forced marriage. However, due to discriminatory laws and practices against women and girls, including legislation that allows child marriage, the state – particularly in rural, more traditional areas – may be unwilling to provide effective protection. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.”</p> <p>The point to consider is how could the state provide effective protection to a woman or girl in fear of a forced marriage when the law is discriminatory against women. Article 1041 of the Civil Code states that the legal age of marriage for girls is 13 and allows girls below this age to be wed subject to the permission of their father or paternal grandfather and the approval of a competent court.</p> <p>In the review section, I address the insufficiency of social services and safe homes for women.</p>	<p>Not accepted. This assessment/policy/guidance section indicates that the state has the ability to provide effective protection but may be unwilling to do so due to discriminatory laws and practices, which are referred to in the preceding paragraphs on protection, and where decision makers are directed to the relevant country information.</p>
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2.2 Country information

<p>3.1.4. “Although prepared for the academic year 2000-1, an essay prepared by Sen McGlinn under the supervision of Léon Buskens (lecturer on anthropology and Islamic law at the faculties of Humanities and Law of Leiden University in the Netherlands), for the paper on ‘Islamic Family Law’ continues to provide relevant information.”</p> <p>I recommend replacing this source with more recent academic studies. Some suggestions include:</p> <p>Hosseini, B. (2021). <i>Temporary and Child Marriages in Iran and Afghanistan; Historical Perspectives and Contemporary Issues</i>. Springer.</p> <p>Asghari, Sh. (2019). Early Marriage in Iran: A Pragmatic Approach. <i>Journal of Human Rights Practice</i>, Volume 11, Issue 3, pp. 569-588. https://academic.oup.com/jhrp/article/11/3/569/5652057</p> <p>Azimi, Kh. (2020). The trend of girl child marriage in Iran based on national census data. <i>Sexual and Reproductive Health Matters</i>, 28, 1, https://www.tandfonline.com/doi/full/10.1080/26410397.2020.1820655</p>	<p>Partially accepted. We accept this source is dated but, as stated, we believe it continues to provide some relevant information. However, where similar information is provided in the recommended sources we will include these in the CPIN, which will be updated as a result of this review. We also add the caveat that our ability to access some academic literature may be restricted by limits in our available resources.</p>
<p>3.2.1. “According to the Family Law in Iran paper: ‘Article 12 of the Constitution makes Shi’ah Islam the state religion in perpetuity, but recognizes the Hanafí, Shafí’í, Málekí, Hanbalí and Zaidí schools, allowing followers of these schools to perform religious rituals according to their own teachings. This presumably applies to the ritual form of engagement and marriage agreements. It also says that, in matters of “religious instruction and personal status (including marriage, divorce, inheritance and the framing of wills) and the cases relating thereto [these 5 schools] are considered to be official in courts of law. In every region where the followers of any of these sects enjoy a majority of the particular sect [sic] the local regulations will be formulated according to precepts of jurisdiction of the councils of that region of councils with the assurance that the rights of followers of other sects will be preserved.” It is not known whether this has been put into effect: the constitution contains provisions for other institutions which were not immediately given effect.”</p> <p>I recommend consulting more recent academic studies. On the influence of Islam and views of Shia scholars, see Asghari (2020):</p> <p>Asghari, Sh. (2019). Early Marriage in Iran: A Pragmatic Approach. <i>Journal of Human Rights Practice</i>, Volume 11, Issue 3, pp. 569-588. https://academic.oup.com/jhrp/article/11/3/569/5652057</p>	<p>Partially accepted. We accept this source is dated but, as stated, we believe it continues to provide some relevant information. However, where similar information is provided in the recommended source we will include this in the CPIN, which will be updated as a result of this review.</p>

<p>3.3.2 and 3.3.3.</p> <p>The same paper referred to as “the Family Law in Iran paper” is cited on temporary marriage.</p> <p>I firmly recommend replacement with more updated sources. For an authoritative source see:</p> <p>Haeri, Shahla (2014). <i>Law of Desire: Temporary Marriage in Shi’i Iran</i>. Syracuse University Press.</p> <p>Haeri notes “Ideologically, the Shi’i doctrine distinguishes temporary marriage from permanent marriage in that the objective of <i>mut’ah</i> is sexual enjoyment whereas that of <i>nikāh</i> is procreation. This fundamental, conceptual, and legal distinction is embedded in Shi’i assumptions concerning the natural differences between men and women” (p.50).</p> <p>Other sources:</p> <p>Yaghoobi, Claudia. (2020). <i>Temporary Marriage in Iran</i>. Cambridge University Press.</p> <p>Khodabakhsh Ahmadi, Mostafa Barari, Arash Ghaffari & Mehdi Purrezaian (2012) Temporary Marriage: Attitude and Tendency in Iran, <i>Journal of Divorce & Remarriage</i>, 53:7, 533-542, https://www.tandfonline.com/doi/full/10.1080/10502556.2012.682907</p>	<p>Partially accepted. We accept this source is dated but, as stated, we believe it continues to provide some relevant information. However, where similar information is provided in the recommended sources we will include these in the CPIN, which will be updated as a result of this review. However, we also add the caveat that our ability to access the academic literature cited may be restricted by limits in our available resources.</p>
<p>3.6 Divorce and child custody</p> <p>The section provides accurate information. I suggest adding:</p> <p>“Articles 1130 and 1133 of the Civil Code entitle men to divorce their wives whenever they wish, whereas they require women seeking divorce to prove that they are enduring an intolerable level of difficulty and hardship in the marriage.”</p>	<p>Accepted. Thank you for the suggestion; we are happy to reflect the reviewer’s opinion as cited when we update the CPIN as a result of this review.</p>
<p>3.7.3 “Radio Free Europe Radio Liberty (RFERL) reported on 4 January 2021 ‘The Iranian government has passed a bill that criminalizes violence against women, including action or behavior that causes “physical or mental harm” to women.’ As noted by Al Jazeera in January 2021, the Protection, Dignity and Security of Women Against Violence bill had still to be passed by parliament before being scrutinised by the Guardian Council, consisting of jurists and religious experts. The Guardian Council has the authority to reject legislation passed by parliament if they deem it to be inconsistent with the constitution and Islamic law.”</p> <p>The bill is yet to be approved by the Guardian Council and become a law.</p>	<p>Accepted. We will continue to include the caveat at 3.7.6 to indicate the bill is yet to become law (should this still be the case) when we update the CPIN as a result of this review.</p>

2.3 Position of women in society

<p>This section provides a comprehensive overview on cultural and societal attitudes towards women and marriage and has consulted various reliable sources. I recommend including relevant articles of the penal code and civil code (see details below).</p>	
<p>5.1.10 “The USSD IRF Report 2019 noted in regard to women’s clothing: ‘The government continued to require women of all religious groups to adhere to “Islamic dress” standards in public, including covering their hair and fully covering their bodies in loose clothing – an overcoat and a hijab or, alternatively, a chador (full body length semicircle of fabric worn over both the head and clothes). Although the government at times eased enforcement of rules for such dress, it also punished “un-Islamic dress” with arrests, lashings, fines, and dismissal from employment. The government continued to crack down on public protests against the compulsory hijab and Islamic dress requirements for women.’”</p> <p>I recommend adding Article 638 of the Penal Code on the enforcement of hijab:</p> <p>Article 638– Anyone in public places and roads who openly commits a <i>harām</i> (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months’ imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudency, they shall only be sentenced to ten days to two months’ imprisonment or up to 74 lashes.</p> <p>Note: Women, who appear in public places and roads without wearing an Islamic <i>hijab</i>, shall be sentenced to ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.</p> <p>Source: https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/</p>	<p>Accepted. We will include a reference to Article 638 of the Penal Code when we update the CPIN as a result of this review.</p>

5.1.11 “DFAT noted in its report on Iran that ‘Women from more religiously-minded families generally require the permission of a male guardian to travel alone and can face societal harassment for doing so, particularly in more conservative areas. Married women require the written permission of their husbands, and non-married women under the age of 40 the permission of their fathers or other male relatives, to obtain a passport and travel abroad.’”

I recommend citation of the relevant legal provisions, such as Article 18 of the Passport Law and Articles 1005 and 1114 of the Civil Code:

Article 18 of the Passport Law of 1973 that reads: “A passport shall be issued for the following persons according to this article... Married women, even if under 18 years old, with the written agreement of their husbands.”

Source: Gender Inequality and Discrimination: The Case of Iranian Women, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/#16>

On freedom of movement, note that Articles 1005 and 1114 of the Civil Code provide men with the exclusive right to determine the place of their wives’ residence. A wife will be considered *nashezeh* [disobedient] and unworthy of spousal maintenance rights if she leaves her husband’s home against his will, even if it is for escaping a situation of domestic violence. This rule applies unless the wife can prove to the court that she faces a significant risk of bodily harm, threatening her life and personal safety.

Source: Gender Inequality and Discrimination: The Case of Iranian Women, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/#16>

Accepted. We will include a reference to these legal provisions when we update the CPIN as a result of this review.

2.4 Early and forced marriage

1.2.1 “The Family Law in Iran paper noted that, according to the Iranian Civil Code, the minimum age for marriage was 9 years for girls and 15 years for boys, although ‘... a contract to marry (an engagement) for a child under that age is said to be valid with the permission of the guardian.’”

The source cited is outdated (a paper dated 2000–2001) and the information is incorrect. The legal age of marriage was lowered to 9 for girls and 15 for boys in 1982 [from previous 15 for girls and 18 for boys], following the establishment of the Islamic Republic in 1979. However, as Asghari explains “After the turn of the century and with the rise of the reformist government, Parliament initiated numerous legal reforms to bring Islamic legislation in line with the realities of Iranian society.” The parliament “raised the minimum age of marriage to 15 for girls and 18 for boys and limited exceptions to cases which were approved by the courts (ibid: 1198). Even though the initial bill was declared incompatible with Islam, the final draft did contain a rise in the minimum age of marriage. According to the current Article 1041, the minimum age of marriage is 13 for girls and 15 for boys, and any exception is contingent upon the permission of the guardian and the child’s best interests as determined by a competent court.”

Source: Asghari, Sh. (2019). Early Marriage in Iran: A Pragmatic Approach. *Journal of Human Rights Practice*, Volume 11, Issue 3, pp. 569-588. <https://academic.oup.com/jhrp/article/11/3/569/5652057>

Accepted. We will refer to the recommended source when we update the CPIN as a result of this review.

<p>6.2.3. “Human Rights Watch (HRW) noted in June 2020 ‘... girls as young as 13, with permission from their fathers, and boys as young as 15 can marry. Children can also marry at younger ages if a judge authorizes the marriage.’”</p> <p>I recommend adding more information to the existing legal vacuum that exists regarding minimum age for marriage, which that is a child can be legally married at any age if the conditions of Article 1041 are met. For details see:</p> <p>“Although that article was successful in limiting the exception clause to certain conditions, a major legal vacuum still exists regarding a concrete minimum age for marriage. According to the current provision, any child may be legally married at any age if the conditions of Article 1041 are met. Moreover, the requirement of a court decision in the case of an exception is not a strong legal precaution in practice. To issue a permit for marriage below the legal age, courts should determine whether it is in line with the interests of the child. This determination does not follow a uniform procedure. Some judges apply a high level of scrutiny, considering two aspects of the interests of the child: a negative one requiring the marriage not to be harmful to the child; and a positive one requiring the marriage to be beneficial for the child. A judge should cautiously analyse both aspects and seek various expert opinions regarding the mental, physical, and social abilities of the child before being in a position to issue the permit (Behzisti.ir, no date). But this standard of review is not prevalent. To determine whether marriage is in the interests of the child, most judges only rely on a medical certificate issued by the Legal Medicine Organization testifying to the physical growth of the child. At most, they will ask the child a few broad questions about the meaning of marriage (Shakouri 2017).”</p> <p>“Another factor which can influence the standard of scrutiny is whether early marriage is common in a certain region. In those provinces where early marriage has a significant religious value, courts usually apply a lower standard of scrutiny for determining the interests of a child below the legal age. For instance, in Sistan and Balouchestan, some judges determine a girl’s intelligence and maturity by ‘placing two sets of jewellery in front of her and the girl is queried as to which one is genuine gold or what the current market value of gold is’ (Ahmady 2017: 71). Since gold is the traditional form of property for women in Iran, it is expected that every married woman understands its value.”</p> <p>Source: Asghari, Sh. (2019). Early Marriage in Iran: A Pragmatic Approach. <i>Journal of Human Rights Practice</i>, Volume 11, Issue 3, pp. 569-588. https://academic.oup.com/jhrp/article/11/3/569/5652057</p>	<p>Accepted. We will refer to the recommended source when we update the CPIN as a result of this review.</p>
<p>6.3 Reasons for child marriage</p> <p>The section covers the main reasons for child marriage and rightly highlights poverty and traditional customs as the main factors.</p>	<p>Thank you.</p>
<p>6.4 Prevalence of child marriage</p> <p>It provides accurate information on the prevalence of child marriage and notes that child marriages are most common in the country’s religious and traditional regions and economically marginalised areas.</p>	<p>Thank you.</p>
<p>6.6.3 IranWire reported on underage marriage in July 2016, noting: “By law, [...] a girl can object to the marriage, and prevent it. But since girls under the age of 13 are normally dominated by the wishes and decisions of their fathers, and cannot realistically object, the only hope of preventing such marriages is through the courts. The court can refuse permission if it deems the marriage to be against the interests of the girl, as stipulated by Article 1041 of the Civil Code.”</p> <p>Asghari’s comments on the condition of the Article 1041 for marriage of girls under the age of 13 is useful to cite here. He noted that the requirement of a court decision is not a strong legal precaution in practice:</p> <p>“To issue a permit for marriage below the legal age, courts should determine whether it is in line with the interests of the child. This determination does not follow a uniform procedure. Some judges apply a high level of scrutiny, considering two aspects of the interests of the child: a negative one requiring the marriage not to be harmful to the child; and a positive one requiring the marriage to be beneficial for the child. A judge should cautiously analyse both aspects and seek various expert opinions regarding the mental, physical, and social abilities of the child before being in a position to issue the permit (Behzisti.ir, no date). But this standard of review is not prevalent. To determine whether marriage is in the interests of the child, most judges only rely on a medical certificate issued by the Legal Medicine Organization testifying to the physical growth of the child. At most, they will ask the child a few broad questions about the meaning of marriage (Shakouri 2017).”</p> <p>Source: Asghari, Sh. (2019). Early Marriage in Iran: A Pragmatic Approach. <i>Journal of Human Rights Practice</i>, Volume 11, Issue 3, pp. 569-588. https://academic.oup.com/jhrp/article/11/3/569/5652057</p>	<p>Accepted. We will refer to the recommended source when we update the CPIN as a result of this review.</p>

2.5 Access to justice

8.1.1 The Finnish Immigration Service report is cited noting: “The Constitution of Iran guarantees all citizens the right to seek justice and to receive legal aid and advice. However, cultural factors often form barriers to women’s opportunities to seek and get justice. As Iran’s legislation is based on Islamic criteria that discriminate against women, men rule the justice system. Studies on the subject reveal that women have a negative attitude towards the justice system and their opportunities of getting justice through the system. Taking domestic violence cases to court is seen as shameful, which is why only few cases ever go that far. The formal justice system is therefore not enough of a guarantee of an individual’s rights, taking into account the underlying customs and sociocultural norms.”

The cited paragraph is somewhat contradictory. Although the Constitution of Iran states that it ‘guarantees’ all citizens the right to seek justice, legal age of marriage for girls is 13 and the law is discriminatory against women.

Sources:

Civil Code of Iran (Marital Duties), [https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_\(marital_duties\)](https://www.law.cornell.edu/women-and-justice/resource/civil_code_of_iran_(marital_duties))

‘Gender Inequality and Discrimination: The Case of Iranian Women’, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/#16>

‘Iran: Gender Discrimination at Its Worst’, International Solidarity Network, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1178&file=EnglishTranslation>

Partially accepted. The Finnish Immigration Service attempts to address the contradiction following its statement that the Constitution ‘guarantees’ citizens’ rights. However, the recommended sources will be considered for inclusion in the CPIN update as a result of this review.

2.6 Support services

The section covers available resources including social emergency services well and acknowledges that they are insufficient. However, this could be emphasised as they are not only under resourced but they are often not provided in small cities. For instance, according to the State Welfare Organization of Iran (Behzisti) there are 8 centres in Khuzestan Province, which has one of the highest rates of honour killing and early marriage. The centres are based in 8 cities (Ahvaz, Abadan, Shushtar, Dezful, Ramhormoz, Masjed Soleiman, Khorramshahr, and Andimeshk), while there are 58 cities in the Province.⁶

Source: http://behzisty-khz.ir/index.php/fa/?option=com_content&view=article&id=161&Itemid=754&lang=fa

Furthermore, according to the same source, there is one social emergency centre in the city of Ahvaz with a population of over a million.

According to the State Welfare Organization of Iran, there are 23 safe houses in Iran. <https://www.behzisti.ir/news/27732/یناری-انان-ن-م-ه-ن-ا-خ-ش-رازگ-ت-س-ا-چ-ک> This is an extremely low number considering Iran’s population.

According to the state’s sponsored news website Isna, there are two state-run safe houses in Tehran, one with capacity for 10 and the other 5. <https://www.isna.ir/news/99112820591/هدی-دی-بی-س-ان-ان-ز-ی-خ-ب-د-د-چ-م-د-ور-و-د-ن-ت-ف-ر-ن-م-ا-ه-ن-ا-خ-ه-ب-ر-ف-ن-د-ن-چ-ل-اس-م>

Accepted (in principle). It is noted that the recommended sources are in Persian. Our ability to pay for the translation of non-English language material may be restricted by limits in our available resources.

⁶ List of the cities in Khuzestan Province, https://fa.wikipedia.org/wiki/تس_رهف

Review of the January 2019 Home Office Country Policy and Information Note on Iran: Kurds and Kurdish political groups

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

[redacted]

[redacted]

October 2021

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1. Introduction

1.1 Instructions

I have been instructed by the IAGCI to review and evaluate the Country Policy and Information Note (CPIN) 'Iran: Kurds and Kurdish Political Groups', January 2019, in the context of its purpose, and identify areas where it can be improved. I am instructed to focus exclusively on the country of origin information contained within the document. I have not been asked to comment on Home Office policy.

I am instructed to specifically:

- assess the extent to which information from source documents has been appropriately and accurately reflected in the CPIN
- 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 that no reference is made to an individual source which could expose them to risk.

1.2 Methodology

I first examined the report as a whole and assessed if the section/titles have given integrity to the report to deal with its subject. I then reviewed each section separately, evaluating the quality and the sources of the information given in that section. I paid close attention to the accuracy of the information, names, and sources given in each section, as well the spelling of non-English words and their transliterations. For each section I have added either recommendations or suggestions to improve the report, and have provided relevant sources for consideration.

1.3 Summary of review

The report has consulted various important sources and provides overall good information on Iranian Kurds. It has sought to remain objective and presents a balanced analysis of the situation of Kurds in Iran and Iranian Kurdish political parties. The report does not, however, reflect a broad knowledge of Iran, its modern history and institutions. It is recommended that reliable scholarly sources should be consulted for deeper knowledge of Iran, administrative divisions, the policies of employment and social restrictions affecting ethnic minorities since the Islamic Revolution. Whilst providing accurate information on the Kurdish political parties, the report can be improved. Three political parties are missing from the list of Kurdish political parties in Iran. Transliterations are not consistent and one political party is misspelled. I recommend including information on Iran's growing cyber

technology which is also used for political suppression and monitoring political dissents. This is crucial for assessing risks on return for sur place activities. The report has also not addressed the treatment of social media activists.

Home Office comment: We accept the comments above.

As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK and, whilst it might be useful to have a broader knowledge of the country, they are not intended to be an exhaustive survey of a particular subject or theme.

We also add the caveat that while we agree a wide range of sources helps strengthen the COI, our ability to access some academic literature may be restricted by limits in our available resources. However, we note that the reviewer has suggested a wide range of publicly accessible material in the review that provides a rounded and detailed picture of the situation in Iran.

Typos and transliterations will be addressed when we update the CPIN as a result of this review.

A discrete CPIN on cyber technology and monitoring, sur place activities, and social media activists will be drafted in due course, once the country guidance case (XX (Iran)) is promulgated.

1.4 Detailed summary

Country information

3. Background

Overall, the country information is good, but it can be improved. The section has to show awareness of the administrative divisions of Iran which relocates several predominantly Kurdish cities to provinces outside Kurdistan Province. As such, additional information is required on the location of Kurds, including Kurds in North Khorasan and Razavi Khorasan Provinces in north-eastern Iran.

Home Office comment: Annotations on the above summary can be found in section 2.

4. State treatment of the Kurds

This section reflects the state treatment of the Kurds well. I suggest adding the [UN Human Rights Council Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran 2018](#) and the annual reports of Kurdistan Human Rights Network (KHRN).

Home Office comment: Thank you for these source suggestions which will be considered when we update the CPIN as a result of this review. Further annotations on the review can be found in section 2.2 below.

5. Overview of Kurdish political parties

This section needs to be improved. The names of the Kurdish parties are not given accurately and transliterations of their names are provided inconsistently. As a serious mistake, Komala has been misspelt as Lomala and this is repeated throughout the report. All the parties have official websites in English, and visiting the parties' websites would help to avoid such mistakes. Understandably, factionalism in Kurdish politics has led to almost identical names of all the parties, which is confusing. DPK is not fully described and Khabat is missing (it is mentioned in paragraph 10.1.1 without description). PAK is not mentioned. Recommendations are provided in the second section of this review.

Home Office comment: Annotations on the above summary can be found in section 2.

Sections 6–9 contains accurate and useful information on the parties. However, they need amendments where necessary.

Home Office comment: Annotations on the above summary can be found in section 2.2.

10. Treatment of Kurdish political activists

The section contains much accurate and important information. However, additional information recommended in the review will improve it considerably. Additional information on (the lack of) legal protection and torture is recommended.

Additional information is recommended to reflect the social, educational and employment restrictions faced by family members of high-profile people, deceased peshmergas, and political prisoners. The gozinesh (screening) system for employment needs to be included in particular.

Home Office comment: Annotations on the above summary can be found in section 2.

1.5 A summary of recommendations

Country information

3.1.3. It is important to mention the allocation of predominantly Kurdish cities and villages to other Provinces (Kermanshah, West Azerbaijan, Ilam, Lorestan, North Khorasan, and Razavi Khorasan). Therefore, additional information on Iran's administrative divisions is recommended.

3.2. The definition of Persian as national is incorrect. Persian is the 'official' language of Iran.

3.2.2. The source cited on language, OrvilleJenkins.com, is outdated and contains errors on language names. Scholarly studies have been produced on Kurdish language that can be consulted. I suggest the replacement with the following reference: [Haig, G. & Opendin, E. \(2014\). Kurdish: A critical research overview](#). Haig and Opendin have offered five language groups of Kurdish language: Northern Kurdish (Kurmanji), Central Kurdish (Sorani), Southern Kurdish, Gorani, and Zazaki.

3.3.1. It is recommended that the report include additional Articles of Iran's Constitution which reflect discrimination against Iran's ethnic and religious minorities.

Home Office comment: Annotations on the above summary can be found in section 2.

3.4. A website entitled Kurdish Project is consulted and cited. I could not verify this website as a reliable source and I suggest more care in consulting online sources in general as they do not usually reflect rigorous research. The following sources are recommended for reliable information on the modern history of Iran and the Iranian Kurdistan:

McDowell, D. (2004). *A Modern History of the Kurds*

Amanat, A. (2017). *Iran: A Modern History*

Vali, A. (2020). *The Forgotten Years of Kurdish Nationalism in Iran*

Stansfield, G. & Hassaniyan, A. (2021). [Kurdish insurgency in Rojhelat: from Rasan to the Oslo negotiations](#). *Middle Eastern Studies*,

Home Office comment: Thank you for the recommended sources. As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK and, whilst it might be useful to have a broader knowledge of the country, the CPIN is not intended to be an exhaustive survey of a particular subject or theme. We also add the caveat that while we agree a wide range of sources helps strengthen the COI, our ability to access some academic literature may be restricted by limits in our available resources.

4. State treatment of Kurds

4.1.9 Danish Report 2013 is cited stating: "An NGO working with asylum seekers and refugees in Iraq stated that the Iranian intelligence agents are present in KRI, and they have good relations with some of the Iraqi Kurdish political parties in KRI. Formerly, the Iranian intelligence service assassinated Iranians living in KRI but since 2009 this has no longer taken place. [...]"

The Danish report 2013 is not updated and the above information that no assassinations of Iranian Kurds living in the KRI by the Iranian intelligence service has taken place since 2009 is incorrect. I recommend [Kurdistan Human Rights Network \(KHRN\)](#) annual reports and [Hengaw Organization for](#)

[Human Rights](#)' reports to be consulted as they contain updated information and data on human rights situation in Iranian Kurdish. I recommend adding a section on treatment of cultural and environmental activists.

Home Office comment: Thank you for the recommended sources, which will be consulted for more recent information when we update the CPIN as a result of this review. In regard to the treatment of cultural and environmental activists – as we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK and are not intended to be an exhaustive survey of a particular subject or theme. We aim to cover the more common and/or complex issues raised in protection claims in the UK, which are generally covered within this CPIN. We do not feel we need to cover either cultural and/or environmental activists.

5. Overview of Kurdish political groups

There is an inconsistency in the alternative names of the political parties which are sometimes translated in Kurdish, and sometimes in Persian (details in following section). This creates a confusion. Three parties are missing from the list.

Home Office comment: Annotations on the above summary can be found in section 2.2.

8. Komala (Lomaleh/ Komalah) parties

The name of the party is misspelt as Lomala and this has been repeated throughout the report.

Home Office comment: Annotations on the above summary can be found in section 2.2.

10. Treatment of Kurdish political activists

10.1.5 It is recommended that the report adds articles from Iran's penal code which explain punishment of members of oppositional parties. Also, additional information on social media activists is recommended. The internet and online activities are not addressed by the report at all.

10.2 Additional information on cultural and religious discrimination is recommended.

10.3.9 The Kurdish city of Saqqez has been misspelt as Saddez.

10.4.5 Ebrahim Alizadeh should be introduced as the First Secretary of KSKHKI, not as a member.

10.5 Treatment of Family members:

Additional information on social restrictions imposed on family members is recommended.

Home Office comment: Annotations on the above summary can be found in section 2.2.

1.6 Other recommendations

It is recommended that the report include the subject of Iran’s growing cyber technology which is also used for political suppression and monitoring political dissents. This can be crucial for revealing a returnee’s sur place activities. The report lacks any reference to the treatment of social media activists. The following sources can be considered:

Global Voices, ‘Iranian authorities arrest “Instagram celebrities”,’ <https://advox.globalvoices.org/2018/07/11/iranian-authorities-arrest-instagram-celebrities-in-effort-to-assert-control-over-social-media/> ; Michael Rubin, ‘Evolution of Iranian surveillance strategies toward the internet and social media’, The Institute for Policy, Advocacy, and Governance, 10 September 2019, <https://www.aei.org/articles/evolution-of-iranian-surveillance-strategies-toward-the-internet-and-social-media/>

Alireza Taheri, ‘Iran Spent Billions Creating Alternative “Internet” To Control Information’, Radio Farda, 6 May 2020, <https://en.radiofarda.com/a/iran-spent-billions-creating-alternative-internet-to-control-information/30615452.html>

Home Office comment: A discrete CPIN on social media activists will be drafted in due course.

1.7 Understanding of the themes addressed in the Country Information Guidance (CIG) reports

The report demonstrates a good level of understanding of the issues in question. I recommend adding some sections, as discussed above, and consulting recent academic researches noted in the recommendation.

Home Office comment: Thank you. Annotations on the reviewer’s recommendations can be in found section 2.2 below.

1.8 Quality and balance of sources

In general, sources are obtained from reputable international organisations and institutions and are of high quality and relevant. I recommend that more recent academic works on Iran and Iranian Kurdistan should be consulted (some suggestions are made). I also recommend consideration of annual reports by Kurdish human organisations such as [Kurdistan Human Rights Network \(KHRN\)](#) and [Hengaw Organization for Human Rights](#) to provide valuable data and information. Both sources usually corroborate their reports by referring to media outlets inside Iran or those provided by the Iranian Government.

Home Office comment: Thank you. We accept the comments above and will consider the recommended sources for future updates.

2. Review

2.1 Consideration of issues

<p>2.2.1 Komaleh/Komala has been misspelled as Lomaleh.</p>	<p>Accepted. We will correct this typo when we update the CPIN as a result of this review.</p>
<p>2.1.4 Amend the list of Kurdish political parties. See section 2.2 of this review for more details.</p>	<p>Partially accepted. It is unclear where in section 2.2 of this review the details are. However, as per the Preface of the CPIN, it is not intended to be an exhaustive survey of a particular subject or theme. We aim to cover the more common and/or complex issues raised in protection claims in the UK – the parties listed in 2.1.4 represent this. So whilst we can correct typos and include transliterations, we do not propose including extensive links to peripheral issues.</p>
<p>2.4.4. Adding additional information on risks on return is recommend. The details of a returnee of Kurdish ethnicity without a valid passport and who has left Iran illegally will be checked at the airport against the national database created to detect the arrival of those classified as suspects, and monitor the movements of others who are currently undergoing a travel ban in Iran. Due to illegal exit and travelling without a valid Iranian passport, returnees will be arrested immediately and transferred to a nearby Islamic revolutionary court for further interrogation. They will not be provided with adequate legal representation, and the process may reveal other risk factors such as sur place activities and connection to Kurdish political parties abroad.</p>	<p>Partially accepted. There is a free-standing CPIN on illegal exit, so we will include a link to that document.</p>
<p>2.4.10 With regard to armed activities, adding reference to Iran’s Penal Code is recommended: Article 287 – Any group that wages armed rebellion against the state of the Islamic Republic of Iran, shall be regarded as <i>moharebs</i>, and if they use [their] weapon, its members shall be sentenced to the death penalty.⁷ Article 288 – When members of the rebel group are arrested before any conflict occurs or a weapon is used, if the organization or core of that group exists, they shall be sentenced to a ta’zir imprisonment of the third degree, and if the organization or core of that group ceases to exist, they shall be sentenced to a ta’zir imprisonment of the fifth degree.⁸ Definitions: <i>Mohareb</i>: a person who commits <i>moharebeh</i> or waging war against God. <i>Ta’zir</i>: chastisement</p>	<p>Partially accepted. We will direct decision makers to the relevant COI rather than replicate it in the assessment/policy/guidance section.</p>

⁷ Iran Penal Code, UNHCR, 2013, <https://www.refworld.org/docid/518a19404.html>.

⁸ Ibid.

2.2 Country information

<p>3.1.3. “Iranian Kurds mostly live in the north-west of the country in an area referred to as ‘Kurdistan’ by ethnic Kurds and their supporters. Kurdistan is also the name of an official province in Iran within this region⁴.”</p> <p>While this content correctly explains that the Kurdistan Province is within the Kurdish region in the north-west of Iran, it needs to be pointed out that several important and predominantly Kurdish cities are allocated according to Iran’s administrative divisions to provinces outside Kurdistan. For instance, Mahabad located in West Azerbaijan Province. Iranian Kurds live in the provinces of Kurdistan, West Azerbaijan, Ilam, Lorestan, North Khorasan, and Razavi Khorasan. This is important because it does not decrease the degree of political oppression against the Kurds. Moreover, being allocated to the neighbouring provinces restricts economic, social, and educational opportunities of the Kurds living in such locations.</p> <p>Source: There are not reliable sources on the topic in English to my knowledge. However, there are plenty of scholarly works in Persian on the consequences of Iran’s administrative divisions. For instance, see Ali Hossein Ranjbar and Mohammad taqi Razwiyani, ‘An analysis of the transformation of Iran’s administrative divisions regarding geographical and human variants’, [in Persian], <i>Gografya</i> [Geography: a scientific-scholarly periodical], Vol. 10, No. 1, Winter 1398 [2020], pp. 945-957.</p> <p>In this article, the authors conclude that “The centralised state of Iran has failed to consider the centrality of humans in development and [particularly] sustainable development”.</p>	<p>Partially accepted. We will look to add information on predominantly Kurdish areas outside of Kurdistan, though add the caveat that our ability to access academic literature and pay for the translation of non-English language material may be restricted by limits in our available resources.</p>
<p>3.1.3.</p> <p>The caption of the Map given correctly states that “it only covers the main areas of settlement by the Kurds in the region”. Expanding the map is recommended to include Iran’s North Khorasan and Razavi Khorasan Provinces in the north-east of the country where a considerable number of Kurds live. I also recommend mentioning Faili Kurds who follow Shi’a Islam and live in the southern part of Iranian Kurdistan. Including this will demonstrate the awareness of the report and its broad knowledge of the subject in question.</p> <p>For more maps see Institute Kurd Paris: https://www.institutkurde.org/en/kurdorama/map_of_kurdistan.php.</p> <p>On the Failis see International Minority Rights Group (IMRG): https://minorityrights.org/minorities/faili-kurds/.</p>	<p>Accepted. Where available, we will include additional maps to indicate the location of Kurds across Iran when we update the CPIN as a result of this review.</p> <p>Partially accepted. Regarding Faili Kurds: as per the Preface of the CPIN, it is not intended to be an exhaustive survey of a particular subject or theme. We aim to cover the more common and/or complex issues raised in protection claims in the UK, which are generally covered within this CPIN.</p> <p>However, we will look to add a brief section on religion to indicate that not all Kurds are Sunni Muslims when we update the CPIN as a result of this review.</p>
<p>3.2.</p> <p>Persian is defined as the ‘national’ language of Iran. This is incorrect. Iranians consider Persian/Farsi as the official language of Iran. The language is also defined as the official language of Iran by Article 15 of Iran’s Constitution:</p> <p>“The official language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as textbooks, must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian”.</p> <p>https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en</p>	<p>Accepted. We will correct this when we update the CPIN as a result of this review.</p>

<p>3.2.2.</p> <p>A website, OrvilleJenkins.com, is consulted on language variety, and it contains errors on language names. I firmly recommend replacing it with the classification of Kurdish language as presented by Professor Haig and Dr Öpenging, two renowned linguists in Kurdish and Iranian languages. They offer five language groups of Kurdish language: Northern Kurdish (Kurmanji), Central Kurdish (Sorani), Southern Kurdish, Gorani, and Zazaki.</p> <p>Haig, G. and Öpenging, E. (2014). Kurdish: A critical research overview. <i>Kurdish Studies</i> 2, 2. https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.694.9697&rep=rep1&type=pdf</p>	<p>Accepted. We will refer to this recommended source when we update the CPIN as a result of this review.</p>
<p>3.3.1</p> <p>Article 19 of the Iranian Constitution is cited stating: “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language, and the like, do not bestow any privilege”.</p> <p>However, adding references to the Constitution’s Articles 12 and 13 is recommend as they reveal grounds for discrimination against ethnic and religious minorities.</p> <p>Article 12: “The official religion of Iran is Islam and the Twelver Ja’farî school [in usual al-Dîn and fiqh], and this principle will remain eternally immutable”.</p> <p>Article 13: “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education”.</p> <p>As such, religious minorities such as Ahl-e Haqq (Yarsan), which is practised by some Kurds in Iran, is not officially recognised.</p>	<p>Accepted. Whilst we caveated 3.3.1 by including at 3.3.2 that ‘In practice, minorities did not enjoy equal rights.’, we will offer further clarity by referring to Articles 12 and 13 when we update the CPIN as a result of this review.</p>

2.3 State treatment of Kurds

<p>4.1.12</p> <p>It should be noted that publication in Kurdish is allowed but it is conditional. Journals have to be bilingual, (they must contain Persian too) and must not contain anti-government or explicitly political materials.</p> <p>According to a report published by Article 18 in 2015:</p> <p>“In addition to the mass closure of Kurdish publications in Kurdistan, many journalists and media workers were prosecuted, arrested and eventually imprisoned on charges such as ‘actions against national security’, ‘propaganda against the state’, ‘spreading lies’, ‘disturbing public opinion’, ‘affiliation with foreign countries and opposition groups of the Islamic Republic of Iran’, and ‘smearing’.”</p> <p>Source: Article 18, ‘The Organised Suppression of Kurdish Journalists in Iran’, https://www.article19.org/resources/the-organised-suppression-of-kurdish-journalists-in-iran/.</p>	<p>Thank you for the note and sight of this source.</p>
<p>4.1.12</p> <p>The link in footnote 24 is broken.</p>	<p>Accepted. This will be corrected when we update the CPIN as a result of this review. A working link is available here 1930_1530704319_country-information-report-iran.pdf (ecoi.net), although it is noted DFAT updated their report in April 2020 and this more likely to be referred to when we update the CPIN as a result of this review.</p>

2.4 Overview of Kurdish political groups

<p>5.1.1</p> <p>I firmly recommend paying attention to the way the names of Kurdish political groups are given in the report, and use the name given in Kurdish and English. As the names are differently presented by different sources, I recommend relying on the names used by the groups themselves.</p> <p>Please note that Hizbi (Hizb-i) [the party-of] is Kurdish, while Hezbe (Hezb-e) is Persian transliteration. This is the case with Komala (Kurdish), Komaleh (Persian). Consistency in names and transliteration is recommended.</p> <p>Given: Kurdish Democratic Party of Iran (KDPI) (Hizbi Dimocratiki Kurdistan Eran) (aka Democratic Party of Iranian Kurdistan (DPKI) (PDKI)).</p> <p>Recommended: The Democratic Party of Iranian Kurdistan (DPIK) (Hizibi Dimocrati Kurdistan Eran)</p> <p>Source: The official website of the party, https://kurdistanmedia.com/en.</p> <p>Given: Kurdistan Organisation of the Communist Party of Iran (Komala, Sazamane Kurdistan Hezbe Kommuniste Iran (Komala, SKHKI))</p> <p>Recommended: Kurdistan Organisation of the Communist Party of Iran (Komala, Rekhrawi Kurdistan Hezbi Komonisti Eran (Komala, SKHKI)).</p> <p>Source: https://komalah.org/Farsi/</p> <p>Given: Komala of Toilers of Kurdistan and the Komala Party of Kurdistan (Komala, KZK) (Komala Zahmatkeshane Kurdistan)</p> <p>Recommended: The Organisation of the Toilers of Kurdistan (Komalai Zahmatkeshani Kurdistan) (KZK). Internationally, it presents itself as Komala Party of Kurdistan without using Iran as a suffix.</p> <p>Source: https://www.komala.com/</p> <p>Given: Komala Party of Iranian Kurdistan</p> <p>Recommended: Komala Party of Iranian Kurdistan</p> <p>The name used in Kurdish for the party is Komalai Shoreshergi Zehmetkeshani Kurdistan (the Revolutionary Organisation of the Toilers of Kurdistan-Komala). The party uses the same name in Persian and English: Komala Party of Iranian Kurdistan.</p> <p>Source: https://www.komalainternational.org/about</p>	<p>Partially accepted. We aim to be consistent in the usage of names and will provide the common alternatives and transliterations where possible. We note the website for the Democratic Party of Iranian Kurdistan is abbreviated to the PDKI on its English-language site About – Democratic Party of Iranian Kurdistan (pdki.org). Also, the links to the SKHKI and KZK are not in English. Our ability to pay for the translation of foreign-language material may be restricted by limits in our available resources and thus it is not always possible to provide full transliterations.</p>
<p>5.1.1</p> <p>The following political parties are missing from the list:</p> <p>Democratic party of Kurdistan (DPK) (Hizbi Dimocrati Kurdistan) (split from DPIK in 2006).</p> <p>The Iranian Kurdistan Struggle (Sazmani Khabati Kurdistan Eran). The party is known as Khabat (Struggle). The party defines itself as ‘nationalist and Islamic’.</p> <p>Source: https://www.sazmanixebat.com/english/</p> <p>Kurdistan Freedom Party (PAK) (Hizbi Azadi Kurdistan).</p> <p>Source: https://iranprimer.usip.org/blog/2020/sep/08/iran%E2%80%99s-troubled-provinces-kurdistan.</p>	<p>Partially accepted. As per the Preface of the CPIN, it is not intended to be an exhaustive survey of a particular subject or theme. We aim to cover the more common and/or complex issues raised in protection claims in the UK – the political parties listed in the CPIN represent this. However, we can caveat the current list to indicate it is not exhaustive and include the suggested additional parties.</p>
<p>5.1.2. “Many of these groups are based in the Kurdistan Region of Iraq (KRI).”</p> <p>Recommended: All these parties’ leaderships, military wings, publications, broadcasting centres and camps are based in the Kurdistan Region of Iraq (KRI). Except for SKHKI, KDP, and Khabat which have considerably less military presence in Iranian Kurdistan and want to be more committed to the Kurdish Government’s border policies. Others, especially DPIK, Komala Party of Iranian Kurdistan and PJAK, carry out more active excursions into Iranian Kurdistan. The parties use their bases in Iraqi Kurdistan to manage their organisations in Iranian Kurdistan and supply them with political materials.</p>	<p>Accepted. We can expand the description as recommended and reflect the reviewer’s opinion as cited when we update the CPIN as a result of this review.</p>

5.1.3

The brief account is not factually correct and is somewhat contradictory.

Ethnic minorities in Iran have historically been in tension with the central government. However, the Kurds have, in various ways, pursued their cultural and political rights more actively than others. The Iranian state accuses the Kurds of having separatist tendencies, which they have continuously denied. The Kurdish political parties do not call themselves separatists. Following the 1979 Revolution, the Kurdish region of Iran, especially the central areas where a revived Kurdish movement was present, was militarised by the new regime's military forces. This ended the Kurds' short-lived quasi-autonomy and led to a prolonged military conflict between the Kurdish political parties and the state, which went on vigorously throughout the 1980s.

However, the intensity of the armed conflict receded in the 1990s. Since 2000, there have been sporadic clashes in Iranian Kurdistan, although not with the same intensity as before.⁹ The lower level of Kurdish armed activities is due to the emergence of many forms of civil society movements in Iranian Kurdistan, the restrictions imposed by the Kurdish Government in northern Iraq, and Iran's heavy military presence in the region.

Partially accepted. We note the COI suggested is in Persian. Our ability to pay for the translation of Persian-language material may be restricted by limits in our available resources.

The COI section may present contradictory statements and/or conflicting view as we aim to present a range of opinions from different sources. We are happy to reflect the opinions of the reviewer in the absence of English-language sources.

2.5 Kurdish Democratic Party of Iran (KDPI, aka PDKI and DPKI)

6.1 Background

It is recommended that the following information be added to the 'Background':

- Since 2011, the armed activities of the Kurdish political parties began to increase in the region. As reported by Hengaw Organization for Human Rights, in 2018, there were 48 clashes between the military forces of the parties and the government's military forces.¹⁰ And on 11 August 2018, a "clash between the forces of one of the Iranian opposition parties and the Revolutionary Guards Corps took place at Kelashin Mountain Highlands. According to an informed source, 12 people were killed in the clash".¹¹
- The Reuters news organisation reported on 9 September 2018 that "Iran's Revolutionary Guards fired seven missiles in an attack on Iraq-based Iranian Kurdish dissidents that killed at least 11 people on Saturday, the elite military unit was reported as saying by Iranian news agencies on Sunday. Iraqi Kurdish officials said Iran attacked the base of an Iranian Kurdish armed opposition group in northern Iraq on Saturday, killing at least 11 people and wounding scores more".¹²

Not accepted. As per the Preface of the CPIN, it is not intended to be an exhaustive survey of a particular subject or theme. We consider the information provided in the background is sufficient for the intent of the CPIN. It does not aim to provide an exhaustive list of events. It is also noted that one of the recommended sources is in Kurdish. Our ability to pay for the translation of non-English language material may be restricted by limits in our available resources.

9 Deutsche Welle (Persian), June 2016, <https://tinyurl.com/yfwxzncz>; BBC (Persian), June 2016, https://www.bbc.com/persian/iran/2016/06/160615_u04_oshnavieh_clashes

10 Hengaw Organization for Human Rights, 'The War in Kurdistan-2018 Statistics', [Kurdish] 2019, https://hengaw.net/so/news/واگن-هه-ی-رام-ی-ت-ر-ز-ب-ار-ن-ات-س-در-وک-هل-رهش-ن؟fbclid=IwAR14kLflWx2g908K5oHnkWFFI9jG1Wg17u8UvWJziVdBOsjW4O_W0bQuTQ

11 Hengaw Organization for Human Rights, 'At least 12 guards were killed in heavy clashes on the Shno Border', August 2018, <https://hengaw.net/en/news/at-least-12-guards-were-killed-in-heavy-clashes-on-the-shno-borde>

12 Reuters, 'Iranian Guards claims missile attack on Iraq-based Kurd dissidents', 9 September 2018, <https://www.reuters.com/article/us-mideast-crisis-iraq-iran/iranian-guards-claims-missile-attack-on-iraq-based-kurd-dissidents-idUSKCN1LP08Q>

2.6 Komala (Lomaleh/Komalah) parties

<p>Komaleh has been misspelt as Lomaleh.</p> <p>An expert note on membership in the parties:</p> <p>The distinction between a member and a sympathiser should not be interpreted in a way that reduces the role of a sympathiser in party activities and the danger they may face.</p>	<p>Accepted. We will correct this typo when we update the CPIN as a result of this review.</p> <p>Thank you for the note; we are happy to reflect the reviewer’s opinion as cited when we update the CPIN as a result of this review.</p>
<p>8.1.2.</p> <p>The Austrian report of November 2015 is cited that noted: “In the past Komala formed the strongest organization after the KDPI but today the party, similar to the KDPI, has become a shadow of its former self. [...]”</p> <p>However, it is safer to say that both KDPI and Komala, have maintained their popular appeals.</p>	<p>Accepted. We are happy to reflect the reviewer’s opinion as cited when we update the CPIN as a result of this review.</p>

2.7 Treatment of Kurdish political activists

<p>The Landinfo report of February 2013 is cited that:</p> <p>“Asked about the situation in the Kurdish area, a Western embassy stated in the Landinfo report of February 2013 that: ‘it is difficult to obtain information on the ground. During the Khatami period, a dialogue started up between the central government and the Kurdish areas. However, nowadays, one hears more and more of ordinary persons being pursued by the authorities because of family members being members of PJAK, Komala or KDPI. It is considered that opposition is gradually increasing, but it is not possible to say anything about what kind of activity is going on.’”</p> <p>The claim that, during the Khatami period [President 1997–2009], a dialogue started up between the central government and the “Kurdish areas”, is vague. What does “dialogue” with “the Kurdish areas” mean and what parties in the “Kurdish areas” were involved in the claimed dialogue?</p> <p>The Khatami period witnessed a degree of political reform and strengthened the position of the reformists in their tensions with the radicals. This was also reflected in Kurdistan by revived cultural and journalistic activities. However, as reports by Kurdish human rights organisations illustrate, the political and cultural suppression of the Kurds has continued.</p> <p>Sources on the Khatami period:</p> <p>Ansari, A. (2000). <i>Iran, Islam and Democracy</i>.</p> <p>Rezaei, A. (2003). ‘Last Efforts of Iran’s Reformers’, Middle East Research and Information Project (MERIP), 226, https://merip.org/2003/03/last-efforts-of-irans-reformers/.</p>	<p>Partially accepted. Landinfo, and its partners in this joint fact-finding mission – Danish Immigration Service and Danish Refugee Council – are highly credible and reliable organisations that have conducted numerous fact-finding missions to Iran. We are accurately reflecting what they are reporting as conveyed by a Western official. However, we accept this source is dated and somewhat vague and we will look to update this section as a result of this review.</p> <p>We also add the caveat that, while we agree a wide range of sources helps strengthen the COI, the CPIN is not intended to be an exhaustive survey of a particular subject or theme. Furthermore, our ability to access some academic literature may be restricted by limits in our available resources.</p>
<p>10.1.4</p> <p>The link in footnote 96 is broken, or the source does not exist anymore.</p>	<p>Accepted. This will be rectified when we update the CPIN as a result of this review. A working link is available here: 1226_1380796700_fact-finding-iranian-kurds-2013.pdf (ecoi.net)</p>

<p>Additional information on the treatment of social media activists is recommended:</p> <p>Iran's intelligence service monitors the internet and social media platforms, which Iran has developed great capabilities in.¹³ Iran continues to arrest and persecute social media activists, demonstrating the ability of the state to monitor social media.¹⁴ The continuous arrests of civil and social activists in Iran and those who have activities in social media are part of the state's plans to crack down on online activities.¹⁵</p>	<p>Not accepted. A discrete CPIN on social media activists will be drafted in due course.</p>
<p>10.2 Discrimination</p> <p>10.2.1.</p> <p>Ebrahim Alizadeh is the First Secretary of KSKHKI.</p> <p>Adding the following information to the section is recommended:</p> <p>In its report for 2010, Human Rights Watch concluded that 'Iranian laws continue to discriminate against religious minorities, including Sunni Muslims, in employment and education. Sunni Muslims, about 10% of the population, cannot construct mosques in major cities [...] The government restricts cultural and political activities among the country's Azeri, Kurdish, and Arab minorities, including the organisations that focus on social issues'.¹⁶</p>	<p>Partially accepted. Thank you for the clarification on Ebrahim Alizadeh's position. We are happy to reflect the reviewer's knowledge of this if no other sources refer.</p> <p>The Human Rights Watch source suggested is very dated. Where possible we would prefer to cite more recent sources.</p>
<p>10.3.9</p> <p>Saqqez has been misspelt as Saddez.</p>	<p>Accepted. We will correct this typo when we update the CPIN as a result of this review.</p>
<p>10.4 Death sentences and executions</p> <p>The following information can be added.</p> <p>According to the Statistic Centre of Hengaw Organization for Human Rights, "328 Kurdish citizens have been executed in the Iranian prisons ... from May 2012 till May 2017 [...] 21 of them were women and 7 of them were Kurdish political prisoners. During this period, the regime's Judiciary has sentenced 32 Kurdish citizens to death in charge of political or religious activities".¹⁷</p>	<p>Partially accepted. Whilst we can include the suggested source, we would prefer to include more updated information.</p>
<p>10.4.5</p> <p>Ebrahim Alizadeh is introduced as member of KSKHKI, however he is the First Secretary of KSKHKI.</p>	<p>Accepted. Thank you for the clarification on Ebrahim Alizadeh's position. We are happy to reflect the reviewer's knowledge of this if no other sources refer.</p>

13 Global Voices, 'Iranian authorities arrest 'Instagram celebrities' in effort to assert control over social media', <https://advox.globalvoices.org/2018/07/11/iranian-authorities-arrest-instagram-celebrities-in-effort-to-assert-control-over-social-media/>; Michael Rubin, 'Evolution of Iranian surveillance strategies toward the internet and social media', The Institute for Policy, Advocacy, and Governance, 10 December 2019, <https://www.aei.org/articles/evolution-of-iranian-surveillance-strategies-toward-the-internet-and-social-media/>

14 Women's Committee of the National Council of Resistance of Iran, 'Four female labor and social media activists arrested in Tehran, Ilam', 8 October 2020, <https://women.ncr-iran.org/2020/10/08/four-female-labor-and-social-media-activists-arrested-in-tehran-ilam/>

15 Ibid.; Kurdish Human Rights Network, 'A number of artists and social activists arrested in Tehran', 9 October 2020, <https://kurdistanhumanrights.org/en/tag/andisheh-sadri/>

16 Human Rights Watch, 'World Report 2011', <https://www.hrw.org/world-report/2011/country-chapters/iran>

17 Hengaw Organization for Human Rights, 'Executing of 328 Kurdish citizens during Rouhani's term', 21 May 2017, <https://hengaw.net/en/news/executing-of-328-kurdish-citizens-during-rouhanis-term>

2.8 Treatment of family members

Adding Amnesty International's report on this subject is recommended:

"Amnesty International (AI) indicated that government hiring policies, based on selection criteria called gozinesh, are discriminatory (25 May 2005; AI 1 Apr. 2004, Sec. 3.ii; *ibid.* 11 Apr. 2003, Sec. 3.b). Specifically, AI reported that '[p]eople continued to be denied state employment because of their religious affiliation and political opinions under gozinesh, [...] 'selection' provisions which serve to prohibit individuals from working for state bodies' (*ibid.* 25 May 2005)".¹⁸

Not accepted. The source suggested is very dated. Where possible we would prefer to cite more recent sources.

¹⁸ Refworld, UNHCR, 'Iran: Process and procedures for obtaining employment (including in a senior-level position, on contract or as a court clerk) within the Iranian courts, the government and its agencies, including the Islamic Republic of Iran Broadcasting; the role and responsibilities of a court clerk (2001-2006)', 13 July 2006, <https://www.refworld.org/docid/45f1475316.html>

Annex E: Review of the September 2021 Home Office Country Policy and Information Note on Zimbabwe: Opposition to the government

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

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October 2021

¹⁹ A student of land and local governance, with more than 27 years' experience in development work, research, civil society strengthening, housing, urban development, and consulting on/in Zimbabwe and the East and Southern Africa (ESA) Region. Some of the research and consulting has supported UN-aided policy development, direct engagement with governments on policy and service delivery. The review was completed in a personal capacity.

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1. Introduction

1.1 Instructions

The review of the Country Policy and Information Note (CPIN) included documents (containing relevant country of origin information) provided on the topic. It is not a comment on UK Government's Home Office policy on the matters in question. In reviewing the documents, care was taken to check on the sources cited and to consult other documents to enhance clarity regarding the perspectives shared. The documents cited and consulted are publicly available.

1.2 Methodology

The review involved a simple, three-stage, iterative process. The first stage involved reading the documents and randomly checking references. The second step was to seek additional and publicly available documents on selected themes in the report where additional reflection was warranted. The third stage was drafting the review (this report). The work was based on desk (literature) review/analysis guided by the aim of the document as stated in the Preface. Particular attention was also given to the Assessment section of the report for purposes of understanding the 'conclusions' reached.

1.3 Summary of review

The documents are sufficiently detailed for a relatively fluid period in Zimbabwe's immediate post-Mugabe era. They detail the historical and contemporary political developments and the tensions that are at play. The references cited show the limits imposed by the constrained political transition after 24 November 2017. These are relatively balanced and include tweets from the President and state-owned media (Zimpapers, publishers of the Herald and the Sunday Mail). They also cover a long period, providing sufficient depth.

The documents' strengths include: i) reference depth and diversity; ii) detailed analyses of political processes, structures, actors and the competitive nature of their relations; iii) drawing out role of one's political party profile as key to risks of persecution; and iv) documenting political party details to aid understanding of key factors predisposing those in opposition to the government to harm.

Regarding weaknesses, the reports: i) do not treat the 2017 military-assisted political transition as a coup and, in doing so, brush over the extended 'curing of it' that curtailed achievement of stability; ii) potentially 'ethnicise' the question of extent of risk/safety to return based on whether one is from/to Matabeleland or the rest of Zimbabwe; and iii) do not sufficiently debate the partisan extent and nature of some rights violations, home demolitions and evictions. These weaknesses are in the main analytical, as the facts are stated yet the gravity of their implications not adequately explained. For instance, the use of geography (whether someone is from or returning to Matabeleland) is a lesser risk than one's political party profile.

Even Matabeleland activists are within reach of the state security machinery from national to village levels. Further, the opinions of cited organisations are not juxtaposed to at least legislated or factual statements relevant to understanding themes.

Home Office comment

- i) This level of detail from 2017 is not needed for decision makers.
- ii) That risk varies between Matabeleland (including Bulawayo) and elsewhere in Zimbabwe was a finding made by the UK’s immigration courts in the country guidance caselaw of EM and CM, so is something the note needs to consider.
- iii) This is not contained in the September 2021 CPIN (only in the 2019 version) and is not considered relevant to asylum claims generally.

Recommendation: There is no additional information needed, just a re-elevation of the theme of ‘political party profile’ both formal or factual, and state-assigned or ascribed to enable better selection and use of the publicly available materials on which CPINs are based.

It is recommended that, for future reports, Government of Zimbabwe and other local sources are used. For instance, Reports of Constitutional Commissions (Zimbabwe’s Human Rights Commission and Gender Commission), other civil society human rights defender groupings (Zimbabwe Lawyers for Human Rights, and Zimbabwe Association of Doctors for Human Rights), faith-based organisations (the Catholic Commission for Justice and Peace in Zimbabwe, Zimbabwe Christian Council, etc.), judicial pronouncements on relevant matters from the country of origin (Zimbabwe in this case) need consideration as well.

Home Office comment: Thank you for these source suggestions. It would be useful if they could be tied to the relevant sections or specific COI highlighted rather than generalised sources for consideration.

<u>Main suggestions relating to the COI requests:</u>	
1. Balancing sources by including COI (state) laws, records and voices	Accepted. We will include in the update a link to the Constitution in relevant sections as suggested. The Country Policy and Information Team (CPIT) will seek to include further government sources where appropriate, although notes there has not been specific COI suggested for inclusion by the reviewer.

<p style="text-align: center;"><u>Main suggestions relating to the COI requests:</u></p>	
<p>2. Expanding methods to include key informant interviews to reduce ‘lack of information’.</p>	<p>Partially accepted. This would seem to refer to the COIRs where we were unable to find information.</p> <p>We accept that primary research adds value, particularly where there is an absence of information. In drafting CPINs we will sometimes consider contacting sources to obtain information which is otherwise not readily available. However, the response service is demand led with short deadlines and generally we do not have the time or resource to conduct interviews with sources for individual responses.</p> <p>Reviewer response: The response is appreciated including the reasoning related to time constraints.</p>
<p>3. Where incidences are used, balance historical and more current examples.</p>	<p>Not accepted. The CPIN uses data of incidences (protests, human rights violations) across a specific timeframe for comparative purposes. However, there is no value in referring to incidences in a historical context pre- the 2008 / 2010 / 2012 caselaw, which we continue to follow.</p> <p>Reviewer response: The recommendation arises from an expectation that each document prepared covers a period starting from a preceding one of the same purpose. As such, incorporating ‘trends’ may still assist in elaborating matters. The dates cited in this response do not appear in the reviewer recommendations, so it is likely the non-acceptance is not fully based on the recommendation.</p>

1.4 Understanding of the themes addressed in the Country Information Guidance (CIG) reports

The assessment demonstrates relative competence of relevant law (domestic in the UK and international). For the future, it might be possible to consider drawing on country of origin case law. Academic understandings are not sufficiently demonstrated, as shown in limited references in this category.

1.5 Quality and balance of sources

The referenced material is appropriate and of high quality. Its usage is also generally good showing the degree of analysis of the material accessed. As noted in the summary, additional Zimbabwean sources and voices of key informants need to be included in the future.

2. Review

2.1 National policy and legislative context

With respect to law and governance in Zimbabwe, the 2013 Constitution and its progressive implementation frame the period covered by the Country Policy and Information Note (CPIN). Key events that the CPIN informs on include a military-assisted transition from Robert Mugabe's reign in November 2017, elections in July 2018, death of post-election protesters on 1 August 2018, and fuel and food price hikes in January 2019. It also covers cases of violence using ZPP and ACLED data alongside other sources. Delayed enactment of legislation aligned to the Constitution and state consolidation after the November 2017 transition created some uncertainty. The CPIN captures the complexity of a hopeful break with the past alongside re-emergence of authoritarianism quite deftly. Inevitably the contested elections and heavy-handed state response to protests dominate the analysis. The result is that macroeconomic policy stabilisation based on fiscal consolidation defined in the Transitional Stabilisation Program (2018 to 2020) with considerable International Monetary Fund support under a staff-monitored programme are not articulated enough, first as a terrain of 'opposition to the state' and second, as the basis for the spikes in violence.

Home Office comment: CPIT does not consider that detail about macroeconomic policy is generally relevant to deciding cases based on being in opposition to the state. Where relevant the COI points to economic drivers for protests, but these are not our claim types.

Balancing information provided by enhanced stating of governance facts and citing of state views: Section 7.4 (February 2019 CPIN) details protests and demonstrations about the economy citing several credible sources. The government response is in 7.4.8 where the President's tweet is cited. No detail on the policy measures against which citizens protested is given. In 7.6 housing demolitions are referred to. The background to and basis of housing legality and illegality are not provided. The 'dilution of opposition' reason is stated without informing readers of the land administration weaknesses, for instance with respect to the 'Alington Case' where a co-operative sold land without following due process, and that it had done so before the allocation had been confirmed. In this case, proper citing of the case (**HH 114-16-Dusabe & Anor v City of Harare**) would have allowed the CPIN to go beyond the Freedom House interpretation of political persecution (partly reasonable).

The 2019 CPIN was superseded by the September 2021 version and this sub-topic is not included within that. It was therefore not intended to be reviewed, thus CPIT has not considered this comment.

<p>The September 2021 CPIN provides detailed COI and has some positive cases (16.2.7, media-state engagement and state protection of journalists against arrest). ZPP-recorded violations range across different categories from theft and rape to displacement. While the CPIN debates the trends and affiliation of victims (mainly ordinary citizens) it has immediate cure for this potential limitation that is, IF THE VIOLATIONS INCLUDE ORDINARY NON-POLITICAL CRIMES, TO WHAT EXTENT CAN THE DATA BE A USEFUL SOURCE TO GAUGE STATE TREATMENT OF THOSE OPPOSING GOVERNMENT?</p>	<p>The CPIN includes violations for what appear to be non-political ordinary human rights violations primarily for 2 reasons:</p> <p>First, as the CPIN notes, citing the ZPP, many victims of human rights violations are reluctant to reveal their political affiliation (and therefore whether this may have been a factor in why they were subject to abuse) because of wider state repression. The note therefore needs to acknowledge that politically-motivated violations may be higher than statistics alone indicate.</p> <p>Second, in part given the uncertainty over the actual level of politically-motivated violations, it is important that the note documents the actual absolute level of human violations recorded by the sources to provide a comparison to the situation since 2008, in particular 2010/11 and 2012/13 when the Country Guidance (CG) cases cited in the note were heard and made their findings of risk. The level of human rights violations recorded in 2020 was significantly lower than those periods and therefore contributes (along with other evidence) to the argument that there are not 'very strong grounds supported by cogent evidence' to depart from existing country guidance in terms of risk to the political opposition.</p>
<p>Paragraph 4.1.1 on state agencies and proxies could benefit from extension to show that the issues cited (the equivalent of security briefings, direct communications between the head of a government and state security pillars, that Ministers report to her/him etc.) are ordinary governance functions not unique to Zimbabwe. The same logic could also be applied to paragraph 16.3.8 on NGO monitoring.</p>	<p>The recommendation not clear. Section 4 is intended to give an overview on state agents and proxies. Could the reviewer provide any additional sources that would assist with that? The same for para 16.3.8, as it is not clear what is needed.</p> <p>Reviewer comment: Alternative formulation: The statements cited are not followed by a qualification that these constitute legitimate ways through which any government executes its functions.</p> <p>The purpose of the reviewer's note is that doing so leaves room for a potentially negative interpretation. It becomes like a normal yet unmarked parcel that ordinarily becomes suspicious.</p>
<p>The CPINs cite analytical work by credible institutions. Yet analysis is not enough, particularly in context of parameters the Home Office uses in treating such publicly available information where '...motivation, purpose...methodologies used...currency' as well as corroboration are considered important.</p>	<p>Not clear what is needed here in which section.</p>
<p>The possible remedy here is to cite key paragraphs the Constitution of Zimbabwe to provide the factual and legislated framing on a key issue, for example, on the Police, Army, media regulation, etc.</p>	<p>Accepted. Thank you for the recommendation. A link to the Constitution will be provided where relevant in the forthcoming update.</p>

2.2 State treatment

The CPIN provides an extensive range of incidences showing both hopeful instances of state responses (e.g. establishment of the Motlanthe Commission following the 1 August 2018 post-election shooting [paragraph 8.4 of the February 2019 CPIN], actions by the judiciary to contribute to reduced election-related violence [sub-section 8.3], acknowledgement of National Association of Non Governmental Organisations (NANGO) role in steering state-civil society dialogue [paragraph 9.3.1]) and inadequate responses demonstrating elements of continuity with the repressive past related to ill-treatment of civil society and journalists, among others seen as expressing/promoting views opposed to the state.

<p>Home Office comment: The February 2019 CPIN was superseded by the September 2021 CPIN. CPIT has therefore not considered comments relating to the archived version.</p>	
<p>1. The CPIN captures the complexity of the actors in a historically appropriate manner and presents information that aids understanding. Critical institutions are discussed, including their internal structures and the political strains that affect relations with other actors.</p>	<p>Thank you for the positive comment.</p>
<p>2. The geography of 'safe/unsafe' areas in the country regarding resettling in or thriving by individual activists has the potential of 'ethnicising' risks, creating the impression that rural Matabeleland may be safe for high-profile political activists opposed to government.</p>	<p>The Upper Tribunal in the CG case of CM (Zimbabwe) found that "In general, a person returning to rural Matabeleland North or South is highly unlikely to face significant difficulty from ZANU-PF or the security forces, even if the person is a MDC member or supporter. An exception to this is if a person can show that his home area is under the control of ZANU-PF (para 3(4))." The note therefore needed to consider whether the situation varies by place; it does not however discuss (or suggest) that the experiences of ethnic groups are necessarily different. The COI used in the CPIN did not demonstrate that there were 'very strong grounds supported by cogent evidence to depart from existing country guidance'. Could the reviewer provide any additional sources in order that we could consider this further?</p>
<p>3. It may help to ensure the appropriately 'elevated' factor of <u>activists' political party profile</u> as central and thus more important than one's ethnicity. This is also true regarding resettling in the country. Someone's profile determines whether they can quietly resettle in any part of the country away from the 'long arm of the state'.</p>	<p>Recommendation unclear. Is the reviewer able to point to the relevant sections in the Country Information and provide any additional sources for consideration?</p> <p>Reviewer comment: Alternatively formulated: geography and ethnicity do not have the same weight as risk factors compared to an activist's political party profile. The latter is a higher risk factor. The current presentation of the information has the potential to understate that.</p>

<p>4. Further nuancing is needed in the section on ‘partisan housing demolitions/evictions’: this is presently elaborated as largely about opposition politicians dominating the victims of state-led evictions. As acknowledged above (2.1) party political partisanship is an important factor. It however does not fully explain all evictions and demolitions. In essence someone’s evictability does not exclusively rest with the ‘colour’ of their party. Settling on marginal lands, being on private land, lacking appropriate services, poor settlement leadership and lacking appropriate ‘admin connections’ with formal planning-local governance authorities are also factors to consider. Further, most evictions affect mixed socio-economic groups. This mixture of victims defies an overstating of party-political partisanship.</p>	<p>Demolitions / evictions are not referenced in the September 2021 CPIN (but were included in the archived 2019 CPIN) so this comment has not been considered fully.</p> <p>It is not considered that COI on these topics is required in the forthcoming update.</p>
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2.3 Civil society support services and treatment

The CPIN and responses to requests for information reflect the diversity of civil society organisations (CSOs) working on the subject. The range of programmes they implement and the services provided are shared, aiding understanding while also confirming the credibility of these CSOs.

<p>1. Balanced Information: for the future it would help to interrogate and extend assertions (e.g. what is attributed in paragraph 9.1.1). In this case positive application of the legislation (POSA and AIPPA) need to be cited, as per CSO capacity gaps in terms of seeking relevant information and the reality of Zimbabwean CSOs being poorly funded (Rogers 2019).²⁰ Rogers (2019) observes that “By the time the 2013 election rolled around there wasn’t much money left. And when the MDC lost that too...the bottom fell off. Donors were exhausted and funds dried up” (p31). This also applies to use of CSO data, e.g. ZPP, NGO Forum for Human Rights, ZLHR, to also include their successful interventions.</p>	<p>This refers to the 2019 CPIN which is now archived.</p> <p>The 2021 CPIN references Civil Society activists and their treatment by the state at section 16.3. It is considered that it is in this context only that decision makers need information about CSOs.</p>
<p>2. Broadening perspective on CSOs beyond human rights defenders: granted the CPIN is on political opposition, value could still be had from expanding cases of civil society organisations that are outside the ones often in confrontation with the state. The citing of Reall and Dialogue on Shelter (para 1.5 of unreferenced Info Request, Zimbabwe: Socio-economic situation [general and lone female]) is a good example, but on the subject of political opposition, non-repressed voices are silenced.</p>	<p>As above, the 2021 CPIN references Civil Society activists and their treatment by the state at section 16.3. The note focuses on groups likely to be subject to human rights violations by the state and who may claim asylum. It is in this context only that decision makers need information about CSOs when considering claims based on political opposition, not the situation of all CSOs.</p> <p>Reviewer response: This potentially contradicts the fact that what is referenced in the reviewer’s comment is already in the material reviewed. In short, while it is not intended for the material to cover ‘all CSOs’ it remains inadequate to rely on a limited category of CSOs yet call such a document ‘country information’.</p>

²⁰ Rogers D (2019), Two weeks in November: The astonishing untold story of the operation that toppled Mugabe, Jonathan Ball Publishers.

3. Review of responses to COI requests

<p>1. 'State of Treatment of Movement for Democratic Change', Request No. 02/21-048: The response is relatively comprehensive, cites diverse sources and is therefore a satisfactory one.</p>	<p>Thank you for the positive comment.</p>
<p>2. 'Untitled', request No. 0320.042: Provides a good description of Zimbabwe's Central Intelligence Organisation in paragraph 1. This suggests access to credible sources. However, referring to two pre-2010 cases to help respond to the need for information regarding the CIO's work is unsatisfactory.</p>	<p>Accepted. This response will be archived as the information is dated.</p>
<p>3. 'Returnees', request No. 02/20-092: This is a relatively adequate response. The reviewer asked a state key informant in the relevant ministry for information regarding some of the recent returnees. Insights are to be shared later as the official indicated lack of proper follow-up by non-security²¹ ministries on this.</p>	<p>Thank you for the comment. CPIT would value having sight of any research the reviewer has done on this point.</p>
<p>4. 'Untitled' request No. 0220.087: A good response. However, relying on USSD plus three newspaper articles without seeking the voice of the Government of Zimbabwe (or other Zimbabwean media) drains some of the relevance and completeness (citing a newspaper story quoting a deputy minister is not enough).</p> <p>Changed search frame and yielded the following: https://www.voanews.com/a/africa_zimbabwe-signs-35b-compensation-deal-white-farmers/6193626.html https://www.bloomberg.com/news/articles/2020-03-13/zimbabwe-offers-land-to-recompense-dispossessed-white-farmers</p>	<p>Thank you for the comment. Information on this subject predominately covers the treatment of white farmers. Is the reviewer able to suggest COI from the government or Zimbabwean media that covers the treatment of white Zimbabweans more generally, in line with the response?</p> <p>Reviewer comment: Noted. Comment was not meant to undermine what is in the document, but to highlight the need to extend sources.</p>
<p>5. 'Untitled', request No. 0420.039: "CPIT was not able to find information about background checks" [para 1.1.1] is an unsatisfactory lead-up to a response. Relevant responses for the future could draw on constitutional provisions on citizenship (esp. s39) or others rather than just end at subsidiary Acts of Parliament (some of which await alignment to the 2013 Constitution).</p>	<p>Not accepted. CPIT has cited the sources consulted and that the information could not be found. If the reviewer is aware of sources that answer the questions, CPIT would be grateful to receive and consider them.</p> <p>We do not believe the suggested addition is relevant to the questions posed in the response or to protection claims of this nature.</p>

²¹ Zimbabwe's security-related ministries include those responsible for the CIO, defence, police and prisons.

<p>6. 'Zimbabwe: Presidential Scholarship Scheme', request No. 07/21.010: There is no direct response to the information request and is therefore unsatisfactory.</p>	<p>Not accepted. 'No information found' is considered a satisfactory response if we are unable to find the relevant material given the limits of the request service process. CPIT has listed the sources considered and relevant background information. A lack of information has some evidential value if contextualised and caveated – we do this by stating where information was looked for and include a disclaimer explaining the significance of a lack of information.</p> <p>If the reviewer is aware of sources that answer the questions, CPIT would be grateful to receive and consider them.</p>
<p>7. 'Zimbabwe Gospel of God (White Garment, Masowe) Church, request No. 02/21.052: A balanced response that: i) acknowledges the difficulty in establishing numbers of adherents; ii) states variable relations between church and political establishment; and iii) could more clearly assert the difficulty of 'bunching' the white garment churches and individual adherents into supporters/non-supporters of political parties.</p>	<p>Thank you for the positive comments. Responses only provide COI and do not provide analysis of information. Therefore, it would not be appropriate to address iii.</p>

4. Information about the reviewer

The reviewer is a citizen of Zimbabwe and has lived in the country since birth. He has lived through periods of, read about and contributed to writings on political violence in Zimbabwe.²² He conducts research on some of the sub-themes of relevance to the CPIN including for university-level teaching and also publishing.

²² Contributed to a 2009 Catholic Commission for Justice and Peace publication entitled 'Graveyard Governance: A report on political violence following the March 2008 harmonised elections'.

Review of the April 2021 Home Office Country Policy and Information Note on Zimbabwe: Medical treatment and healthcare

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

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October 2021

²³ A student of land and local governance, with more than 27 years' experience development work, research, civil society strengthening, housing, urban development, and consulting on/in Zimbabwe and the East and Southern Africa (ESA) Region. Some of the research and consulting has supported UN-aided policy development, direct engagement with governments on policy and service delivery. The review was completed in a personal capacity.

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1. Introduction

1.1 Instructions

The review of the Country Policy and Information Note (CPIN) included documents (containing relevant country of origin information) provided on the topic. It is not a comment on UK Government's Home Office policy on the matters in question. In reviewing the documents, care was taken to check on the sources cited and to consult other documents to enhance clarity regarding the perspectives shared. The documents cited and consulted are publicly available.

1.2 Methodology

The review involved a simple, three-stage, iterative process. The first stage involved reading the report and randomly checking references. The second step was to seek additional and publicly available documents on selected themes in the report where additional reflection was warranted. The third stage was drafting the review (this report). As such, the work was based on desk (literature) review/analysis guided by the aim of the document as stated in the Preface. Particular attention was also given to the Assessment section of the report for purposes of understanding the 'conclusions' reached.

1.3 Summary of review

The report is very detailed and draws on good material. It discusses Zimbabwe's relatively well-developed health sector with diverse service providers and decentralised service points. The information regarding sector performance is also based on credible sources, which is a key strength of the report.

It is also clear from the report that Zimbabweans lack quality healthcare due to: i) underfunding which has resulted in understaffing, high staff turnover, shortage of medicines and equipment, properly run facilities; ii) expensive alternative (mainly private) services; iii) inadequate governance of the sector; iv) ongoing political and economic crises; and v) health emergencies (HIV and AIDS, malaria, tuberculosis, cholera, typhoid, COVID-19).

Because of low public sector funding, the country's health sector has been donor-funded for many years. Some of the sponsors of the alternative initiatives are cited in the report. However, additional use of National AIDS Council, World Health Organization, Ministry of Health, Zimbabwe Vulnerability Assessment Committee (ZIMVAC), Zimbabwe Statistics Agency (ZIMSTAT) and UNICEF gathered data would have strengthened aspects of the report. This is an area for future improvement. For instance, ZIMSTAT (supported by UNICEF, World Bank, and other donors) published Multiple Indicator Cluster Survey (MICS) results in 2014 and 2019 while the Food and Nutrition Council-chaired ZIMVAC produces regular reports. MICS and ZIMVAC have sections discussing issues relevant to the health sector. Citing findings of public documents strengthens the analysis and allows comparisons with non-government sources.

Home Office comment: Thank you for the additional source suggestions. We will consider them for future updates.

<u>Main suggestions relating to the COI requests:</u>	
1. Reaching and using locally focused work through relevant UN agencies, state (e.g. the Statistics agency, ZIMVAC, NAC, Ministry of Health [or other relevant ministry depending on issue], MICS data) and local CSOs.	Partially accepted. Thank you for the source suggestions, we will consider publicly available information from the suggested organisations in future requests. However, the response service is demand led with short deadlines and, although we appreciate the value primary research can add, generally we do not have the time or resource to approach or interview sources for additional information.
Add dimension of regional comparisons especially for sector analyses based on available statistics (e.g. Mo Ibrahim Foundation’s African Governance Reports, SADC portal etc.)	Not accepted. Thank you for the source suggestions; we will consider publicly available information from the suggested organisations in future requests. However, COI responses only need to provide information about treatment in Zimbabwe. This is due to the nature of the questions asked which are based on the claimant’s experiences in, or risk on return to, their country of origin.

1.4 Understanding of the themes addressed in the Country Information Guidance (CIG) reports

The report is adequately focused on the health sector broadly and the situation with specific diseases. It also gives information on individual service providers, facilities and categories of service providers (e.g. Medical Aid Societies) presenting very competent assessments. A few academic sources are cited but their limited usage does not take away from a detailed sector analysis.

1.5 Quality and balance of sources

The sources provide breadth and diversity. Use of public sector sources (including UN-co-ordinated publications) is, however, limited.

2. Review

2.1 National policy and legislative context

Critical policy and legislative instruments cite health as a basic right. For instance, sections 29, 73, 76 and 77 of the Constitution directly articulate a right to health in general, while sections 81, 82 and 83 focused on children, the elderly and persons with disabilities respectively define their health-related rights (Government of Zimbabwe 2013).²⁴ Zimbabwe signed up to the Abuja Declaration of 2000, which set a health funding threshold of 15% of public funds. Yet the country has never met this threshold (Government of Zimbabwe 2016).²⁵ The CPIN does a good job at showing the performance gaps broadly and the disease-specific issues. It also covers different actors supporting health provision. This diversity shows the multiple provider model that Zimbabwe uses. There is a clear hierarchy of services from primary to tertiary with a decentralised governance model where both national and local government play a part.

1. The CPIN is commendably clear on the health delivery structures in Zimbabwe and their performance. The socio-economic and political/governance behind this underperformance are also clearly stated.	Thank you for the positive comments.
2. Connecting with the above-cited constitutional provisions may help ensure that those deciding on relevant matters refer to potential remedies available to those seeking healthcare (specialised or basic).	Accepted. We will consider constitutional provisions for inclusion in the update.

2.2 State capacity and services

Despite clarity on delivery models and actor roles, Zimbabwe's health sector (overall) is unable to meet the needs of citizens and residents. This inadequacy is in terms of: i) reach or coverage; ii) affordability; and iii) quality. It is also a challenge for the preventative and curative sides of health delivery. The weaknesses are across all models of: i) public; ii) private; iii) civil society (including church-related); and iv) self-provisioning (including faith and traditional healing).

24 Constitution of Zimbabwe Amendment Act No. 20

25 Zimbabwe National Health Financing Policy: resourcing Pathway to Universal Health Coverage, 2016

Home Office comment: All medical human rights cases are considered on their own facts, taking into account, as appropriate, available information about relevant medical treatment(s). The guidance for medical claims which rely on Articles 3 and 8 of the European Convention on Human Rights is published on [GOV.UK](https://www.gov.uk). The guidance includes the legal framework that applies to the consideration of such claims, including the relevant legislation and domestic and international caselaw. While there are a number of weaknesses in the provision of healthcare in Zimbabwe, there continues to be a system in place which meets some, if not all, of the country’s needs. The general provision of healthcare in Zimbabwe is not assessed in the Medical CPIN or Country of Origin Information Request (COIR) products, and whether treatment is available and accessible to a particular individual will inevitably depend on the facts of that case.

1. Consider adding data on per-capita investments for the future to allow further clarity regarding funding gaps and thus the service delivery constraints, especially where comparisons are had with other countries. Possible sources for data for comparing Zimbabwe to other countries include the Mo Ibrahim Foundation²⁶ and Southern African Development Community (SADC)²⁷ (among others).

Thank you for the recommendation. We will consider the sources suggested for inclusion in the update under the ‘healthcare system’ section.

2.3 Alternative providers

As observed above, the multi-actor model is clearly defined in the CPIN. It is also competently analysed in terms of its contributions, with capacity limitations discussed citing appropriate sources in terms of diversity and credibility.

1. No additional review comments.

Thank you for the positive comments.

²⁶ Examples are: i) 2020. COVID-19 in Africa: A Call for Coordinated Governance, improved Health Structures and Better Data; and ii) 2019. Agendas 2063 and 2030: Is Africa on Track?

²⁷ <https://www.sadc.int/documents-publications/themes/health/>

3. Review of responses to COI requests

<p>1. 'Untitled', request No. 0220.004: The subheadings and content under them do not address the subject of 'medical disability' and the key words of "lone women – human rights activists". The sources relied on did not address the information request.</p>	<p>Thank you for the comment and we accept the subject header is incorrect.</p> <p>This request covers lone women and government critics. The response 'CPIT could not find information about what support is available for lone women with children, using the following sources' is an appropriate response if the information could not be found. If the reviewer has any source suggestions on this topic, CPIT would be grateful to receive them.</p> <p>The treatment of critics of the government is now more accurately reflected in the September 2021 CPIN so we now intend to archive this response.</p>
<p>2. 'Female Genital Mutilation, FGM', request No. 06/20.067: Constitutional and legislative provisions under which FGM perpetrators can be prosecuted are cited. The limited remote places where FGM is practised are noted, and customary law (and its administration) as barriers to removal of harmful practices (with FGM being one) are discussed. It is a very adequate response.</p>	<p>Thank you for the positive comments.</p>
<p>3. 'COVID-19 restrictions', request No. 07/21.035: An adequate response citing appropriate sources, including government.</p>	<p>Thank you for the positive comments.</p>
<p>4. 'Autistic Children', request No. 11/20.066: A very adequate response. For the future, citing relevant local examples, for instance the ministry responsible for social welfare and UNICEF,²⁸ will be helpful.</p>	<p>Thank you for the positive comment. We do not intend to update this response but will continue to consider UNICEF when searching for COI on children more generally.</p>
<p>5. 'Socio-economic Situation: general and Lone Female', request of 22 February 2021: Information request not fully answered. Global and local data provided not gender disaggregated. For the future seeking data from local 'women's organisations'²⁹ and associations of the informal sector could be helpful.</p>	<p>Not accepted. This was an 'inspired response' compiled by CPIT to include information needed by the business, rather than a direct request for information. We consider the areas outlined in the headers have been answered and the response met the needs of the end users.</p> <p>Thank you for the source suggestions. Given time constraints and resource implications it is not always possible to approach organisations direct to ask for data; we generally rely on existing published statistics or COI. However, where circumstances allow, we will consider doing this in future.</p>

28 <https://www.unicef.org/zimbabwe/disabilities>

29 Examples include Musasa Project, Zimbabwe Women's Resource Centre and Network, Women's Action Group and UN Women.

4. Information about the reviewer

The reviewer is involved in policy development work on decentralised services (local governance), informal settlements and health (including water, sanitation and hygiene) issues in Zimbabwe. He also worked as an HIV and AIDS adviser in the 2000s and draws on Multiple Indicator Cluster Survey (MICS) data when supporting different clients (e.g. Plan International).



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