

IAGCI REVIEW OF THE USE OF COI IN OPERATIONAL GUIDANCE NOTES

Country	Conclusions/ Recommendations	Response/Comment
<p>Libya</p>	<ol style="list-style-type: none"> 1. <i>While reaffirming the comments at Paragraphs 1-8 of my Review, I consider that the Operational Guidance Note: Libya v7 Issued 3 May 2012 is generally accurate, unbiased and up-to-date; and it relies on reputable and accessible sources. It is therefore an effective publication.[para 22]</i> 2. <i>In my opinion, it could be improved if the matters I raise at Paragraphs 11-13 and 16-18 of my Report were addressed.[para 23]</i> 	<p>We welcome the reviewer's conclusion concerning the general accuracy, currency etc of the OGN and that it is an effective publication.</p> <p>Paras 11-13 of the review concerned typographical errors &/or minor corrections needed to the referencing of sources in 5 footnotes. This recommendation is <u>accepted</u> in full and will be corrected in the next version.</p> <p>Paras 16-17 identified four instances of source material being quoted that to a large extent was giving predictions about the likely evolution of the situation in Libya. We agree with the reviewer's opinion - and <u>accept</u> in full that OGNs should be limited to consideration of the situation <i>as it now is</i>; and again this will be rectified in the next version of the OGN.</p>
<p>Vietnam</p>	<ol style="list-style-type: none"> 1. <i>It is recommended that the OGN is timed to coincide with the latest version of the COI so that the most up to date concerns may be considered from a policy viewpoint in the OGN [para 4.1].</i> 2. <i>The OGN is highlighting the main issues which are of concern from a policy viewpoint, but probably would benefit from a more broad reference base, in order to balance issues related to policy concerns [para 4.2].</i> 3. <i>Some topics related to medical issues and trafficking are currently under-emphasised and it is suggested that more attention is given to them in the OGN. However, this effect may be partly due to the fact that the COI 2011 is the main reference [para 4.3].</i> 	<p>We welcome the reviewer's view that the OGN gives a reasonably balanced summary of salient information related to its specific policy requirements.</p> <p>As stated in response the Chief Inspector's recommendation in his report "the use of COI in deciding asylum application: A thematic inspection", we <u>accept</u> that we should aim to co-ordinate the timetabling of the COI report and the OGN and will continue to try to achieve this and in fact already do this whenever possible. We may not always achieve this, for example when there is a need to reissue an OGN to reflect new caselaw handed down by the courts which cannot wait until the next COI Service report is completed.</p> <p>The OGN is intended only to address the main issues arising in determining common categories of claim. Whilst we accept that the inclusion of wider issues might in some circumstances provide a fuller picture of the context for the policy conclusions, we do not believe it necessary given that the OGN clearly directs decision makers to the most recent COI product as well as other relevant guidance etc.</p> <p>We will carefully review the topics relating to medical issues and trafficking in the light of the recently published COI report (and the reviewer's comments on it) and address in the next version of the OGN the point that these topics may be under-emphasised.</p>

Country	Conclusions/ Recommendations	Response/Comment
Sri Lanka	<p><i>Unlike the reviews undertaken of the OGNs for Libya and Vietnam, the Sri Lanka review does not provide conclusions/ recommendations. Rather, it is formatted into Key Findings and Commentary.</i></p> <p><i>Key Findings-</i></p> <ol style="list-style-type: none"> <i>1. It [the OGN] contains a key thematic omission in relation to the current context of gender related human rights abuses and risks ---“</i> <i>2. The OGN tends to be very selective about the utilization of [very recent human rights advocacy reports] and the section on Country Guidance case law ignores dialogue with advocacy material cited elsewhere---“</i> <i>3. There is insufficiently supported analysis. An example is then given of the section “Actors of Protection”.</i> <i>4. There is an over reliance on the judgments and analysis of past test cases and some current sources---.</i> <i>5. Failures to provide any analysis at all of policy decisions when the OGN considers new evidence. An example is then given of the FFT and HRW allegations and the citing of a Tamil deportee [in 2010] recently killed.</i> 	<p>The OGN is intended only to address the main issues arising in determining common categories of asylum claim and gender issues, as identified by case-owners.</p> <p>The OGN presents only a snapshot of COI material, but endeavours to achieve a balance of views to support the conclusions for each category of claim. OGNs are commented upon by Still Human Still Here, whose researchers often suggest COI material which will in general be incorporated in the Note.</p> <p>The case law section is intended to be a factual statement of relevant case law. Case law is highlighted in relevant category conclusions for the overall consideration by case-owners along with sourced country information and the individual facts in the case.</p> <p>This section attempts to highlight key points on state protection and provides no conclusion. As highlighted at the start of all OGNs case owners are instructed not to base decisions [solely] on the country of origin information in the OGN.</p> <p>Case law is highlighted in relevant category conclusions for the overall consideration by case-owners along with sourced country information and the individual facts in the case.</p> <p>The issue of the allegations presented by HRW and FFT have been dealt with sufficiently on the basis of the evidence presented to us and policy conclusions reached. In any event, this observation would appear to fall beyond the scope of the review, whose purpose is to assess (i) the extent to which the OGN refers to the most up to date information produced by UKBA’s COI Service and (ii) the extent to which it gives an indication of the range of relevant material that should be considered.</p>

	<p>6. <i>Whilst many of the sections do counter balance state sources with human rights advocacy, there is a tendency to neglect Tamil media sources.</i></p> <p>7. <i>There is a tendency in the OGN, which is not the case with the Sri Lanka COI, to represent Sri Lanka as a normalizing, post conflict space.</i></p> <p><i>Commentary</i></p> <p>1. <i>Actors of Protection. – thin analysis of a far more entrenched problem.</i></p> <p>2. <i>Internal Relocation: section relies on sources and test cases --- presents distorted view of the situation on the ground.</i></p> <p>3. <i>Country Guidance case law.</i></p> <p>4. <i>Main Categories of Claim</i></p> <p><i>The policy conclusions are contestable ----</i></p> <p><i>Discretionary Leave- the section provides a better and more balanced picture of the mental health situation --- but the conclusion lacks clarity.</i></p> <p><i>Returns: the OGN report does not offer analysis to support its judgment.</i></p>	<p>This is not accepted. Tamil Net are sources quoted in the OGN as are other HR advocates. The main source is the UKBA country of Origin report which draws information from these groups.</p> <p>The intention is to provide guidance to case-owners on the main categories of claim. There is no attempt to provide an overall commentary on Sri Lanka as a state.</p> <p>No analysis is provided in this section. As stated above this section attempts to highlight key points on state protection and provides no conclusion.</p> <p>This section concludes that case owners must carefully consider the personal circumstances in each case, the conditions in the area of return and take into account the latest information on the security and humanitarian situations.</p> <p>We acknowledge and are grateful for the identified error and this has been corrected in the published OGN. As stated above this section is purely a factual summary of the law.</p> <p>We appreciate the recognition that the section recognises ongoing human rights concerns, but emphasise these sections do not contain definitive COI material and case owners are instructed to consider latest information. There may be an error in the citing of 3.6.9 as a conclusion as this is COI sourced material.</p> <p>We do not accept this statement as the review fails to recognise the balance of evidence: for example it criticises use of the US report in Journalists and HR advocates but fails to reflect the section also identifies by HRW and AI ongoing ill treatment of these categories.</p> <p>We welcome the recognition of the attempt to provide a balanced picture on mental health and the conclusion is to emphasise each case will depend on its individual facts.</p> <p>The issue of the allegations presented by HRW and FFT have been dealt with sufficiently on the basis of the evidence presented to us.</p>
--	--	---

