HUNGARIAN HELSINKI COMMITTEE

# Country Information in Asylum Procedures

## Quality as a Legal Requirement in the EU

Written by
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Hungarian Helsinki Committee

Project co-financed by
the European Refugee Fund

**Updated version, 2011**

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*"[…] it is necessary to adhere to the following rules while using country of origin information. The COI must be as much as possible (1) relevant, (2) reliable and balanced, (3) current and contrasted from different sources, and (4) transparent and traceable (cf. criteria for dealing with COI in asylum procedure in: GYULAI, G.: Country Information in Asylum Procedures: Quality as a Legal Requirement in the EU, Budapest, 2007).*"

*Judgment 5 Azs 55/2008-71 of 31 July 2008*
*of the Czech Supreme Administrative Court*

This report reflects the situation as on 30 June 2011.

The views expressed in this publication are those of the Hungarian Helsinki Committee and do not necessarily reflect the views of researchers who contributed to this study, other project partners or the European Commission.

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# Executive Summary

In recent years, country information (COI) has become one of the main issues on the European asylum agenda, partly as a result of the spectacular advancement of information technologies. Far from its supplementary role in the nineties, its key importance as being always-available objective evidence is widely recognised by all actors in this field. The UNHCR, non-governmental organisations, the judiciary and administrative asylum authorities have equally elaborated guidelines summarising main quality standards and requirements related to COI. In addition, professional standards have gradually taken root in national and community asylum legislation as well as in the jurisprudence of the European Court of Human Rights and national courts.

This study aims to draw a complex picture of how substantive quality standards of researching and assessing COI appear in the form of authoritative legal requirements within the present system, either as binding legal provisions or guiding judicial practice. As such, the study intends to provide a tool and a set of concrete examples for policy- and law-makers, advocates, judges and trainers active in this field. The four standards selected to determine the construction of the present report have been established in the practice of the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) and the Europe-wide "COI Network".

This is the second, updated edition of a 2007 publication that appeared under the same title. Since the first edition, important changes have taken place in some countries' legislation and the use of country information as evidence is now widely established as an indispensable element of asylum decision-making. In addition, a high number of recent court decisions contributed to the further crystallisation of COI quality norms in the form of legal criteria.

## 1. Relevance

Standard: COI must be closely related to the legal substance of an asylum claim (i.e. fear of being persecuted/risk of suffering serious harm and lack of protection) and must objectively reflect (confirm or disprove) the important facts related thereto.

Main findings: Legal relevance, as a comprehensive quality standard of COI, is insufficiently reflected in European and national-level asylum legislation and jurisprudence. Meanwhile, the Qualification Directive sets two criteria that may be closely linked to this norm: that of individualised processing of claims and assessing actual legal practices instead of merely looking at law in the books in the country of origin. Both of these binding standards are now reflected in the jurisprudence of some senior European courts dealing with asylum cases. Nevertheless, the reference to individualisation is significantly more frequent than the other criterion, and on certain occasions it is even explicitly connected to an individualised assessment of COI (as opposed to the use of only general, not case-specific information). These rather basic principles may effectively contribute to improve

the interpretation of legally relevant COI in countries where these two issues have not yet been widely discussed or clarified in legal practice.

The Hungarian and Austrian asylum legislation, together with the Polish and Czech jurisprudence on this matter can be referred to as exemplary practices at the European level, as they put forward a compact definition of legal relevance with regard to country information, in line with already existing professional standards.

## 2. Reliability and balance

Standard: Given the inevitable bias of sources, COI has to rely on a variety of different types of sources, bearing in mind the political and ideological context in which each source operates as well as its mandate, reporting methodology and the intention behind its publications.

Main findings: The criterion of using balanced and reliable COI sources in asylum procedures is now firmly anchored in both legislation and jurisprudence in the EU. Its main concrete incarnation is the requirement of using a variety of different sources, as foreseen by the Procedures Directive and echoed by the ECtHR and several senior courts' jurisprudence. Most of the relevant case law refuses to establish an "order of preference" between different types of sources. The ECtHR, as well as some national courts have recently established standards for source assessment. It appears, furthermore, that over the past few years a number of national courts have become more vigilant even with regard to "official" (state, EU) sources and cautious scrutiny is gradually becoming a general standard, rather than the automatic acceptance of such information.

## 3. Accuracy and currency

Standard: COI has to be obtained and corroborated from a variety of sources; with due attention paid to finding and filtering the relevant and up-to-date information from the sources chosen and without any distortion of the content.

Main findings: This methodological standard has gradually appeared in both legislation and jurisprudence in EU member states. Being fairly more "technical" than that of relevance and reliability, this standard is more limited in its scope to general requirements (such as "precise and up-to-date information" as set forth by the Procedures Directive), rather than concrete methodological guidance. A growing body of European court decisions refer to the abusive truncation of COI reports or an unjustified "preference" for certain texts to the detriment of others as a reason for quashing lower-instance decisions.

Currency is a key element of accuracy, interpreted both by the Qualification Directive and the ECtHR as the requirement of assessing facts related to the country of origin "at the time of taking a decision". National courts widely echo the obligation of using up-to-date COI in asylum decision-making. In some administrative courts' practice, this requirement prevails over and thus completes the mere obligation of examining the legality of administrative decisions; indicating a trend according to which courts are now also expected to produce or at least up-date COI materials.

## 4. Transparency and retrievability

Standard: Given its role as decisive evidence, COI has to be – as a general principle – made available for all parties involved in refugee status determination, principally through the use of a transparent method of referencing. Original sources and reports should therefore be retrievable and their content and meaning should not be distorted in the process of paraphrasing or translating.
Main findings: A transparent system of processing and referencing country information in decisions and case files has become a widely supported and respected norm in COI professional circles. Meanwhile, EU member states have neither elaborated a joint position on rules and systems of referencing nor have determined common standards with regard to information transparency in asylum procedures. The Procedures Directive, however, sets forth some important basic requirements (such as the justification of asylum decisions in fact and in law and the access of counsellors to the information included in their client's file, if liable to be examined by appeal authorities).

Going much further than law-makers, senior courts in several member states have established clear and specific standards in this respect. Jurisprudence frequently emphasises the right of asylum-seekers' to know and to react on the COI materials serving as basis for adjudicating their claim. Courts also appear to see the transparency of COI (an often decisive piece of evidence) as a pre-condition for a valid and effective judicial review. On the basis of the clear norms established in the jurisprudence of a high number of EU member states, all actors of the asylum decision-making mechanism are encouraged to adopt these standards in the next phase of establishing a Common European Asylum System.

# I. Introduction

"COI" is one of the mysterious acronyms very frequently used by those working in the field of asylum law and practice. Its meaning – Country of Origin Information – as well as its importance has significantly changed throughout the last years.

COI has always been considered as an adequate way to provide an "objective element" or factual evidence in refugee status determination, and as such its importance has never been questioned. However, not so long ago, COI was deemed a "soft" issue, relating to, but at the same time hiding far behind the real "hard" questions of refugee law. COI research meant no more than consulting the few human rights reports available in hard copies, dated often from previous years.

Since the late nineties, the character of COI as evidence in refugee status determination has changed due to a number of reasons. Thanks to **the advancement of information technology** and the world-wide accessibility of the internet, now thousands of reports and newsprints are available at the click of a button. It is possible to find detailed information even on something that happened yesterday in a remote location thousands of kilometres away. The internet opened a great horizon of opportunities to use COI as determining factual evidence in asylum procedures, which enables authorities to confirm asylum-seekers' statements in a much more detailed way than ever before.

It does not come as a surprise then that **the interest towards COI has increased** in the last decade. Not being considered any more as an interesting side-issue of refugee law, COI is now on top of the agenda of European asylum issues. The 2005 Hague Programme,[1] which outlined the future of asylum systems in Europe, already put special emphasis on practical cooperation among EU member states and explicitly referred to the aim of "jointly compiling, assessing, and applying information on countries of origin". COI-related guidelines have been prepared by the United Nations High Commissioner for Refugees (UNHCR), the Austrian Red Cross/ACCORD together with the COI Training Network, the International Association of Refugee Law Judges (IARLJ) and EU member states' asylum authorities. The European Asylum Curriculum (EAC)[2] dedicates an entire module to the research and use of country information, and the number of publications dealing with this issue has multiplied since the first publication of this study in 2007. The joint gathering and provision of COI is determined as one of the core tasks of the European Asylum Support Office (EASO).[3]

As COI research became a more complex task and the need for this service quickly increased, it became **a profession in its own right**, instead of being a complementary

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1 The Hague Programme: Strengthening Freedom, Security and Justice in the European Union, European Council 2005/C 53/01

2 http://www.asylum-curriculum.eu/

3 Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office, Article 4

exercise for refugee law practitioners and decision-makers. In the last decade, practically all European asylum agencies established a unit dedicated to COI research, and so did many non-governmental organisations and some courts.[4] The number of seminars and meetings dedicated solely to this issue is on the rise, year after year.

This change of role and the multiplied importance of COI generated a higher demand for **systemised quality standards**. Being a decisive element of the majority of asylum cases, it requires firm rules of research, documentation and use, in order to avoid unjustified decisions based on insufficient or erroneous COI which can, in the worst case, result in *refoulement*. Consequently, all key actors in the European asylum field have established structured quality standards, which – unusually in the often controversial area of asylum – generally concur in their content.

Lately, these quality standards appear to infiltrate community and national legislations as well as relevant jurisprudence and thus more frequently **take the form of legal requirements** instead of simple exemplary practices or policy guidance. The present study aims to draw a comprehensive picture of legal criteria relevant to COI quality standards in the EU, with the goal of helping policy-makers, refugee law practitioners and in particular judges to effectively apply and further improve these norms in the future.

The present publication is an **updated version** of the book with the same title that appeared in 2007 and covers all developments in legislation and jurisprudence since then. The first edition of this study received great and honorific attention from all levels of the European asylum professionals' community and reportedly contributed to the strengthening of COI quality standards in various EU member states. The outstanding interest, the wide range of feed-back received from numerous countries and the quick evolvement of the situation motivated the preparation of this updated edition as well as its translation into seven languages (apart from the original English version).

[4] See for example: Comparative Study on Country of Origin Information Systems – Study on COI Systems in Ten European Countries and the Potential for Further Improvement of COI Cooperation, International Centre for Migration Policy Development (ICMPD), April 2006, http://www.icmpd.org/typo3conf/ext/icmpd/secure.php?u=0&file=1224&t=1193301720&hash=e8920ce5b73301683273dbc4b6d7933b

# II. Methodology

## II.1 Objective

The present study focuses on specific **substantive quality standards** related to the research and use of country information as reflected in legal provisions and jurisprudence in the European Union. To this end, asylum-related laws and other legal acts, as well as relevant judgments from appeal and higher (quasi-judicial and judicial) instances have been looked at in all member states. The research aimed to present how COI quality standards have been transformed into **a system of legal requirements** in recent years, far beyond simple methodological guidelines or soft law recommendations which as a result were not touched upon.

The objectives of the present initiative are the following:

- to provide policy- and law-makers in the EU institutions, member states, and also judges with an outline of how key actors interpret COI quality standards and what the relevant legal obligations are;
- to promote a common, rights-based and quality-focused interpretation in this respect;
- to enhance the advocacy capacities of non-governmental organisations and the UNHCR in this field; and
- to create a supplementary educational and research tool for refugee law education and COI trainers.

In view of its purposes, **no concrete recommendations** are formulated in the report. On the other hand, all the above-mentioned target groups are encouraged to use this study as a source of inspiration, as well as concrete information on existing exemplary practices when drafting new legislation, taking or reviewing decisions on refugee status, formulating advocacy principles or holding trainings.

Based on its objective, the report has a clear **European focus** which certainly does not mean that universal norms (such as those set by the UNHCR or other UN bodies) would in any way be considered as less important.

## II.2 Research and Reporting Methodology

The methodological guidelines elaborated by the author and the research coordinators were accompanied by **two questionnaires**, one focusing on national legislation, and the other on jurisprudence. Research activities have been systematically carried out by **local researchers** (either organisations or individuals). Among the researchers of both the 2007 edition and the 2011 update, there was a right balance of persons working for non-governmental, governmental, judicial and academic institutions. Most researchers

have already had years of experience and considerable expertise in dealing with COI. In a number of countries, local experts or other competent contact persons confirmed the non-existence of legislation or jurisprudence relevant for the present research. In such cases, no further research was carried out.

While researchers were requested to have a full coverage of their national legislation in force, capacities to research jurisprudence significantly varied from country to country. It is of course impossible to have access to the full asylum-related jurisprudence of all EU member states, mostly because in many countries these judgments are not made public or not even accessible for such purposes. Nevertheless, building upon the researchers' significant experience in this field, successful efforts have been carried out to detect at least "leading" or particularly relevant cases in member states where the necessary jurisprudence is not or only partly accessible.

As the method of referencing court decisions also varies in different European countries, **a joint code system** has been introduced. Accordingly, all pieces of national jurisprudence are referred to by the internet country domain plus a two-digit number (e.g. ES-03), and all these codes are included in a common table in the Annex of the report. The numbers given are random and neither reflect a scale of importance nor a chronological order. As for the jurisprudence of the European Court of Human Rights, the commonly used brief forms (e.g. Mamatkulov) are applied. Full references to all judgments are included in the Annex.

Throughout the report, the widely used acronym of **"COI"** and the term **"country information"** are used as synonyms. In line with the UNHCR's and various professional organisations' practice, the term of "country of origin information" has been replaced by the latter, indicating that relevant information may also cover third countries (of transit or former asylum).

All emphases are added by the author of the report. Translations from languages other than English are unofficial.

# III. Systems of COI Quality Standards in Europe

Based on the factors described in the Introduction, all key actors in the European asylum field felt the necessity of some cohesive thought about COI quality standards, which often resulted in the production of formal guidelines. The present chapter briefly shows how different actors structure these norms and what the main quality requirements in question are. The different guidelines are presented in chronological order.

## III.1 UNHCR

The UNHCR published its paper **Country of Origin Information: Towards Enhanced International Cooperation**[5] in February 2004. This document can be considered the first major initiative to formalise substantive COI quality standards as the wide set of UNHCR guidelines and policy papers published in past decades only indirectly referred to some sort of principles.

From the viewpoint of substantive quality standards, the UN Refugee Agency defines its position and provides guidance on three main areas:

- The **objective** of country of origin information;[6]
- **Sources** (reliability assessment,[7] selection and evaluation of sources[8] and specific guidance on sources in the country of origin[9]);
- **Transparency** and confidentiality.[10]

While this paper is undoubtedly a milestone in the formalisation process of COI quality standards, it applies an approach concentrating on practical cooperation issues between states and thus does not intend to create a comprehensive structure of such norms or relate them to the research process.

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5 Country of Origin Information: Towards Enhanced International Cooperation, UNHCR, 2004 – an amended version of a report prepared by UNHCR under the European Refugee Fund project "Provision of Country of Origin Information and related information", JAI/2002/ERF/010. – hereinafter "UNHCR Position Paper", http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=403b2522a&page=search

6 Ibid. Para. 9–14.

7 Ibid. Para. 47–50.

8 Ibid. Para. 24–27.

9 Ibid. Para. 35–37.

10 Ibid. Para. 28–34.

## III.2 ACCORD and the COI Training Network

The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) played a pioneer role in systemising COI quality standards in Europe. Its training manual **Researching Country of Origin Information**[11] prepared in conjunction with other European expert organisations and published in 2004 was the first ever document that aimed to draw a full and comprehensive structure of quality principles in this field, based on the above-mentioned UNCHR paper, the EU asylum *acquis*, relevant jurisprudence and existing good practices in COI research in Europe and Canada. Being primarily a training tool, it goes beyond the scope of a position paper and includes a wide range of detailed practical guidance.

The four substantive quality standards of COI research and use are – in this interpretation – linked to the different phases of the research procedure and can be summarised as follows (indicating the concrete task related to each norm):

1. **Relevance**: COI must be closely related to the legal substance of an asylum claim (i.e. fear of being persecuted/risk of suffering serious harm and lack of protection) and must objectively reflect (confirm or disprove) the important facts related thereto.
   - Transformation of the legally relevant facts of an asylum claim into COI **questions** and research topics.
2. **Reliability and balance**: Given the inevitable bias of sources, COI has to rely on a variety of different types of sources bearing in mind the political and ideological context in which each source operates as well as its mandate, reporting methodology, and the intention behind its publications.
   - Identification of a set of reliable and balanced **sources** that can provide answers to the previously identified COI questions.
3. **Accuracy and currency**: COI has to be obtained and corroborated from a variety of sources with due attention paid to finding and filtering the relevant and up-to-date information from the sources chosen and without any distortion of the content.
   - Effective **research** of the necessary information, making use of the previously selected sources.
4. **Transparency**: Given its role as decisive evidence, COI has to be – as a general principle – made available for all parts involved in refugee status determination, principally through the use of a transparent method of referencing.
   - Communication and **documentation** of research results.

These standards now constitute the basis of most COI-related training activities all over Europe, involving both governmental and NGO target groups. Moreover, the concept of the four standards was adopted by the European Asylum Curriculum, too. This structure of norms also seems to be popular with the judiciary: the Czech Supreme Court for example explicitly referred to them in at least two judgments (one of them

[11] Researching Country of Origin Information – A Training Manual, Austrian Red Cross, 2004 – hereinafter "ACCORD Manual", http://www.coi-training.net/content/

making concrete reference to the first edition of this book as source).[12] The success of this interpretation is probably due to its clarity, simplicity and the full coverage of the "COI process" from the initial legal issues to the final methodological questions.

Complementing the above norms, the ACCORD Manual further specifies four procedural quality standards: the equality of arms, the use of public domain material, the impartiality and neutrality of research and the protection of personal data of the applicant.

## III.3 IARLJ

In 2006, the International Association of Refugee Law Judges (IARLJ) also issued its position paper titled **Judicial Criteria for Assessing Country of Origin Information (COI): A Checklist**.[13] This guidance document is a proof of an increasing interest among refugee law judges towards COI and highly reflects the standards already defined in the UNHCR Position Paper and the ACCORD Manual. The IARLJ Checklist however applies a more specialised approach, aiming to provide guidance to judges on what to consider when evaluating COI as evidence. Accordingly, this document puts more emphasis on legal issues and the assessment of research results, while it remains rather silent about the research procedure itself.

The IARLJ summarises the main quality issues of COI as follows:

- **Relevance and adequacy** of the information
  1. How relevant is the COI to the case in hand?
  2. Does the COI source adequately cover the relevant issue(s)?
  3. How current or temporally relevant is the COI?
- **Source** of the information
  4. Is the COI material satisfactorily sourced?
  5. Is the COI based on publicly available and accessible sources?
  6. Has the COI been prepared on an empirical basis using sound methodology?
- **Nature / Type** of the information
  7. Does the COI exhibit impartiality and independence?
  8. Is the COI balanced and not overly selective?
- **Prior judicial scrutiny**
  9. Has there been judicial scrutiny by other national courts of the COI in question?

This document is now also explicitly referred to by courts as a complex source of interpreting COI quality requirements.[14]

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12 See CZ-20 and CZ-22

13 Judicial Criteria for Assessing Country of Origin Information (COI): A Checklist, Paper for the 7th Biennial IARLJ World Conference, Mexico City, 6–9 November 2006, by members of the COI-CG Working Party – hereinafter "IARLJ Checklist", http://www.iarlj.org/conferences/mexico/images/stories/forms/WPPapers/Hugo%20StoreyCountryofOriginInformationAndCountryGuidanceWP.pdf

14 See for example judgment SI-05 of the Administrative Court of Slovenia.

## III.4 EU Common Guidelines

In line with the objectives defined by the Hague Programme, a project group of eight European countries'[15] asylum authorities elaborated the **Common EU Guidelines for Processing Country of Origin Information (COI)** in 2008.[16] This initiative constituted an extremely important step in the process of establishing a sound system of COI quality standards in Europe, as it is the first such initiative on behalf of member states. The individual quality criteria are defined in this document as follows:

- **Relevance**: pertinent to the matter, fact, event, or situation in question.
- **Reliability**: trustworthy to the matter, fact, event, or situation in question.
- **Currency**: up-to-date or the most recent information available and where the events in question have not changed since the release of the information.
- **Objectivity**: not influenced by emotions, personal prejudices, interests or biases.
- **Accuracy**: conformity of a statement, or opinion, or information to the factual reality or truth.
- **Traceability**: the degree to which the primary and/or original source of a piece of information can be identified.
- **Transparency**: the quality of the information is clear, non-equivocal and intelligible.

## III.5 Summary

As previously explained, all key actors in the European asylum field (governments, NGOs, the judiciary and the UNHCR) have elaborated some sort of quality standards in connection with country information. Comparing the documents in question, it appears that no significant divergence can be witnessed concerning the content of these quality standards. The apparent differences are mainly due to the diverse scope and degree of comprehensiveness of the above documents, rather than signifying fundamentally different approaches or findings.

While recognising from a professional viewpoint that all of these standards are equally important, the system proposed by the ACCORD Manual has been selected to determine the construction of the present study, given its exhaustiveness (it equally includes aspects of law, research and documentation) and clear structure (it comprises only four substantive standards that chronologically cover the entire research process). Thus the four norms – as presented in this report – are based on the similar standards elaborated in the ACCORD Manual and applied in different COI research centres' practice.

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15 Germany, Denmark, The Netherlands, Belgium, France, Poland, the UK and Switzerland

16 Common EU Guidelines for Processing Country of Origin Information (COI), April 2008 – hereinafter "Common EU guidelines", http://www.unhcr.org/refworld/docid/48493f7f2.html

# IV. Sources of Legal Criteria

Following the trends described in the Introduction, each of the relevant quality norms have already infiltrated, to a certain extent, into the asylum legislation and judicial practice within the EU. This chapter briefly summarises the sources of these legal requirements, prior to the discovery of how substantive COI quality standards can be retrieved therein.

As pointed out in Chapter II, the present report aims to analyse substantive COI quality standards already existing in the form of legal requirement in the EU, and to describe a gradually nascent common interpretation of these norms. This objective clearly determines the selection of sources below, thus general sources of soft law and academic literature are not touched upon, and a special emphasis is put on common European standards and national practices of interest.

## IV.1 Legislation

The European Union does not have a binding legislative act on country information quality standards. However, both **the Qualification**[17] **and the Procedures Directive**[18] set a certain number of requirements in this respect. These directives create clear-cut obligations for member states and thus can be considered the only regional instruments determining COI quality standards with a **legally binding effect**. Member states were obliged to transpose the provisions of the Qualification and the Procedures Directives into their national legislation before 10 October 2006 and 1 December 2007 respectively.[19] The recast process of these directives – on-going at the time of publishing this report – is not likely to modify the core content of the provisions in question.[20]

Given the far expired transposition deadlines and the obligatory character of the rules in question, the manner of transposition has been considered as falling outside the scope of the present study. It seems to be worth more focusing on "good practice examples" of those member states which have a more sophisticated legislation reflecting COI quality standards and therefore go beyond the basic norms set by the directives or give a somehow specific interpretation thereof.[21] While these national laws evidently do not

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17 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted – hereinafter "Qualification Directive"

18 Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status – hereinafter "Procedures Directive"

19 Qualification Directive, Article 38 (1); Procedures Directive, Article 44

20 It is noteworthy though that the European Commission's 2009 and 2011 recast proposals of the Procedures Directive aim to extend some norms relevant to the transparency of country information (but the outcome of this process is yet unpredictable at the time of writing).

21 See Chapter II.1 on the objective of the present report

create legal obligations for other member states, given the goal of a Common European Asylum System, they can be referred to as exemplary practices and can positively inspire law-makers in other EU countries.

The present publication focuses on how COI quality norms appear in the form of authoritative legal requirements; therefore guidance documents, circulars, policy papers etc. with no clear force of law will not be analysed.

## IV.2 Jurisprudence

The **Court of Justice of the European Union (CJEU)** is the primary judicial institution of the European Union, and as such is in charge of ensuring a uniform interpretation and application of community law. In this regard, the CJEU may develop relevant jurisprudence concerning COI standards as reflected by the relevant provisions of the two above-mentioned directives. However, at the time of writing this study the CJEU has not ruled in any relevant case yet.

The other major pan-European judicial body, the **European Court of Human Rights (ECtHR) has a wide range of relevant jurisprudence**. While the ECtHR does not watch the application of EU law (and thus the above-mentioned directives), it has established considerable case law concerning Article 3 of the European Convention on Human Rights[22] (the prohibition of torture, inhuman and degrading treatment and punishment). Many of these judgments are related to the question of forcible return and international protection, and therefore are regularly referred to within the context of asylum as well. These judgments solely create concrete obligations for the defendant state; however, they set consequent principles that should be respected by all signatory states in similar procedures.

The tendencies concerning the role and importance of COI described in the Introduction can be perfectly traced through the analysis of Article 3 cases of the ECtHR. In its relevant judgments from the early nineties (Vilvarajah and Cruz Varas), the Court was reluctant to set a range of COI standards and did not produce any additional (let alone dissident) country information, emphasising solely the knowledge and experience of states in this field. This practice significantly changed in the mid-nineties with the milestone judgment in Chahal, where the ECtHR itself engaged in the collection of information and for the first time referred to a wide range of substantive COI standards. The same tendencies continued later in Hilal and N. The 2007 Salah Sheekh case can again be considered as of crucial importance from the viewpoint of the analysed matter. In Salah Sheekh the Court dealt with an unprecedentedly abundant COI material and sets relevant quality standards in significantly more explicit manner than in previous judgments. This tendency has continued through various other judgments since then.

The increased attention of the judiciary towards COI as key evidence is also apparent when examining national jurisprudences, even if with greater variation. Many EU member states' asylum jurisprudence considers a wide range of COI and discusses the

[22] 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms

quality standards related thereto. Moreover, some countries (such as Austria, Ireland, Slovakia or the Czech Republic) have developed particularly rich and progressive case law in this context. On the other hand, judges from various EU countries are so far reluctant to address this issue in a systematic manner. The latter appears to be more often the case in countries where the judicial review system of asylum cases is decentralised and no specialisation exists within the judiciary (like in Italy).[23] Different national judicial traditions may also constitute a reason for certain reluctance. The most ostensive example for this sort of different approach is France, where the National Asylum Court (CNDA) is neither required to individually mention in its decision the different elements of the file it examines, nor does it have the obligation to tell why certain elements do not appear to have an evidentiary force according to its judgment.[24] Regional differences in this respect are also interesting: in addition to Common Law jurisdictions (the UK and Ireland), Central European judges appear to pay the most attention to this issue.

Again, while the judicial decisions referred to in the present study do not create legal obligations for judges in other member states, they cannot be overlooked and therefore should be referred to as exemplary practices for the whole EU judiciary, keeping in mind the aim of a future Common European Asylum System.

[23] Gábor Gyulai and Tudor Roşu, *Structural Differences and Access to Country Information (COI) at European Courts Dealing with Asylum*, Hungarian Helsinki Committee, July 2011, http://helsinki.hu/en/structural-differences-and-access-to-country-information-coi-at-european-courts-dealing-with-asylum

[24] See the FR-02 judgment of the Council of State

# V. Basic Standard: The Compulsory Use of COI

Prior to a detailed analysis of how the main substantive quality standards of COI are reflected by the legislation and jurisprudence of the European Union, it is worth examining whether a general principle of using COI in refugee status determination exists in member states. While such a requirement cannot be considered as a quality standard *per se*, it may serve as a basis for all further norms and reflects the increased importance and improved role of country information.

## V.1 Legislation

Article 4 (3) (a) of the Qualification Directive sets a clear-cut requirement of using COI in refugee status determination:

> 3. The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account:
>
> (a) **all relevant facts as they relate to the country of origin** at the time of taking a decision on the application; including laws and regulations of the country of origin and the manner in which they are applied;

Article 8 (2) of the Procedures Directive further confirms that obtaining country information is a condition of an "appropriate examination" of asylum claims.

These binding provisions clearly reflect the increasing awareness about the necessity of using COI as evidence and they now appear in some form in the legislation of basically all EU member states. Some countries have adopted legal provisions envisaging a compulsory collection and examination of COI in asylum decision-making, but not transposing directly or going beyond the wording of the Qualification Directive. For example, the relevant provision in **Lithuanian** law reads as follows:[25]

> 63. A public servant of the Migration Department, examining an application for asylum of an asylum-seeker, who has a right to use temporary territorial asylum, as to substance shall: [...]
>
> 63.5 collect necessary information about the country of origin of the asylum-seeker.

The asylum legislation of **Romania** links the compulsory use of COI to the professional preparedness of decision-makers:[26]

[25] Procedural rules regulating the examination of aliens' applications for asylum, decision-making and implementation of decisions (approved by Order No. 1V-361 of 2004 of the Minister of the Interior of the Republic of Lithuania), Section 63.5

[26] Act no. 122/2006 on asylum, Section 13 (1) (b)

(1) The decision regarding the resolution of the asylum application is made after a suitable examination of the applicant's circumstances has been carried out by the specially designated officials who are qualified in the field of asylum. The latter presumes: [...]
b. Consultation of information from the country of origin, obtained from different sources, necessary to evaluate the personal circumstances of the asylum-seeker.

The **Hungarian** Asylum Act not only foresees the use of COI, but also specifies its source (a COI research centre operating under the auspices of the asylum authority):[27]

(2) The refugee authority and – in case of need – the Court shall obtain the report of the agency responsible for the provision of country information under the supervision of the Minister.

**Austrian** law also specifies that[28]

(1) The authority shall endeavour *ex officio* at all stages of the procedure to ensure that information relevant to a decision is adduced or that incomplete information concerning the circumstances invoked in support of the application is supplemented, that the evidence to substantiate such information is specified or that the evidence offered is complete and, in general, that any explanations required in support of the application are provided. If necessary, evidence is also to be procured *ex officio*.

While this principle does not explicitly refer to the mandatory use of COI, it may still be understood as indirect guidance to this end.[29]

**Italian** legislation also underlines the necessity of using COI, explicitly mentioning the judicial review phase of the asylum procedure:[30]

Any application is examined in the light of precise and up-to-date information on the general situation existing in the countries of origin of asylum-seekers and, where necessary, in countries through which they have transited, elaborated by National Asylum Commission on the basis of the data provided by the UNHCR, the Ministry of Foreign Affairs, or acquired by the Commission itself. The National Asylum Commission ensures that this information is constantly updated and is made available to the Territorial Eligibility Commissions [...] and to the judicial organs competent in reviewing negative decisions.

The **UK** legislation in addition to the provisions transposed from EU legislation specifies that COI

[...] shall be made available to the personnel responsible for examining applications and taking decisions and may be provided to them in the form of a consolidated country information report.

27 Act LXXX of 2007 on asylum, Section 41 (2)

28 Asylum Act of 2005, Section 18 (1)

29 Mostly if read in conjunction with Section 60 of the same Act, which provides for the establishment of a country documentation service and rules related to its operation. See relevant details in Chapters VI.1.1, VIII.1.1 and VIII.2.1.

30 Legislative Decree no. 25 of 28 January 2008 as modified by Legislative Decree 159/08.Transposition of Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status, Section 8 (3)

Section 22 (2) of the **Slovenian** Act on International Protection stipulates that[31]

> In the [asylum] procedure, the relevant authority shall verify the applicant's statements on grounds of [general and specific] country of origin information [...]

However, Section 22 (4) creates an exception from this rule:

> If the applicant's general credibility is not established, the responsible authority shall not consider the country of origin information referred to in the previous paragraph.

This worrisome legislative provision which explicitly encourages asylum authorities to carry out an *in abstracto* credibility assessment without considering objective country information goes against the previously quoted general rule set by the Qualification and Procedures Directive and the increasingly determinant judicial interpretation of this question.[32]

In addition to legal provisions regarding the mandatory use of COI, a number of national legislations (e.g. Austria, Hungary, Lithuania, the UK, etc.) include rules concerning the preparation of COI materials by state organs.

## V.2 Jurisprudence

The growing attention and the changing attitude of the **ECtHR** towards country information have already been touched upon in Section IV.2. In light of this tendency, it is not surprising that in recent judgments, the Court explicitly defines the analysis of COI as a *sine qua non* of evaluating the risk of treatment falling under Article 3 of the ECHR in expulsion cases. In Mamatkulov, the Court pointed out that[33]

> It is the settled case-law of the Court that extradition by a Contracting State may give rise to an issue under Article 3, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the person in question would, if extradited, face a real risk of being subjected to treatment contrary to Article 3 in the receiving country. The establishment of such responsibility inevitably involves an assessment of conditions in the requesting country against the standards of Article 3 of the Convention. [...]

This principle is repeated in Salah Sheekh as well:[34]

> The establishment of any responsibility of the expelling State under Article 3 inevitably involves an assessment of conditions in the receiving country against the standards of Article 3 of the Convention [...]

The compulsory use of COI, as a general standard, is traceable in the jurisprudence of a number of EU member states. As an exemplary practice, the **Czech** High Court has already ruled back in 1994 (CZ-01) that

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31 Law on International Protection, Section 22 (2)

32 Cf. Chapter V.2 (including Slovenian jurisprudence)

33 Para. 67

34 Para. 136

> It is the duty of the administrative body to assess the available evidence on the situation in the country of origin [...]. In order to obtain evidence, it can make use of the diplomatic or consular personnel, the computer database of the UNHCR, where a large range of information regarding the observance of human rights in individual countries is available or it can query a supranational organisation specialised in the protection of human rights.

This standard, reiterated in CZ-02 the same year, is particularly interesting not only for predating most European jurisprudence dealing explicitly with COI issues but also for clearly designating the administrative decision-making body as responsible for collecting country information. The relevant judgment of the Regional Court of Brno (CZ-16) also set a clear-cut and generally applicable standard:

> The defendant is to collect the information on country of origin of the asylum-seeker in the course of asylum proceedings.

The above rule was further elaborated in a more recent judgment of the Supreme Administrative Court (CZ-09), which pointed out that

> [...] [it is the administrative authority's] task to put the reasons alleged by the asylum-seeker [...] to the precise framework of the reality of Nigerian society.

and later refers to the lack of documented evidence as an obstacle to take a correct decision. In CZ-19 the Supreme Administrative Court provided further justification about why administrative authorities shall collect and use COI:

> The principle according to which the administrative authority shall act in such a way as to ascertain the facts of the case are free of any unreasonable doubt has specific features in the asylum proceedings due to the usual insufficiency of evidence that could prove the credibility of the applicant's allegations. It is, however, up to the administrative authority to prove or refute the veracity of the applicant's statements [...]. The country of origin information on the protection of human rights plays an essential role in assessing the facts of the matter.

In a 2008 judgment (CZ-23), the Supreme Administrative Court further nuanced the administrative authority's obligation to assess COI by ruling that it also includes the information submitted by the applicant:

> In case the applicant submitted articles from newspapers as evidence in the administrative proceedings, it would have been necessary for the defendant to find out during the asylum interview the facts contained in these articles and whether they contradict the COI gathered by the defendant. [...] the defendant should have found out the purpose these articles were published for etc. in order to assess their relevance to the subject matter.

In 2009, judgment CZ-25 of the Supreme Administrative Court set a clear standard according to which COI is indispensable to support a finding regarding the lack of credibility:

> The defendant supported his doubts about the credibility of the applicant's statements only with alleged contradictions in the applicant's testimonies (some of which proved to be unsubstantiated) and did not corroborate these doubts with objective and sufficiently accurate COI. In this context the Court observes that the responsibility to ascertain the facts of the matter in relation to the country of origin lies in the proceedings on international protection upon the defendant

The jurisprudence of the **Austrian** Administrative Court also calls for a compulsory use of COI in asylum procedures. Elaborating on an earlier decision back in 1998 (AT-01), the Court ruled in AT-08 that

> Whenever the general situation in a country of origin is assessed, asylum offices are expected to make use of the available information, in particular, reports that are created by international organisations dealing with refugee issues, and to take this information into consideration for the decision.

In AT-10, the High Administrative Court held that

> [...] it is unlawful if at first instance, authorities are satisfied with unfounded and objectively wrong allegations without researching the actual situation in the country of origin of the asylum-seeker.

thus criticising a practice of leaving the assessment of country information for second-instance authorities.

The courts of the **United Kingdom** have also held on various occasions that the assessment of an asylum claim should be done in the context of COI. Back in 1997, the Court of Appeal set a relevant standard in UK-09:

> In administering the asylum jurisdiction, the Tribunal (whether it be a special adjudicator or an appeal tribunal) has to consider not only whether the individual asylum seeker has the necessary subjective fear to be regarded as someone who is entitled to asylum, but in addition has to be satisfied that fear is well-founded. Whether or not that fear is well-founded involves applying an objective standard, a standard which will depend upon the state of affairs in that particular country as well as the circumstances of the individual asylum seeker.

UK jurisprudence further points out the necessity of using country information when assessing an asylum-seeker's credibility. In UK-10 the Immigration Appeal Tribunal held that

> [...] credibility findings can only really be made on the basis of a complete understanding of the entire picture. It is our view that one cannot assess without placing that claim into the context of the background information of the country of origin. In other words, the probative value of the evidence must be evaluated in the light of what is known about the conditions in the claimant's country of origin.

Different later judgments[35] endorsed this principle.

The relevant **Irish** jurisprudence of recent years has been reflecting issues and viewpoints similar to those of UK judges. For instance, the Irish Supreme Court in IE-01 referred with approval to the above-cited paragraph of UK-09.

The general principle of using COI in asylum procedures and the main questions to which it shall be related already appeared in a landmark judgment (IE-03) of the High Court of Ireland in 2000:

[35] UK-03, UK-04, etc.

> Simply considered, there are just two issues. First, could the applicant's story have happened, or could his or her apprehension come to pass, on their own terms, given what we know from available country of origin information? Secondly, is the applicant personally believable? If the story is consistent with what is known about the country of origin, then the basis for the right inferences has been laid.

In IE-04 (2001), the Court went further and set a clear obligation of considering COI when holding that[36]

> [The Minister] must have regard to relevant background material on the applicant's country of nationality.

In addition to setting such a general standard, the Irish High Court in IE-06 (2001) also established a clear link between COI and the assessment of "personal credibility" (already referred to as an issue of central importance in IE-03):

> It is clear that a knowledge of conditions in the applicant's country of origin is an important element in assessing the applicant's credibility.

Fairly clear guidance was provided on the above in a later judgment (IE-14) from 2005:

> [...] it is incumbent on the Tribunal Member to refer to available country of origin information where this is possible and where such country of origin information may be relevant to the assessment of credibility, and further that it is not sufficient to make what has been described as a bald statement that the applicant lacks credibility. Further, the fact that the Tribunal Member does not find certain minor matters, or matters not central to the core issues, to be credible, is insufficient to found an adverse finding of credibility generally in order to refuse a declaration.

With the above decision, the Irish High Court set an exemplary precedent on how to base credibility assessment on factual considerations and related it to relevant factors using country information, as such avoiding an isolated analysis of personal believableness as an "abstract" matter. This issue was addressed from a different perspective in IE-15, where the judge held that without detracting from the force to be given to the general standard already set by both UK and Irish jurisprudence, it

> [...] could not be extended to mean that in every case no matter how unbelievable the applicant is found to be on the "pure credibility" issue, the Tribunal Member must indulge in a pointless exercise, namely looking at amounts of country of origin information [...]. Such information, especially given the finding in respect of which leave was refused as to credibility, could not add anything of real relevance with a capacity to influence the assessment of overall credibility in the present case.

The same argumentation can be found in IE-20. Reading in balance these judgments one can conclude that according to the Irish High Court it is mandatory to use COI in credibility assessment and base related decisions thereon. It is however useless to engage in lengthy COI research and analysis when an applicant is manifestly lacking in personal credibility.

[36] See also IE-07 and IE-08 for further reference

The Supreme Administrative Court of **Poland** also adopted jurisprudence according to which COI is an indispensable element of a due asylum procedure. In PL-15 the Court held that

> Establishing refugee status requires above all the assessment of the applicant's statements, but this assessment cannot be considered complete and correct if it was not carried out taking into account the general social, political and legal situation in the country of origin. Proper judicial scrutiny over the administrative acts requires that the file of an administrative case regarding refugee status contains current, complete materials on situation in the applicant's country of origin, indispensable for the analysis of substantive grounds to grant refugee status.

The Court emphasised the same principle in PL-04.

The Supreme Court of **Slovenia** in its 2010 SI-07 judgment confirmed the importance of using country information when rejecting asylum claims on credibility grounds:

> The assessment of the determining authority, by which the authority would dismiss a doubt about existence of substantial grounds for believing that the applicant might be subjected to inhuman treatment, must take into account the general situation in the country in question and also the applicant's personal circumstances. In light of the fact that the applicant consistently claimed that he would be killed in his country, it is impossible to base a negative decision on subsidiary protection on the mere finding that the applicant was generally not credible.

The Administrative Court of Slovenia, following the line of its earlier SI-01 judgment emphasising the mandatory use of COI, referred to a wide range of ECtHR jurisprudence to support its SI-06 decision in 2010, holding that

> [...] it is the applicant's obligation to present a consistent statement and to submit eventual evidence [...]. Only if he/she does not fulfil this obligation, the determining authority may reject the application [...]. The determining authority did not establish [in the present case] that the applicant failed to fulfil this obligation. This means that the burden of proof shifted to the Ministry, which should dispel any doubt concerning the sufficiency of proofs submitted by the applicant [...]. In doing this, it is necessary for the Ministry to use COI [...]. The Ministry failed to do so in the procedure, despite the fact that the applicant submitted certain COI in the administrative procedure. In the new (subsequent) administrative procedure any kind of inconsistency in the applicant's statements cannot suffice to reject the asylum application as manifestly ill-founded. The legal ground for this standard lies in the practice of the ECtHR which applies a strict scrutiny test. Under this test, even if the ECtHR finds in applicant's statements some inconsistencies not considered as crucial, this does not mean that adjudication ends at that point [...]. Furthermore, since the 1991 Cruz Varas and Others judgment (Para. 75) the ECtHR does not adjudicate any more solely on the basis of evidence submitted by the parties. If necessary, it obtains evidence *proprio motu* [...]. The scrutiny test applied by the asylum authority must be at least the same as the applied by the ECtHR.

In a 2010 landmark decision (IT-02), the **Italian** Supreme Court confirmed that the burden of proof is shared between the asylum-seeker and the proceeding authority with regard to the provision of country information:

> The [asylum authority] and the judge must cooperate with the applicant for international protection in order to acquire information on the country of origin.

The Court referred both to the Italian regulation in force[37] and the UNHCR Handbook[38] to support its decision.

The **Swedish** Migration Court of Appeal also addressed the issue of shared burden of proof in SE-07:

> With regard to the difficulties an applicant may have to support her/his claim with evidence, the Migration Board, and in some cases also a migration court, may in certain situations have a shared responsibility [with the applicant] to establish the facts of the case through *inter alia* the submission of country information, despite the fact than the applicant has the initial burden of proof. [...] In determining credibility, [an applicant's statements] cannot contradict known facts, such as relevant and up-to-date country information.

The Migration Court of Gothenburg also pointed out in SE-02 that

> [Country of origin information] is of vital importance in order for the Migration Board to able to correctly access the accuracy and credibility of an asylum claim.

The Supreme Court of **Spain** (ES-04), the Council of State of the **Netherlands** (NL-02), the Permanent Refugee Appeal Board of **Belgium** (BE-02) have also reinforced the principle of a mandatory use of COI in asylum decision-making in recent years. Further reference can be made to judgments of **Hungarian** (HU-04), **Slovak** (SK-02, SK-16, SK-17, SK-22) and **Lithuanian** (LT-01, LT-03) courts where the lack of COI is considered a main reason for quashing a lower-instance decision, or – when on behalf of the asylum-seeker – for dismissing an appeal (HU-05). In SK-22, the Supreme Court of Slovakia explicitly extended the obligation to use COI when assessing the entitlement to subsidiary protection.

## V.3 Summary

COI is nowadays an indispensable element of asylum procedures, a fact which is reflected both in legislation and jurisprudence. Both the Qualification and the Procedures Directive set a clear obligation in this respect, and a growing number of member states have adopted more detailed rules in their asylum legislation. The ECtHR's increased attention to this issue and its growing involvement in confronting state-produced COI with materials obtained *proprio motu* is well-reflected in national jurisprudence. A number of national courts (and often the highest judicial instances) confirmed that

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[37] Legislative Decree no. 25 of 28 January 2008 as modified by Legislative Decree 159/08.Transposition of Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status, Section 8 (3), see full reference in Chapter V.1

[38] Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, HCR/IP/4/Eng/REV.1, UNHCR, 1979 (re-edited: 1992), http://www.unhcr.org/publ/PUBL/3d58e13b4.pdf

COI is a *sine qua non* of any due asylum procedure. Some important judgments from different countries emphasise the shared burden of proof between the asylum-seeker and the proceeding authority in this respect. A growing body of jurisprudence strengthens the principle that negative findings on credibility must be supported in most cases with proper country information.

# VI. Standard 1: Legal Relevance of COI

**COI – often being the only factual evidence in asylum procedures – must be closely related to the legal substance of the claim (i.e. fear of persecution/risk of suffering serious harm and lack of protection) and must objectively reflect (confirm or disprove) facts related thereto. COI becomes irrelevant if it only reflects general concerns or is solely related to minor elements of the asylum claim.**

The above criterion of legal relevance as established in professional practice[39] is not sufficiently reflected by EU asylum legislation or by national asylum laws. However, both the Qualification and the Procedures Directive envisage two general requirements that may be related to the question of legal relevance of COI: **the individualised assessment of asylum claims and the mandatory examination of "actual" legal practices in the country of origin**. Some member states go beyond these two standards and apply a more sophisticated legal practice in this respect.

## VI.1 Concrete Guidance Concerning the Legal Relevance of COI

### VI.1.1 Legislation

While the above-mentioned principles constitute two important elements of legal relevance,[40] they fail to provide a complete definition thereof. Nevertheless, two EU member states have already adopted progressive legislation concretely pointing out what may be considered as legally relevant COI. The **Hungarian** Government Decree on Asylum may be considered as an exemplary legislative practice in this regard:[41]

> [...] may be considered as relevant the information
>
> a) which is related to the individual circumstances of the applicant,
>
> b) which describes or analyses the actual situation in the country of origin of the applicant, the refugee, the beneficiary of subsidiary or temporary protection, or a third country relevant in respect of the recognition or withdrawal of these statuses, and

[39] See also UNHCR Position Paper, Para. 13; IARLJ Checklist, Para. 14–20

[40] See Chapters VI.2 and VI.3 for details

[41] Government Decree no. 301/2007 (XI.9.) on the implementation of Act LXXX of 2007 on asylum, Section 71

> c) which helps to decide on the merits whether in case of the applicant, refugee, beneficiary of subsidiary or temporary protection there is a well-founded fear of being persecuted or a risk of serious harm, or whether in case of the applicant, refugee, beneficiary of subsidiary or temporary protection the given country is to be considered as safe country of origin [...] or safe third country [...]

The relevant sections of the **Austrian** Asylum Act, pioneer in this regard, reads as follows:[42]

> (1) The Federal Asylum Office shall administrate a country documentation service. The country documentation service records relevant facts in the context of refugee status determination procedures on countries of origin as well as information sources.
>
> (2) The purpose of the country documentation is the collection of facts which are relevant
> 1. to evaluate if there are facts which may imply the danger of persecution in terms of the federal law.
> 2. to evaluate the credibility of asylums seekers' statements and
> 3. for the decision if a certain state is safe in terms of Section 39 (safe country of origin) or Section 4 (safe third country).

Such a clear-cut definition may be of great help for all groups of COI-users (decision-makers, legal practitioners, etc.) as it promotes both effectiveness and a common interpretation of what sort of COI should be considered as key evidence. Law-makers in other member states are therefore encouraged to follow the exemplary legislative practice of Hungary and Austria on this particular issue.

### VI.1.2 Jurisprudence

European courts are quite reluctant to give any sort of general guidance on what should be understood as legally relevant COI. While they pronounce such views in individual cases on a regular basis (i.e. whether or not certain information is relevant in a given procedure), attempts to formulate generally applicable standards are rather sporadic. The Supreme Administrative Court of **Poland** provided an exemplary formulation of what legally relevant COI is in PL-16:

> It has to be thus pointed out that information which is useful to make a decision in an individual case in the procedure, where the authority *ex officio* – having refused granting refugee status – examines the grounds for granting a tolerated stay permit, cannot be too general. On the contrary, it should refer to the applicant's individual situation. In other words, source material collected during the procedure should include information, which is related as closely as possible to the substance of the claim (genuine fear of treatment justifying protection) and in an objective manner reflect (confirm or disprove) the legally significant facts indicated in the claim. Only information related to the personal circumstances of the applicant can be regarded as relevant.

**Czech** jurisprudence may also be evoked in this respect. The Supreme Administrative Court ruled in CZ-08 that

[42] Asylum Act of 2005, Section 60 (2)

> In the asylum procedure, the administrative body often has to make the decision in lack of evidence. In such circumstances, it is necessary to take into account the character of the country of origin, the way state power is enforced within the country, the possibility to exert one's political rights and other circumstances which could affect the grounds for asylum. If it is known that human rights are not observed, that citizens are denied the possibility to change their government, that unlawful executions are carried out, that people go missing and torture is often used, etc. then these factors have to be considered for the benefit of the asylum-seeker. On the contrary, if the country of origin is a democratic state observing law, it is up to the asylum-seeker to credibly support his statement that he is indeed a victim of persecution.

While this citation did not explicitly define what sort of COI was to be considered relevant, it gave a list of issues that may be understood as such. In CZ-22, the same court qualified the country information examined in a given case

> [...] since it describes in general the issues concretely mentioned by the asylum-seeker in his application for international protection as well as in subsequent interviews.

The Regional Court of Brno set the following general standard in CZ-16:

> The defendant is to collect information on the country of origin of the asylum-seeker in the course of the asylum procedure. This shall include information about political tendencies in the respective timeframe, about the attitude of state power toward racial, religious and political issues.

From the very limited legislative and judicial references to a complex definition of legal relevance it is apparent that further progress is desirable in this respect.

## VI.2 Individualised Assessment

### VI.2.1. Legislation

Far from a comprehensive approach on legal relevance, Article 4 (3) of the Qualification Directive sets forth a standard that may be useful in this respect:

> 3. The assessment of an application for international protection is to be carried out **on an individual basis** and includes taking into account: [...]
>
> (c) **the individual position and personal circumstances** of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicants' personal circumstances, the acts to which he or she has been or could be exposed would amount to persecution or serious harm;

The same principle is reflected by Article 8 (2) (a) of the Procedures Directive:

> 2. Member States shall ensure that decisions by the determining authority on applications for asylum are taken after an appropriate examination. To that end, Member States shall ensure that:
>
> (a) applications are examined and decisions are taken **individually**, objectively and impartially;

While these provisions do not mention COI as such, the principle behind them applies to the whole process of evidentiary assessment, a main element of which is the evaluation of country information. From a COI viewpoint, an individualised procedure

means that **the information used and referred to in decision-making cannot be too general and should always reflect the individual circumstances of each asylum-seeker**. Therefore in this context the criterion of individualisation does not refer to the personalised or general character of an applicant's fear, it rather compels authorities to consider COI that reflects the individual situation referred to by the applicant. In many member states, this – now formalised – requirement may not bring anything new. At the same time, the implicit prohibition of using uniform "COI text modules" in various different decisions on refugee status is still a noteworthy improvement of quality standards. For some member states, the obligation of individual assessment has brought a change mostly in respect of subsidiary protection, where a merely country-specific (non-individualised) approach used to be more common. The Qualification and Procedures Directives do not distinguish between the two areas in this regard.

EU member states transposed the above criterion into their national legislation. The practice of **Hungary** deserves special notice in this respect, as in addition to transposing the general standard of individualised processing, it explicitly mentions this requirement as a condition for producing relevant COI.[43]

The **Slovenian** Act on International Protection[44] distinguishes between "general" and "specific" COI, and specifies that

> In establishing the grounds for international protection, the public official shall consider especially [...]
> – General information on the country of origin, particularly on the social and political situation and the adopted legislation;
> – Specific, detailed and in-depth information on the country of origin which refers explicitly to the concrete individual case. The information can entail also the manner of implementation of laws and regulations of the country of origin; [...]

Such explicit differentiation in legislation is rather unique in a European comparison.

### VI.2.2 Jurisprudence

The **ECtHR** has already evoked the necessity of considering specific, individualised information in its judgment in Chahal,[45] when – on the basis of the material provided by the defendant – it ascertained the improvement of conditions in the country and region of origin, but at the same time it stressed the insufficiency of such general information.

In Venkadajalasarma, once again, the ECtHR emphasised the need for an individualised assessment of country information:[46]

> The Court would agree with the applicant that the situation in Sri Lanka is not yet stable, as is illustrated by the recent developments on the political front [...] Whilst stability and certainty are factors to be taken into account in the Court's assessment of the situation in the receiving

43 Government Decree no. 301/2007 (XI.9.) on the implementation of Act LXXX of 2007 on asylum, Section 71 (a), see full citation in Chapter VI.1.1

44 Law on International Protection, Section 23 (1)

45 Para. 91

46 Para. 67

> country, the fact that peace negotiations have not yet been successfully concluded does not preclude the Court from examining the individual circumstances of the applicant in the light of the current general situation [...]

Lacking in information of an individual character was pointed at by the Court in Mamatkulov as well, when with respect to the applicant's observations concerning the practice of torture and ill-treatment in Uzbekistan it established that[47]

> [...] although these findings describe the general situation in Uzbekistan, they do not support the specific allegations made by the applicants in the instant case and require corroboration by other evidence.

In the more recent Saadi judgment, the ECtHR further emphasised that

> [...] where the [COI] sources available to it describe a general situation, an applicant's specific allegations in a particular case require corroboration by other evidence.

The individualised assessment of asylum claims and the use of case-specific COI to this end appear to be widely accepted standards in the jurisprudence of EU member states. A clear and compact formula on how this norm should be understood is given in **Polish** jurisprudence. In its exemplary interpretation in the previously quoted PL-16 judgment the Supreme Administrative Court emphasised that individualisation and a clear link to the applicant's personal circumstances is a pivotal condition of obtaining legally relevant COI.[48]

The Regional Administrative Court of Warsaw in PL-10 also underlined that refugee status determination primarily requires the evaluation of the asylum-seeker's statements and not the situation in the country of origin above all, referring to the UNHCR Handbook and the consequent jurisprudence of the Supreme Administrative Court in this respect. Consequently the Court held that

> [...] general remarks on the social-political situation [...], organisations' reports and statements from enclosed academic expert opinions are only relevant to the extent where the circumstances they describe may be directly applied to the applicant.

The **Czech** Supreme Administrative Court also provided a clear-cut formulation of this standard in its recent CZ-21 judgment:

> While the Court accepts that general situation in the country of origin is described in many reports, greater importance must necessarily be attached to reports which consider the human rights situation in the country of destination and directly address the grounds for the alleged real risk of inhuman or cruel treatment. The relevance of and the weight attached to a report must depend on the extent to which it focuses on the issues assessed in the particular proceedings. A report which describes general socio-economic considerations and is not focused on some specific issues will be usually accorded less weight.

The principle behind this standard may perhaps be the most clearly expressed within the jurisprudence of the Permanent Refugee Appeal Board of **Belgium** (BE-05):

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47 Para. 73

48 See full citation in Chapter VI.1.2

> The Board reminds that the refugee status determination procedure does not have as objective the *in abstracto* establishment of the human rights situation in a given country, but rather the case-by-case evaluation of whether or not an asylum-seeker has reasons to fear persecution [...]

Reflecting the above principles, numerous senior European courts refer to the lack of case-specific, concrete COI or the use of general information with weak or no links to the given particular case when cancelling a lower-instance decision on refugee status. The jurisprudence of **Hungary** (HU-01, HU-05, HU-06, HU-08), the **Czech Republic** (CZ-05, CZ-06, CZ-10), **Austria** (AT-07), **Bulgaria** (BG-03), **Slovakia** (SK-09, SK-18, SK-19), **Slovenia** (SI-04), Belgium (BE-12) and **Sweden** (SE-01) may be referred to in this context. At the same time, judgments of the **French** Refugee Appeal Board (FR-01) and the **UK** Immigration Appeal Tribunal (UK-05) used the same reasoning but in connection with materials presented by the appellant when dismissing an appeal. The latter decision may be of particular interest as it firmly criticised the practice of submitting vast COI materials to adjudicators without pointing out relevant case-specific parts thereof:

> We deplore the practice of filing enormous bundles of irrelevant documents especially in publicly funded cases and there is no authority for requiring the Adjudicator to read the whole of such bundles unless his attention is drawn to them.

The above-referred **Slovak** judgment (SK-09) can also be deemed an especially interesting one as the Regional Court of Košice went beyond the simple requirement of considering individualised COI when ruling that

> Quotations from country of origin information sources cannot be summarised without giving reference to their relation with concrete facts of the case, which served for the decision-maker as the basis of considering and deciding the case.

In SI-09, the Supreme Court of **Slovenia** established an interesting distinction between "specific" (individualised) and "general" COI:[49]

> (...) the information that constitute specific COI are detailed, thorough and related exclusively to the given case, therefore, they are linked to the concrete subjective circumstances or events, directly related to the applicants, to what occurred to them or the information are used to verify the applicant's statements concerning personal circumstances and reasons for persecution. General COI, which are accessible to all, are facts of general knowledge and need not to be proven, and therefore in principle [...] a prior confrontation of those information with the applicant (who should be knowledgeable about the situation in the country she/he comes from) is not necessary.

While most of the cited judgments deal with refugee status determination in general, the relevant **Hungarian** (HU-05, HU-06, HU-08) jurisprudence and a judgment of the High Administrative Court of **Bulgaria** (BG-03) set the same standard as to the application of the safe country of origin concept.[50] As the requirement of individualisation

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[49] Cf. Law on International Protection, Section 23 (1) – full citation in Chapter VI.2.1

[50] In these jurisdictions, at the time of passing the judgments in question, the application of safe country of origin concept also referred to the assessment of the applicant's entitlement to subsidiary protection (not yet fully in line with the common EU concept thereof).

is in some countries less clear and less widely accepted when assessing the entitlement to subsidiary forms of protection or when applying "safe country" concepts than in regular refugee status determination, the above judgments are definitely of importance.

## VI.3 Mandatory Assessment of "Actual" Legal Practices

### VI.3.1 Legislation

Another binding provision of EU asylum legislation that can be referred to in connection with the legal relevance of COI is set forth by Article 4 (3) (a) of the Qualification Directive and reads as follows:

> 3. The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account:
>
> (a) all relevant facts as they relate to the country of origin at the time of taking a decision on the application; including laws and regulations of the country of origin and **the manner in which they are applied**;

The Procedures Directive further elaborates on the same principle in connection with the safe country of origin[51] and the safe third country[52] concept. These provisions oblige member states **to examine not only what the law says in a certain country, but to assess to what extent and in what manner the provisions in question are applied**. From a COI professional's point of view, the importance of this provision lies within the fact that it prevents decision-makers from using exclusively the text of laws of the countries of origin as factual evidence. While such legal provisions may be in line with human rights principles or seem to ensure protection against persecution and other sorts of harm, in practice they often fail to do so.

EU member states transposed the above criterion into their national legislation. A rather particular legislative interpretation can be referred to in **Slovenia**, where the law-maker decided to link the "regulations of the country of origin" to the concept of "general" COI and the "manner in which they are applied" to "specific" COI.[53] This approach may be questionable in light of the fact that mere legislative provisions (e.g. existence of "moral crimes" or the criminalisation of draft evasion or homosexuality) can constitute COI of great individual impact on an applicant, while information on how human rights standards embedded in law are applied in practice can also be of rather general character.

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51 Procedures Directive, Article 30 (4) and Annex II

52 Ibid., Article 27 (1) and 36 (2)

53 Law on International Protection, Section 23 (1) – full citation in Chapter VI.2.1

### VI.3.2 Jurisprudence

With regard to this issue, the **ECtHR** set a clear standard in its recent Muminov judgment:

> [...] the existence of domestic laws and accession to international treaties guaranteeing respect for fundamental rights in principle are not in themselves sufficient to ensure adequate protection against the risk of ill-treatment where, [...] reliable sources have reported practices resorted to or tolerated by the authorities which are manifestly contrary to the principles of the Convention.

The criterion of mandatory examination of "actual" legal practices is less present in national jurisprudence than that of individualised assessment. The Metropolitan Court in **Hungary** reiterated its related standard in HU-07:

> [...] the Metropolitan Court has already held in several guiding judgments that only those countries can qualify as safe countries of origin where the above-mentioned international legal instruments that set basic human rights guarantees are applied in practice, and where on the basis of the legal and social system the asylum-seeker can have access to effective protection.

The Court has consequently criticised the mere examination of legal provisions in the country of origin in additional cases as well, and makes use of this argument when quashing administrative decisions prescribing the assessment of the practical application of the given provisions (HU-02, HU-08) or the real situation the asylum-seeker would face upon return (HU-04).

The **Austrian** Administrative Court set its relevant standard in AT-16:

> The sole reference that Turkish statutory provisions (i.e. the regulation on village guards) do not foresee forced recruitment is in itself inappropriate for drawing a conclusion about the factual threat of the asylum-seeker due to his refusal to work as village guard. When judging on the endangerment of a person who refused to accept such an office, the actual recruitment practice of the local authorities has to be considered.

**Slovak** jurisprudence also emphasises the above principle and applies it as a reason for cancelling administrative decisions. The Regional Court of Bratislava held in SK-05 that

> Mere reference to the [relevant] article of the Constitution [of the country of origin] cannot be considered a proper examination of the case[54]

and ruled in SK-14 that

> The first-instance authority shall also try to find out whether basic rights and fundamental freedoms proclaimed in the Constitution are respected in practice [in the country of origin].

The relevant judgment from **Polish** second instance authority (PL-01) did not address the issue of legal provisions, but rather the mere existence of judicial authorities, as an argument insufficient *per se* to establish the existence of domestic protection:

> The mere existence of courts does not prove anything. In order to justify the thesis on the effectiveness of domestic protection, it should be proved that they work properly.

[54] The same argument is reiterated in SK-04

Further reference was made to the standard in question by the **German** Federal Administrative Court in DE-01:

> [...] the court of appeal violated its obligation to safeguard the right to a hearing in accordance with the law and to clarify the facts *ex officio* by forming its opinion on the issue of the claimants' Azerbaijani citizenship only on the basis of the quoted legislation [from the country of origin] "on its own legal expertise" [...] and without investigating the legal situation and legal practice [in the country of origin] [...]

The **Belgian** Council for Immigrant Litigation (CIL) criticised the "theoretical analysis of the situation" and "hypothetical conclusions" in the BE-12 judgment and referred to these facts as reasons for quashing the administrative decision.

## VI.4 Summary

Legal relevance, as a comprehensive quality standard of COI, is insufficiently reflected in European and national-level asylum legislation and jurisprudence. Meanwhile, the Qualification Directive sets two criteria that may be closely linked to this norm: that of individualised processing of claims and that of assessing actual legal practices instead of merely looking at law in the books in the country of origin. Both of these binding standards are now reflected in the jurisprudence of some senior European courts dealing with asylum cases. Nevertheless, the reference to individualisation is significantly more frequent than the other criterion, and on certain occasions it is even explicitly connected to an individualised assessment of COI (as opposed to the use of only general, not case-specific information). These rather basic principles may effectively contribute to an improving interpretation of legally relevant COI in countries where these two issues have not yet been widely discussed or clarified in legal practice.

The Hungarian and Austrian asylum legislation, together with the Polish and Czech jurisprudence on this matter can be referred to as exemplary practices at the European level, as they put forward a compact definition of legal relevance with regard to country information, in line with already existing professional standards.

# VII. Standard 2: Reliability and Balance of Sources

**Being aware of the inevitable bias of sources, COI researchers and users should consult a number of different types of sources (e.g. international organisations, government sources, NGOs and media sources). The political and ideological context in which a source operates should be considered, as well as its mandate, focus, reporting methodology, financial background and the intention behind its publications, and all information should be assessed accordingly.**

The above professional standard[55] is much more clearly reflected by EU asylum directives and some member states' national legislation than that of legal relevance. The reason behind it may be the evident need of well-founded (and therefore hardly attackable) COI, recognised by all actors of refugee status determination.

## VII.1 Objectivity and Impartiality

### VII.1.1 Legislation

The first clear standard set by EU legislation in connection with reliability of sources is objectivity and impartiality. According to Article 8 (2) (a) of the Procedures Directive:

> 2. Member States shall ensure that decisions by the determining authority on applications for asylum are taken after an appropriate examination. To that end, Member States shall ensure that:
>
> (a) applications are examined and decisions are taken individually, **objectively and impartially**;

From a COI professional's perspective, these criteria mean that sources (and the information they provide) are selected **without any sort of pre-conception or preference to a certain approach**. Such an approach prevents any COI research aiming at information that solely serves the purpose of supporting or rejecting a claim for

[55] See also UNHCR Position Paper, Para. 24–27; IARLJ Checklist, Para. 49–60; Common EU Guidelines, Chapter 2

international protection, while it promotes a balanced and un-biased attitude. During the time this report was being written, only a few EU member states have included these norms into their national asylum legislation.

### VII.1.2 Jurisprudence

The **ECtHR** has not yet set standards on how to establish whether an information source is objective. However, in its milestone judgment in Salah Sheekh, it has already evoked the criteria of reliability and objectiveness[56]:

> [...] In respect of materials obtained *proprio motu*, the Court considers that, given the absolute nature of the protection afforded by Article 3, it must be satisfied that the assessment made by the authorities of the Contracting State is adequate and sufficiently supported by domestic materials as well as by materials originating from other, **reliable and objective sources** [...]

While objectivity and impartiality appear to be a basic standard in asylum jurisprudence all over Europe, courts and judicial bodies only rarely refer to this requirement in concrete terms in connection with COI sources. It is of curiosity, however, to examine the wording they use in this context. The High Court of **Ireland** in IE-05 used the interesting term of "internationally reliable sources", the **Belgian** Permanent Refugee Appeal Board consequently (BE-06, BE-07) referred to "seriousness and reliability", while the Civil Court of Lecce in **Italy** in IT-01 alluded to "organisations dealing with refugees in an objective and serious manner". In its relevant judgment (NL-01), the **Dutch** Council of State ruled that

> [...] the country report [issued by the Ministry of Foreign Affairs] shall procure information in an impartial, objective and insightful manner [...]

while in other judgments (NL-02, NL-04) it consequently set the requirement of using "objective" sources.

The **Belgian** Immigration Litigation Council held in at least two judgments (BE-18 and BE-19) that the fact that COI reports presented by the administrative authority's COI unit ("CEDOCA") is in itself a guarantee for objectivity, and such information should be preferred to general articles and media reports. The reason behind this position is that CEDOCA reports are prepared by

> [...] impartial civil servants who have no personal interest in reproducing incorrect information [...].

The **UK** Asylum and Immigration Tribunal examined the objectivity requirement in a completely different context in UK-11 (a "country guidance"[57] case):

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[56] Para. 136

[57] Precedent-setting judgments which seek to provide authoritative guidance on determinant issues are often encountered in individual asylum cases with the aim of reaching better consistency in asylum adjudication. This special system has been in place since 2004 in the UK.

> The emphasis we place on assessment based on objective merit prompts us to make one further comment. It is still widespread practice for practitioners and judges to refer to "objective country evidence" when all they mean is background country evidence. In our view, to refer to such evidence as "objective" obscures the need for the decision-maker to subject such evidence to scrutiny to see if it conforms to the COI standards just noted. This practice appears to have had its origin in a distinction between evidence relating to an individual applicant (so-called "subjective evidence") and evidence about country conditions (so-called "objective evidence"), but as our subsequent deliberations on the appellant's case illustrate [...], even this distinction can cause confusion when there is an issue about whether an appellant's subjective fears have an objective foundation. We hope the above practice will cease.

The above – rather unusual – argumentation is especially valuable as it emphasises the non-absolute character of objectiveness and the necessity of treating any COI source with scrutiny (even the so-called "official" information). This approach is echoed in other judicial decisions from a number of countries with regard to the assessment of concrete sources.[58]

## VII.2 Variety of Sources

### VII.2.1 Legislation

Further to a general standard of objectivity and impartiality, Article 8 (2) (b) of the Procedures Directive sets a more concrete rule of using various different sources:

> 2. Member States shall ensure that decisions by the determining authority on applications for asylum are taken after an appropriate examination. To that end, Member States shall ensure that: [...]
>
> (b) precise and up-to-date information is obtained from **various sources**, such as the United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;

The same requirement is reiterated in connection with the national determination of safe countries of origin in Article 30 (5).

Beyond the mandatory transposition of this rule, **Hungary** adopted exemplary legislation defining what the variety of sources standard should mean in practice, in conjunction with the previous standard of objectiveness:[59]

> (8) The Country Information Centre carries out the collection of information and the preparation of reports in an objective, impartial and precise manner. To this end,
>
> a) it uses different sources of information,
>
> b) equally and to the maximum extent uses governmental, non-governmental and international sources of information.

[58] Cf. Chapter VII.3.2

[59] Government Decree no. 301/2007 (XI.9.) on the implementation of Act LXXX of 2007 on asylum, Section 70 (8)

The **Romanian** asylum legislation also suggests the use of different types of sources in a more indirect manner.[60]

### VII.2.2 Jurisprudence

Since the early nineties, the **ECtHR** has been gradually putting more emphasis on the variety of sources when evaluating country information in Article 3 cases. As already introduced in Chapter IV.2, the Court is now far from its earlier practice of relying mainly on the "professional experience" of defendant states and the materials presented by them. While practice was already showing an increased commitment to use a variety of different sources, concrete principles were only laid down in Salah Sheekh:[61]

> [...] In respect of materials obtained *proprio motu*, the Court considers that, given the absolute nature of the protection afforded by Article 3, it must be satisfied that the assessment made by the authorities of the Contracting State is adequate and sufficiently supported by domestic materials as well as by **materials originating from other, reliable and objective sources**, such as, for instance, other Contracting or non-Contracting States, agencies of the United Nations and reputable non-governmental organisations. [...] it would be too narrow an approach under Article 3 in cases concerning aliens facing expulsion or extradition if the Court, as an international human rights court, were only to take into account materials made available by the domestic authorities of the Contracting State concerned without **comparing these with materials from other, reliable and objective sources**. [...]

In the 2010 Gaforov judgment, the Court confirmed that this requirement explicitly applies to national authorities and courts as well:

> [...] [none of the domestic courts] gave any consideration to a body of relevant information from independent NGOs, relied on by the applicant and enclosed by those courts in the case file materials, [one of the factors that led the Court to the conclusion that] domestic authorities failed to make an adequate assessment of the risk of the applicant being subjected to torture or ill-treatment if he were to be extradited.

In line with the ECtHR's practice, various European courts have started to put significant emphasis on this requirement in recent years. The High Court of **Ireland** withheld very clearly in IE-07 that[62]

> The evaluation of country of origin information from various sources is a matter for the Tribunal.

In its relevant judgment (UK-08), the **UK** Court of Appeal also put forth its standard with the same clarity:

> [...] it is the task of the adjudicator not to select a particular evaluation without placing it side by side with others in order to make a qualitative assessment and arrive at a balanced overview of those materials.

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60 Decision 1251/2006 for the approval of the Methodological Norms for the implementation of Act no. 122/2006 on asylum in Romania, Section 16 (3) – See more details in Chapter VII.3.1

61 Para. 136

62 See also IE-09, more details in Chapter VII.3.2

The former Independent Federal Asylum Board of **Austria** repeatedly emphasised the importance of using a variety of different information sources in asylum procedures.[63] Later, the Administrative Court also confirmed this general requirement in AT-18:

> The presented COI would only be a sufficient basis for a decision, if it was the outcome of a broad research, covering a sufficient amount of country reports from different sources and those sources did not provide any evidence about "problems" the minorities in question are facing. [...]
>
> In the concrete case, it cannot be established which sources were used by the state documentation office. Reports from the Swiss Refugee Council were omitted, even though the applicant presented them in the course of the trial. This very fact casts doubt on the completeness of the investigation, undermining the core argument of the decision, namely that the assessment of the country situation was based on the profound scientific report prepared by the state documentation office.

In AT-19, the Administrative Court emphasised the mandatory use of different sources in a specific context, namely, when the administrative authority wishes to challenge the UNHCR's conclusions regarding certain country conditions and groups at risk:

> According to the prevailing case law of the Administrative Court recommendations of international organisations have an indicative effect. This means [...] that they do not oblige the court to grant asylum or an alternative form of protection. In fact, the court has to take into account the assessment of the UNHCR and has to state by providing evidence why and on basis of which country reports it does not follow the UNHCR's opinion.

The above position was echoed by the **Swedish** Migration Court of Appeal in SE-03 when ruling that

> The UNHCR's recommendations must naturally be weighed against other country of origin information.

The Migration Court of Gothenburg set a more general standard in SE-02 when it held that

> In most cases it seems necessary for the Migration Board to research and describe information from several sources.

The Regional Court of Brno, **Czech Republic**, also set concrete standards when it ruled in CZ-16 that

> The defendant shall then base its assessment on information emanating from state institutions (Country Reports of the US State Department, Czech Ministry of Foreign Affairs, UK Home Office, Czech Press Office, etc.) but also on information provided by non-governmental organisations (such as Amnesty International, Human Rights Watch, etc.)

and in CZ-17 that

> With respect to the proper assessment of the facts it is necessary that the administrative body includes in its evidentiary assessment both reports by non-governmental organisations observing the situation in [the country of origin] and by the [relevant] UNHCR guidelines regarding [...] then it uses these reports as basis for its decision.

[63] See for example AT-11, AT-12 and AT-15

The Czech Supreme Administrative Court later also adhered to these standards. In CZ-30 it concluded that

> The administrative authority is obliged to gather adequate amount of relevant information, provided in principle from various sources so as to allow their mutual confrontation to determine the extent of their reliability and accuracy.

The CZ-22 judgment also specified that

> The balance and plurality of sources is secured due to the use of foreign and domestic, governmental and non-governmental sources.

In CZ-28, the Supreme Administrative Court nuanced the criteria for fulfilling this requirement:

> As to the applicant's complaint that a particular COI material was not used in the proceedings, the Court observes that it is not *a priori* possible to reproach the Ministry [of the Interior] for not using a particular country of origin report. To wit, it is not possible to use all existing reports. It suffices that the Ministry gathers COI in such an extent and quality that they provide sufficient, balanced and reliable information about the situation in the country of origin, and especially as regards considerations related to the circumstances of the instant case.

In CZ-30, the same court added to this principle that

> It is often desirable to use reports provided by non-governmental organisations. However, it is not *a priori* possible to state that if in the given case the administrative authority did not use such COI, it failed to gather sufficient evidence for its decision.

This Czech judicial interpretation thus adopts a more flexible approach to the variety of sources criterion.[64]

The former Permanent Refugee Appeal Board of **Belgium** has repeatedly referred to the importance of diversifying COI sources, even if in a more indirect way. Instead of setting an explicit standard, the Belgian authority used this argument when dismissing or admitting an appeal, praising the variety of sources used (BE-06, BE-07), or criticising the lack thereof (BE-01). In BE-15, the Council of Immigrant Litigation held that a mere criticism regarding the comprehensiveness of the sources used by the administrative authority is not sufficient to refute the exactitude of the information.

The District Court of Zwolle in the **Netherlands** concluded in NL-05 that it is insufficient to base an asylum decision on the available official country report prepared by the Dutch Ministry of Foreign Affairs if other sources provide supportive information for the claim, and that in such a situation these other sources should also be taken into consideration.

The necessity of using a number of various sources in order to have a balanced picture on the country of origin is also traceable in **German** and **Slovak** jurisprudence.[65]

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64 Cf. Czech jurisprudence on source assessment in Chapter VII.3.2

65 See DE-04 (details in Chapter VII.3.2) and SK-20 respectively

## VII.3 Concrete Guidance on the Selection of Sources and Source Assessment

### VII.3.1 Legislation

The Procedures Directive is rather silent about what the impartiality or the variety of sources mean in concrete. It specifies though two concrete sources of major importance: the **UNHCR**[66] and the **Council of Europe**[67] (the latter only in connection with the national determination of safe countries of origin). Furthermore, it suggests the use of information provided by **other member states.**[68]

The reluctance of the EU and its member states to distinguish "preferred" sources is understandable, given the difficulty (or even impossibility) of creating a comprehensive, balanced and abiding list of the most useful and reliable COI sources. On the other hand, some more concrete guidance on what types of sources should be consulted could prove to be of significant use. The **Romanian** asylum legislation may be referred to:[69]

> (3) In accordance with Section 13 (1) (b) of the Act, civil servants with competence in consulting information from the applicants' country of origin shall consult any information available in public sources, web sources, libraries, opinions of experts in the field, reports and materials of institutions, centres and organisations specialised in this topic and materials issued by the Romanian Ministry of Foreign Affairs, as well as any other sources that may contribute to the assessment of the situation in the country of origin.

The **Lithuanian** asylum legislation besides naming different types of sources sets forth an order of preference among them:[70]

> 33. Reports on the situation in third countries and countries of origin can be based on information received from different sources. The information is assessed according to its source, starting with the most credible, in the following order:
>
> 33.1. information received from the diplomatic missions and consulates of the Republic of Lithuania;
>
> 33.2. information received from the Office of the UNHCR;
>
> 33.3. information received from other international organisations;
>
> 33.4. information received from the non-governmental organisations;
>
> 33.5. media reports;
>
> 33.6. other information.

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66 Procedures Directive, Article 8 (2) (b) and 30 (5)

67 Procedures Directive, Article 30 (5)

68 Procedures Directive, Article 30 (5)

69 Decision 1251/2006 for the approval of the Methodological Norms for the implementation of Act no. 122/2006 on asylum in Romania, Section 16 (3)

70 Procedural rules regulating the examination of aliens' applications for asylum, decision-making and implementation of decisions (approved by Order No. 1V-361 of 2004 of the Minister of the Interior of the Republic of Lithuania), Section 33

Such an "absolute" order of preference is not only in contradiction with most COI professionals' understanding, but also with the majority of relevant judicial interpretation at European courts.[71]

### VII.3.2 Jurisprudence

In Salah Sheekh, the **ECtHR** gave a basic list of types of sources which should be used for comparison with domestic material, namely[72]

> [...] for instance, other Contracting or non-Contracting States, agencies of the United Nations and reputable non-governmental organisations. [...]

This statement has been reiterated in a number of judgments since then. In the 2008 NA judgment, the Court provided unprecedented judicial guidance on how COI sources should be assessed:

> In assessing such material, consideration must be given to its source, in particular, its **independence, reliability and objectivity**. In respect of reports, the **authority and reputation of the author, the seriousness of the investigations** by means of which they were compiled, **the consistency of their conclusions and their corroboration by other sources** are all relevant considerations.

Judges – similar to law-makers – appear to be rather reluctant to suggest the use of "preferred" sources or to provide guidance on how to test or analyse sources. Among the rare relevant cases, the UNHCR is definitely the most frequently mentioned source, while some other well-known COI-providers (such as Amnesty International, Human Rights Watch or the UK Home Office) are also referred to in a few cases. However, these suggestions consistently tend to provide an example or recommendation rather than strict guidance.

At the national level, **Czech** jurisprudence is once more of particular interest. In the CZ-01 judgment from 1994 (pre-dating most relevant jurisprudence in Europe) the Czech High Court set the following standard:[73]

> In order to obtain evidence, [the authority] can make use of the diplomatic or consular personnel, the computer database of the UNHCR, where a large range of information regarding the observance of human rights in individual countries is available or it can query a supranational organisation specialised in the protection of human rights.

In CZ-30, the Czech Supreme Administrative Court clearly took the position that the state or non-state origin of country information does not *per se* influence its quality:

> Generally speaking, regarding reliability, relevance and plurality of information, it is not possible to distinguish between COI prepared by states or institutions controlled by state on one hand and COI prepared by non-state agents or organisations not directly connected with the state on the other hand. [...] In some cases, COI produced by states may be insufficient, distorted, one-sided, motivated by specific interests related to foreign politics of a particular

71 Cf. Chapter VII.3.2

72 Para. 136

73 See also CZ-02

> state and on the contrary, the COI provided by some non-state organisations active in the given country or locality can be objective and valuable. However, this may also happen the other way round, non-state COI may suffer from deficiencies, e. g. due to their one-sided engagement in certain problems in the country of origin [...]. Generalisation is not desirable.

The same judgment contains guidance on how to deal with contradicting information originating from different sources:

> The administrative authority shall not ignore substantive differences in the various sources of information; to the contrary, it is obliged to deal with possible conflicts between the different COI materials. I.e. it is obliged to evaluate them in particular in terms of their objectivity, accuracy and completeness, to seek through their overall assessment, to achieve as far as possible an objective description of the situation in the country of origin and of the circumstances relevant to asylum.

The latter standard, long established in COI professionals' practice, is of outstanding importance, given its yet scarce representation in jurisprudence.

Courts in general refrain from recommending the preferred use of a certain type of source; an approach which is in line with the commitment to promote the diversification of sources as previously presented. The AT-09 judgment of the **Austrian** Administrative Court constitutes an interesting exception:

> Whenever the general situation in a country of origin is assessed, the asylum offices are expected to make use of the available information, in particular reports by international organisations dealing with refugee issues, [...]

While the requirement that a valid COI source should have a sort of "good international reputation" is not alien to European courts dealing with asylum cases,[74] such a clear preference to international information-providers (against governmental or local NGO sources) appears to be rather a singular occurrence.

Courts rarely undertake to analyse the reliability of a given source. Nevertheless, some courts have already formulated highly interesting opinions in this regard. The Administrative Court of Lüneburg, **Germany** in its judgment of DE-04 debated the practice of relying solely on COI prepared by the German Foreign Office, providing thus an unprecedented criticism of these reports, indicating important considerations for source analysis:

> From a methodological point of view, it is not sufficient for an overall perspective to consider only the country reports prepared by the Foreign Office, as "Vietnam is a focus country of German development aid policies", "Germany is one of Vietnam's most important bilateral donors" [...]. Apart from this, the most recent country report by the Foreign Office (from 28 August 2005) does not, by its own account, incorporate the bi-annual report of 2005 [...], nor the Country Report on Human Rights Practices 2004 of the US Department of State from 28 February 2005. The Foreign Office rather refers solely to the respective reports from the previous year. The Human Rights report no. 28 by the "Society for Threatened People"

[74] See for example the Irish High Court's IE-05 judgment and its standard about "internationally reliable sources", as mentioned in Chapter VII.1.2

> from 28 April 2005 and the annual report 2004 by ISHR (International Society for Human Rights) are neither mentioned, nor included. Whether other media reports were taken into account is in doubt. Thus the informative value of the Foreign Office's country reports is highly limited because the recent developments in Vietnam, as it is reported by other sources, is insufficiently perceived and described.
>
> Accordingly, especially in view of the special relationship between Germany and Vietnam and the insufficient informative value of the Foreign Office's country reports, other evidence – if possible, from a wide range of sources – has to be included and evaluated in a balanced judicial assessment.

While this judgment may yet be considered as a dissenting voice in German jurisprudence, it should definitely be praised for formulating a clear idea of what should be considered when analysing the reliability of a source in a specific context, as well as for indirectly pointing out that even the most reputable information-providers operate with a specific mandate and an inevitable bias. In the later DE-05 judgment, the High Court of Lower Saxony endorsed this general conclusion to some extent when holding that

> Country reports and opinions by the Foreign Office provide a significant, factual basis for decision-making in the asylum process. To draw conclusions from the Foreign Office's statements is a matter of the court's consideration of facts and evidence [...]. However, courts may in exceptional cases be obliged to undertake a closer examination of a statement by the Foreign Office if doubts arise about the reliability of pieces of information which have been used for concluding the given statement [...].

This position is endorsed by the High Court of **Ireland**, in connection with other similar governmental sources (IE-09):

> I do not consider that placing total reliance on reports, and even more so, on extracts from reports, furnished to the governments or State Departments of the United States of America or Great Britain is always a sufficient compliance with the need to ascertain and evaluate relevant circumstances in the country of origin of a particular applicant. The reasons for and the background to these reports could seriously limit their value as independent indicators of the circumstances in the country of origin of the particular applicant.

In PL-11, the Regional Administrative Court of Warsaw further addresses the issue of source analysis, a highly specific case of using questionable sources when assessing the applicability of exclusion clauses. The **Polish** Court presented in its judgments the various aspects of analysing sources related to one part of an armed conflict:

> The Court does not agree with the applicant, who questions in principle any possibility to base the assessment of Chechen asylum-seekers' cases on Russian sources and information agencies. There is no doubt that the Russian Federation, as part of the conflict in Chechnya, is for obvious reasons interested in presenting this conflict the most favourable way for itself and corresponding with its political interests, and therefore, the way the Refugee Board duly put it, "accounts and data from the Russian media must be assessed with great care". It does not mean, however, that usually they shall be refused credibility, but only that, firstly, it is necessary to make a distinction between information and its assessment presented in these sources and to confront these facts with the circumstances raised by the applicant, as well as with other available sources. Secondly, making its own assessment of the facts from the viewpoint of the reasons for applying exclusion clauses, it has to be taken into account that they must be interpreted strictly.

> The fact emphasised by the applicant, that the information presented by Russian news agencies uses a style of language, such as a detained fighter "was to say" or people "were to die/disappear", does not prove that these sources are unreliable and undependable, but on the contrary, it is a clear and reliable reservation made by the agency that the information presented was not corroborated or confirmed in other sources, and this means that in such an asylum procedure, as long as no further verification is done and the information presented with this sort of "reservation" is not supported by any other evidence, it cannot be regarded as a valid evidence and serve as a reason ("serious reason") to apply an exclusion clause.

The **UK** Asylum and Immigration Tribunal in UK-12 described in an impressively detailed manner what factor it deems relevant for the purposes of source assessment:

> 44. Material from NGOs, such as Amnesty International and Human Rights Watch among many others, can be selective and also depends, to some extent, for the weight that can be put upon them, on the reputation of the source. Immigration judges are aware that much of the background evidence which is adduced before them comes from sources with a special interest or a specific agenda. That must be borne in mind when assessing the weight to be put on any background evidence.
>
> 45. As to evidence, such as the letters from the British High Commission, it is true to say that High Commissions and Embassies come within the auspices of the Foreign and Commonwealth Office. That, like the respondent, is an arm of the executive. In this case the evidence in the letters has been obtained at the specific request of the respondent. Little is known about the information-gathering process, where the raw data came from, or the extent to which it has been filtered. It is also unclear whether more than one source was consulted and, whether competing views were sought. That all goes to how much weight can properly be put on the evidence. Immigration judges should be slow to find bad faith on either side, even though they must approach the evidence with an open and enquiring mind as to the appropriate weight to be put upon it. [...]
>
> 197. In the assessment of country of origin information made available including expert reports in the asylum context it is self-evident that we should apply the maximum of objectivity to our deliberations and conclusions. The expert reports, the information from the BHC [British High Commission], and much of the information contained in the country of origin information we have considered, is, largely based on the analysis of well-informed opinions, personal observations, and deductions often reached after extensive trawling of all of the available information. The conclusions and deductions in such situations therefore have a strong element of subjectivity to them. For this reason we have tried to look, where possible, at the objective figures that arise from the totality of the information before us. In the assessment of risk, which is the ultimate task before us, the analysis of the figures will act as a starting point give us the most objective result. Against the objectivity of those figures, if reliable, we can then go on to assess the many expert and other reports we were presented with. [...]
>
> 203. The UNHCR report was very topical and up to date. We agree [...] that the protection agenda of the UNHCR is a wider one than the mere assessment of refugee or subsidiary protection status. However, these reports are prepared by persons with direct experience of the core issues involved and thus we accord them substantive weight in this case.

The **Czech** Supreme Administrative Court in CZ-24 did not do less than putting under scrutiny even the European Commission's 2007 Progress Report on the preparation of Turkey to EU accession:

> [...] this report results from information gathered and analysed by the European Commission and additionally, information provided by the Turkish government, member states of the EU, data from reports of the European Parliament and numerous international and nongovernmental organisations were used. [...] Although this Progress Report includes a Chapter on protection of human rights and minorities, its purpose is first of all the assessment of progress in preparation for EU membership. [...] The Progress Report is not determined to be used in asylum proceedings conducted by EU member states. This report represents a very politically sensitive document in which every sentence has to be weighed so that it does not result in unwanted diplomatic conflict. [...] It should not be forgotten that the report is worded in a diplomatic language which does not allow disclosing the true state of affairs in the country of origin. The straightforward conclusion of the [lower-instance] regional court that this report must not be used at all has to be, however, corrected. The Progress Report [...] can be one of the means of proof in the proceedings on international protection. [...] The specific nature of the Progress Report must nevertheless be reflected at the stage of free appraisal of evidence [...]. At this stage it should be considered that it is a diplomatic document which has not been created for the purposes of asylum proceedings and it is not focused on circumstances and facts relevant for granting international protection. [...] The Progress Report can therefore be used only as supportive evidence considered together with other COI which does not suffer from the above-mentioned deficiencies. The Progress Report can serve for the verification of information described in these other reports gathered by the administrative authority.

The **Belgian** Council for Immigrant Litigation (CIL) concluded in BE-13 that the mere fact that a certain COI material is primarily based on information provided by the state of origin itself gives rise to doubts concerning its objectivity. The Council (as well as its predecessor, the Permanent Refugee Appeals Board) also pronounced – rather divergent – views on how to assess the anonymity of a source.[75]

The Administrative Court of **Slovenia** in its SI-08 judgment provided an interesting (and quite unusual) example of comparing the reliability of two international sources (namely the UNHCR and the UN Security Council):

> The UNHCR, as a specialised organisation with important role in the international community, has special responsibility under the Article 35 of the 1951 Convention. Due to a much more non-political character of the UNHCR in comparison to the character of the UN Security Council, the COI provided by the UNHCR has much more weight as evidence than that produced by the UN Security Council, since the latter holds especially political and security functions.

These pieces of jurisprudence underline the importance of source analysis, including the assessment of a source's mandate and motivation even in case of the most reputable governmental or international sources, and as such – from a COI professional's perspective – are highly valuable.

[75] See in details in Chapter IX.2

## VII.4 Summary

The criterion of using balanced and reliable COI sources in asylum procedures is now firmly anchored in both legislation and jurisprudence in the EU. Its main concrete incarnation is the requirement of using a variety of different sources, as foreseen by the Procedures Directive and echoed by the ECtHR and several senior courts' jurisprudence. Most of the relevant case law refuses to establish an "order of preference" between different types of sources. The ECtHR, as well as some national courts have recently established standards for source assessment. It appears, furthermore, that over the past few years a number of national courts have become more vigilant even with regard to "official" (state, EU) sources and cautious scrutiny is gradually becoming a general standard, rather then the automatic acceptation of such information.

# VIII. Standard 3: Accurate Research and Selection of Up-to-date Information

**Accurate COI is obtained and corroborated from various sources, with due attention to find and filter the relevant and up-to-date information from the sources chosen, avoiding the distortion of the content. The research process should reflect high professional standards and be free of any bias or pre-conception.**

While the previous standard of reliability deals with the selection and analysis of sources, accuracy is about obtaining the relevant information from the selected sources (i.e. it is the key quality standard of the research process itself). It is of common knowledge that COI research requires a certain ability to use the internet, as well as other communication, technical and methodological skills. Complementing these general requirements, European professional practice has established a more complex norm of accuracy[76] that is based primarily on the principle of cross-checking or corroboration (from a variety of sources), and on an unbiased selection of up-to-date information. Both EU law and national practices reflect to a certain extent these requirements.

## VIII.1 Obtaining Objective, Impartial and Precise Information

### VIII.1.1 Legislation

Article 8 (2) (b) of the Procedures Directive sets a rather general standard of preciseness, which can be interpreted in conjunction with the requirement of objectivity and impartiality in Article 8 (2) (a):

> 2. Member States shall ensure that decisions by the determining authority on applications for asylum are taken after an appropriate examination. To that end, Member States shall ensure that:
>
> (a) applications are examined and decisions are taken individually, **objectively and impartially**;

[76] See also IARLJ Checklist, Para. 21–24

> (b) **precise** and up-to-date information is obtained from various sources, such as the United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum [...]

The standard of objectivity has already been analysed in connection with the reliability and balance of sources; it may however be related to the selection of information as well. From a COI professional viewpoint this means that it is not *per se* satisfactory to select objective and relatively unbiased sources, the information itself should also be researched in an objective and impartial way.

It is of interest to see that different national asylum laws transpose these criteria in a different manner. **Hungarian**[77] and **Luxembourgian**[78] law for example, use a wording similar to that of the Directive, evoking both objectivity/impartiality and preciseness. The **Romanian** asylum legislation[79] solely mentions objectivity as a general standard in decision-making. The **Austrian** Asylum Act sets the standard of objectivity in relation with the "processing" of information (thus not referring to the selection of sources in this respect, but rather to an objective research of COI), and it further complements it with the requirement of a "scientific" approach:[80]

> (2) [...] The collected facts have to be summarised for each country, processed objectively and scientifically (general analysis) and documented in a general form. [...]

### VIII.1.2 Jurisprudence

European courts frequently refer to objectivity and balance in reference to the selection of COI sources. However, they only seldom do so in connection with the research process and the selection of information from the given sources. This reserved approach is understandable, since while it is rather easy to evaluate whether a group of selected information-providers can be deemed as balanced or sufficiently wide, it is practically impossible for a judge to assess whether the research process itself reflected high methodological standards.

The **Austrian** Administrative Court evoked the requirement of "preciseness" in AT-10, which in this particular case meant taking into account regional differences in the country of origin.

Behind such general norms, a growing body of jurisprudence points out that the abusive, out-of-context selection of information and the omission of important parts of COI texts are not permitted and such proceeding should result in cancelling lower-instance decisions. In CZ-11, the **Czech** Supreme Administrative Court emphasised (thus formulating the clearest standard in this respect) that

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77 Government Decree no. 301/2007 (XI.9.) on the implementation of Act LXXX of 2007 on asylum, Section 70 (8)

78 Act of 5 May 2005 on asylum and complementary forms of protection, Section 18

79 Act no. 122/2006 on asylum in Romania, Section 13 (1) (a)

80 Asylum Act of 2005, Section 60 (2)

> [...] the situation of the asylum-seeker in his country of origin has to be assessed objectively, because otherwise there is a procedural fault [...]. First of all, it is not permitted to proceed in such a way that only those facts and findings from the reports are taken into account which correspond to the final decision of the administrative body. In the present case, the Supreme Administrative Court found that the method of using the information on the country of origin was not objective, because the claimant selectively pointed out only certain areas of the claim and did not deal with the other information relevant in this case. [...]
>
> [...] in the opinion of the Supreme Administrative Court, [the authority used COI] in a selective way, since it left aside fundamental information [...]

The same standard was later reinforced in CZ-26 and CZ-27.

**Romanian** jurisprudence has also repeatedly criticised (RO-02, RO-03) that

> The interpretation of COI is obviously made in a truncated manner and out of context.

and used this as an argument to squash administrative decisions. According to the Regional Administrative Court of Warsaw, **Poland**, the fact that the first-instance authority failed to consider and attach to the file a relevant part of a report otherwise widely considered in the given case (PL-12):

> [...] not only gives rise to serious doubts as to the correctness of the conclusions made by the authority and makes the decision uncontrollable by the Court, but it also renders justifiable the applicant's allegation that the authority used the given report in a selective way.

Judgment AT-20 of the Administrative Court of **Austria** criticises a clear example of intentionally distorted COI:

> The report on female genital mutilation (FGM) was cited within the explanatory statement of the second instance: "The police are willing to and have cooperated to stop this practice from happening", however the subsequent part of the sentence describing the absence of state protection in various parts of the country was omitted. The original sentence reads as: "The police are willing to and have cooperated to stop this practice from happening, but the ability of the police to step up in remote communities in a timely and effective manner is severely limited."

The **Belgian** Permanent Refugee Appeal Board talked in BE-04 about an "abusive reading" of sources, while the Sofia City Administrative Court in **Bulgaria** criticised the "selective and inaccurate" quoting of COI in BG-04. The High Court of **Ireland** approached the issue of undesirable selective quotation from a different angle:

> In a situation where [...] there is a significant volume of country of origin information, it is possible by selective quotations to find support for any proposition. For this reason it is important to consider the country of origin information as a whole and to have regard to the general principle or thrust of it.

In IE-19 the High Court emphasised the difference between the liberty to weigh evidence and the arbitrary selection of country information:

> While this court accepts that it was entirely up to the Refugee Appeals Tribunal to determine the weight (if any) to be attached to any particular piece of country of origin information it was not up to the Tribunal to arbitrarily prefer one piece of country of origin information over another.

The High Court further criticised the unjustified selectivity in referring to COI in IE-22:

> In the case before this Court also I find that the Commissioner was selective in the part of the paragraph he chose to quote in support of his decision, omitting the remainder which greatly modified the selected passage. Moreover, he engaged in no rational analysis of the conflict and gave no reasons to justify his preferment of one view over another on the basis of that analysis.

## VIII.2 Up-to-date Information

### VIII.2.1 Legislation

Article 8 (2) (b) of the Procedures Directive envisages another concrete standard relevant to the accuracy of COI research, namely that of currency:

> 2. Member States shall ensure that decisions by the determining authority on applications for asylum are taken after an appropriate examination. To that end, Member States shall ensure that:
> [...]
> (b) precise and **up-to-date** information is obtained from various sources, such as the United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;

While this provision does not elaborate what "up-to-date" means, Article 4 (3) (a) of the Qualification Directive provides more guidance on this requirement:

> 3. The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account:
> (a) all relevant facts as they relate to the country of origin **at the time of taking a decision** on the application; including laws and regulations of the country of origin and the manner in which they are applied;

Reading in conjunction the above two provisions, it can be deduced that the COI used in asylum procedures should relate to a period as close as possible to the time of taking a decision (regardless of the fact that it is a first- or upper-instance, administrative or judicial decision). From a COI professional's viewpoint, there may be exceptions from the "as up-to-date as possible" rule. When certain events referred to by the asylum-seeker did not occur prior to her/his flight, but for example years before, COI dating from the given period – i.e. otherwise completely outdated – will still be accurate. Another exception may be the case of cultural or historical information (for example on wedding rites in an African tribe or the calendar used in different Islamic countries), which often remains unaltered in time. In such cases, the norm of currency may not be interpreted in a very strict manner.

The **Austrian** Asylum Act goes beyond the general requirement set by the directives and sets a strict rule in connection with its Country Documentation, aiming at the

elimination of all outdated information and even envisaging the revision of analyses based thereon:[81]

> (2) [...] The documentation has to be corrected as to facts which do not or no longer correspond to the actual situation. Analyses on the basis of these facts have to be rectified. [...]

Furthermore, it even encourages COI users to notify the documentation service about such information[82]:

> (7) The Federal Asylum Office has to be informed if a user notices [...] that certain information covered by the country documentation does not or no longer correspond to the actual facts. Other persons are authorised to inform the Federal Asylum Office about such facts.

A similar provision is set forth in **Hungarian** legislation:[83]

> (9) The Country Information Centre regularly updates the information it stores
> a) by obtaining up-to-date information and
> b) by rectifying out-dated information not reflecting any more the real situation.

In its regulation concerning the Ministry of the Interior's yearly COI reports, the **Lithuanian** asylum legislation also stipulates that[84]

> [...] Upon the change of the situation in third countries or countries of origin, new reports are prepared and approved by the Minister of the Interior or an authorised officer.

### VIII.2.2 Jurisprudence

The issue of currency of country information is widely dealt with by European courts. The **ECtHR** explicitly set a standard regarding the currency of information in Chahal:[85]

> [...] the material point in time must be that of the Court's consideration of the case. It follows that, although the historical position is of interest in so far as it may shed light on the current situation and its likely evolution, it is the present conditions which are decisive.

While the Court did not provide detailed guidance on how to ensure the up-to-date character of COI, it clearly determined that the analysis should focus on the situation at the time of decision-making. This principle is similarly reiterated both in Ahmed[86] and Venkadajalasarma.[87]

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81 Asylum Act of 2005, Section 60 (2)

82 Asylum Act of 2005, Section 60 (7)

83 Government Decree no. 301/2007 (XI.9.) on the implementation of Act LXXX of 2007 on asylum, Section 70 (9)

84 Procedural rules regulating the examination of aliens' applications for asylum, decision-making and implementation of decisions (approved by Order No. 1V-361 of 2004 of the Minister of the Interior of the Republic of Lithuania), Section 32

85 Para. 86

86 Para. 43

87 Para. 63

In Salah Sheekh, the Court reinforced its standard on currency:[88]

> [...] in assessing an alleged risk of treatment contrary to Article 3 in respect of aliens facing expulsion or extradition, a full and ***ex nunc*** **assessment** is called for as the situation in a country of destination may change in the course of time.

In its 2008 Saadi judgment the ECtHR once again emphasised that

> With regard to the material date, the existence of the risk must be assessed primarily with reference to those facts which were known or ought to have been known to the Contracting State at the time of expulsion. However, if the applicant has not yet been extradited or deported when the Court examines the case, the relevant time will be that of the proceedings before the Court.

National courts have also gradually developed a standard foreseeing the use of up-to-date COI in recent years. An **Irish** High Court judge set a general standard in IE-21 when saying that

> [...] it seems to me to be particularly important that decisions be based on the most up-to-date and authoritative information possible.

The fact that

> the [COI] reports relate to both the period when the complainant left his country and to the time of decision-making on international protection by the administrative authority

lead the **Czech** Supreme Administrative Court to the conclusion in CZ-22 that the requirement of currency has been met. The same court in its CZ-07 judgment expressed a similar view[89] and besides this held that it was insufficient to base rejections on only partly up-to-date information:

> [...] the Supreme Administrative Court found a grave infringement of elementary principles which concern the limits of administrative discretion, when out of the reports cited, which were used in order not to grant asylum [...] only one [...] was related to the war and after-war situation in Iraq, which had crucial importance upon the applicant's departure from her country.

In CZ-29 the Supreme Administrative Court further nuanced its standard by ruling that relevant but outdated COI reports should not be necessary excluded from the evaluation of a case, but they are to be assessed

> [...] only in connection with another report of similar content and extent which would reflect the current situation in particular places of the country between [the date of publication of the outdated report] and the time when the applicant left the country and/or the time of the decision-making of the defendant and the [lower-instance] regional court.

A further interesting example is UK-02, in which – echoing the previously presented ECtHR standard established in Salah Sheekh and Saadi – the **UK** Immigration Appeal Tribunal discussed the issue of currency in the context of a second asylum claim:

> Evidence dating from before the determination of the first Adjudicator might well have been relevant if it had been tendered to him: but it was not, and he made his determination

[88] Para. 136

[89] Further reiterated in CZ-13 and CZ-18

> without it. The situation in the Appellant's own country at the time of that determination is very unlikely to be relevant in deciding whether the Appellant's removal at the time of the second Adjudicator's determination would breach his human rights. Those representing the Appellant would be better advised to assemble up-to-date evidence than to rely on material that is *(ex hypothesi)* now rather dated.

In PL-08, the Regional Administrative Court of Warsaw, **Poland**, set valuable standards in respect of the above issue (somehow reiterating the principle laid down in UK-02, but applying it to appeal authorities):

> The Court's task is to assess the conformity of administrative decisions with the law. Conclusive in this respect is the date when the decision was issued. But if the evidence material assessed in this decision dates back from several months or years preceding the issuance of the decision, it is a flaw of the administrative procedure if the appeal authority does not supplement the data on facts with the knowledge on the evolution of circumstances in the applicant's country of origin

The **Swedish** Migration Court of Appeal adhered to this standard in SE-04 when ruling that

> The assessment of a case like the present is to be carried out based on the circumstances at the time of the assessment. [...] In the following, accordingly, the Migration Court of Appeal will assess the case [...] with reference to the most recent country of origin information relevant to the case.

Another interpretation of this concept was applied by the **German** Federal Administrative Court, when in DE-02 it ruled in connection with the periodical reports issued by the German Foreign Office that

> [...] the Administrative Courts dealing with asylum matters are principally obliged to ascertain *ex officio* whether a new country report is available and gives account of considerable changes in the political circumstances in the respective country, which are relevant in terms of asylum law.

This rather basic but highly important requirement of always using the most recent report available from a given source is reiterated in **Polish** jurisprudence (PL-07) as well.

The Supreme Court of **Slovakia** underlined in SK-22 the necessity of using up-to-date COI in deciding on entitlement to subsidiary protection.

Unlike defining in general terms the meaning of up-to-date COI, many courts pronounce views on the lack of currency concerning information dated from a certain period. In this context, country information older than four years was deemed unacceptable in **Austrian** jurisprudence (AT-21); **Polish** (PL-03, PL-05), **Czech** (CZ-29) and **Austrian** (AT-02) courts found COI from two years prior outdated; while information from the preceding year has been considered unacceptable in **Polish** (PL-06), **Slovak** (SK-16) and **Slovenian** (SI-02) court decisions. The requirement of currency and the lack of COI up-to-date at the time of decision-making or relating to the time when the asylum-seeker left her/his country of origin is frequently referred to as a ground for quashing lower-instance decisions, even if without less concrete details.[90]

[90] See AT-03, AT-04, AT-05, AT-06, BG-02, SE-01, SI-03, SK-03, SK-04, SK-10, SK-21, SK-23

Addressing a somewhat different issue related to the currency of information, the Supreme Administrative Court of **Lithuania** in LT-04 emphasised the usefulness of COI materials which are prepared based on information covering a longer period of time, as

> Data on the state of human rights in the relevant region during a longer period reflect the relevance and trends of the situation.

## VIII.3 Summary

This methodological standard has gradually appeared in both legislation and jurisprudence in EU member states. Being fairly more "technical" than that of relevance and reliability, this standard is more limited in its scope to general requirements (such as "precise and up-to-date information" as set forth by the Procedures Directive), rather than concrete methodological guidance. A growing body of European court decisions refer to the abusive truncation of COI reports or an unjustified "preference" to certain texts to the detriment of others as a reason for quashing lower-instance decisions.

Currency is a key element of accuracy, interpreted both by the Qualification Directive and the ECtHR as the requirement of assessing facts related to the country of origin "at the time of taking a decision". National courts widely echo the obligation of using up-to-date COI in asylum decision-making. In some administrative courts' practice this requirement prevails over and thus completes the mere obligation of examining the legality of administrative decisions, indicating a trend according to which courts are now also expected to produce or at least up-date COI materials.

# IX. Standard 4: Transparent Processing and Communication of Information

**Since COI is often a decisive factor in asylum procedures, it should be made available for all parties involved therein, primarily – as a minimum standard – through a transparent and consistent system of referencing. Original sources and reports should therefore be retrievable, and care should be taken that their content and meaning are not distorted in the process of paraphrasing or translating.**

Observing the above standard of transparency is a key factor to ensure legal security in refugee status determination – closely related to the procedural norm of the **equality of arms** – as it enables the asylum-seeker to have access to the information on the basis of which her/his claim has been decided. In addition, it also serves the interest of processing authorities since well-referenced and retrievable COI constitutes much "stronger" supportive evidence in a possible appeal procedure. It should be emphasised that the results of COI research may be based on relevant questions and may reflect high methodological standards; these criteria remain uncontrollable without ensuring the transparency of the information used.

Applying a **transparent method of processing and referencing COI** (the latter including the source, title, date of information and eventually the period to which the source refers, page/paragraph number, web link, etc.) has become a widely accepted norm by COI professionals in their daily work. While summaries of research results, often in the national language of the asylum system, may be more user-friendly (or may even be required by the national legislation of a given country), care must be taken that the meaning of the original sources is not distorted in the process of paraphrasing or translating. In case of complex COI reports or summary query responses the original sources used should be attached or otherwise made available; in order to allow the accuracy of the summary to be checked or to look for more detailed information.

Different EU member states' practices vary to a considerable extent in respect of transparency of country information. This divergence often reflects more general and long-standing differences in administrative and judicial traditions, and as such, will hardly be subject to any immediate change.

## IX.1 Legislation

In the light of the above-mentioned divergence among member states' approach towards transparency of COI, it is not surprising that these professional standards are scarcely reflected by EU asylum legislation. However, the Procedures Directive does include some important provisions which may have an indirect effect on the promotion of transparency in the given context. Article 9 (2) of the Procedures Directive stipulates that

> 2. Member States shall also ensure that, where an application is rejected, **the reasons in fact and in law are stated in the decision** and information on how to challenge a negative decision is given in writing.

As contradictions between asylum-seekers' statements and COI often proves to be the crucial reason for rejection, the above provision may affect positively the transparency of COI used in asylum decision-making. Presuming a progressive approach toward this criterion, an improvement may be expected in the long run in those member states where administrative decisions still fail to give a detailed reasoning (and refer to COI therein).

In addition, Article 16 (1) of the Procedures Directive **ensures the access of counsellors to information included in their client's file**, provided that it is liable to be examined by appeal authorities:

> 1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for asylum under the terms of national law, shall enjoy access to such information in the applicant's file as is liable to be examined by the authorities referred to in Chapter V, insofar as the information is relevant to the examination of the application.
>
> Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications of asylum by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, access to the information or sources in question shall be available to the authorities referred to in Chapter V, except where such access is precluded in cases of national security.

Given the crucial role of country information in decision-making, it is presumable that COI materials will regularly fall under the scope of the above provision.

During the time of writing this study, very few concrete provisions could be found in national asylum laws that would set concrete standards on transparency and referencing of COI. An exemplary and outstandingly precise exception could be found in **Belgian** law, setting high standards of transparency in the specific case of obtaining information from an expert person or institution:[91]

> The General Commissioner or one of his/her deputies can, in his/her decision lean on information obtained from a person or institution by telephone or e-mail.

[91] Royal Decree of 11 July 2003 fixing the procedure before the General Commissioner for Refugees and Stateless Persons, as well as its functioning, Section 26

> The administrative file shall in such a case define the reasons for which the given person or institution has been contacted, as well as the reasons for presuming his/her/its reliability.
>
> A written summary shall be prepared on the basis of the information obtained, and it shall mention the name of the person contacted by telephone, a summary description of his/her activities or function, his/her telephone number, the date of the telephonic conversation, as well as an overview of the questions asked during the telephonic conversation and the responses given by the contacted person thereto.

**Swedish** asylum legislation sets forth a more general standard of transparency:[92]

> [...] [A duty of the Migration Board] is to ensure that the Board's up-to-date county of origin information is made publicly available to the greatest possible extent. [...]

In addition to these few asylum-specific rules, many countries' general regulation on administrative procedures or administrative court proceedings provides the asylum-seeker (and her/his legal representative) with access to the COI used as evidence in her/his case.

## IX.2 Jurisprudence

In contrast with law-makers, a number of senior European courts have produced consistent jurisprudence emphasising the importance of transparency and retrievability of country information.

The High Court of **Ireland** set in IE-11 a general standard on the "equality of arms" principle that may be of great significance when discussing the present norm of transparency:

> If a matter is likely to be important to the determination of the [Refugee Appeal Tribunal] then that matter must be fairly put to the applicant so that the applicant will have an opportunity to answer it. If that means the matter being put by the Tribunal itself then an obligation so to do rests upon the Tribunal. Even if, subsequent to a hearing, while the Tribunal member is considering his or her determination an issue which was not raised, or raised to any significant extent, or sufficient at the hearing appears to the Tribunal member to be of significant importance to the determination of the Tribunal then there remains an obligation on the part of the Tribunal to bring that matter to the attention of the applicant so as to afford the applicant an opportunity to deal with it. This remains the case whether the issue is one concerning facts given in evidence by the applicant, questions concerning country of origin information which might be addressed either by the applicant or by the applicant's advisors or, indeed, legal issues which might be likely only to be addressed by the applicant's advisors.

In IE-18, the High Court held that the failure to disclose COI can be an arguable ground for judicial review, then precised in IE-13 that

> Where, however, as here, there is no evidence to be found in the decision that the country of origin information favourable to the applicant's case was considered and, equally, as a consequence, no rational explanation as to why it was rejected, it seems to me that there are

[92] Regulation 2007:996 concerning the Migration Board's basic duties and organization, Section 2 (7)

> at least arguable grounds for the applicant's contention that the decision maker did not take into account relevant considerations.

The **Spanish** Supreme Court has consequently reiterated the requirement of transparency in its judgments. In ES-01, the Court expressed with clarity its position (which it later reiterated rather similarly in ES-02 and ES-03):

> [Both the first and second-instance authority] justified the refusal of admission to procedure by saying that the available information does not indicate that the authorities authorised or remained inactive in front of the persecution alleged by the asylum-seeker, but neither communicated details about such "available information", nor they attached documents or other elements from which the source or the content of such information could have become known. Consequently, such information can only be considered as gratuitous and insusceptible to support the refusal of admission to procedure.

In another landmark decision (ES-04), the Supreme Court emphasised that when conducting research concerning the objective circumstances alleged by the asylum-seeker

> [...] – in order that the applicant has the indispensably necessary elements for his/her defence – if the administrative authority questions the verisimilitude of the latter's allegations as they do not correspond to the disposable objective information on the country of origin, it is desirable that the authority should indicate this contradiction and disclose in the case file the sources considered when coming to such a conclusion.

The **Polish** Supreme Administrative Court also set a clear standard on transparency when held in PL-13 that

> Sources of information, which serve as basis for statements concerning the facts, have to be found in the file of the case, together with translation of the fragments important for the case. [...]
>
> Defects in the evidence material make the Court's verification of the findings and assessments in the decision impossible. [...] A general reference to unspecified data from a country of origin information centre and a Human Rights Watch report does not fulfill the criteria for indicating the evidence, on which the findings as to the facts were based [...]. The lack of evidence, on which the findings concerning the facts were based, not only disables the Court to control the assessment of the credibility of the evidence, but it also makes impossible for the applicant to question the credibility of the evidence.

In PL-06, the Regional Administrative Court of Warsaw pointed out that[93]

> It should be emphasised that there is no need to translate the whole texts of reports of human rights organsations, including UNHCR reports, relating to the country of origin information. Nonetheless, it was crucial for making a proper decision to translate and include in the evidence material fragments which are important for the assessment of the current situation, [...]

The Refugee Board of Poland criticised in PL-03 that the first-instance authority had not explained what a certain abbreviation (referring to a source) meant, nor had it included its internet address.

[93] Reiterated in PL-03 and PL-04

The Constitutional Court of **Slovenia** established in SI-11 that

> Since the Ministry of the Interior did not enable the applicant to give his opinion on the facts and circumstances relevant for the decision [including COI materials], it violated the applicant's right to the equal protection of rights, specified in Article 22 of the Constitution.

The Slovenian Supreme Court also emphasised in SI-10 that the fact that

> [...] the determining authority examined several general COI materials obtained during the administrative procedure, but did not present those information to the applicant was not in line with the [relevant provisions] of the General Administrative Procedure Act.

**Swedish** jurisprudence follows the same line. The Migration Court of Appeal criticised in SE-06 that

> [...] the [lower-instance] Migration Court has neither presented from where [the COI used] was obtained nor added any material to the case that includes the information in question. The Migration Court has further based its judgement on this information without giving any of the parties an opportunity to state their views on it. Since this information that has been added to the case cannot be regarded as of common knowledge, it should have been communicated, in accordance with [the relevant provision of] the Administrative Court Procedure Act, at least to the applicant before the case was determined.

The same court used a similar argument when quashing a lower-instance decision in SE-05, too. The Migration Court of Gothenburg also pointed out in SE-02 that

> [...] asylum seekers have the right, according to The Administrative Act, to have access to and respond to [the information in their case file]. This principle applies also to the relevant sections of country of origin information that form the basis of the Migration Board's decision [...] [it is rare] country of origin information would be precluded from the public domain because of being officially classified [...] [Country of origin information] is of vital importance in order for the Migration Board to be able to correctly assess the accuracy and credibility of asylum claims. Similarly, it is important for an applicant to have access to and to be able to respond to the information on which an administrative authority bases its decision.

**Slovak** jurisprudence is also consequent in setting a standard of retrievability, the clearest formula of which was established in SK-13 by the Regional Court of Bratislava:

> The statements of an asylum-seeker must be considered in the light of country of origin information. The first-instance authority is obliged to explain in its decision, which facts the decision-maker took into consideration as basis for the decision and how he/she examined the available evidence.

The lack of clear references to COI was further denounced by Slovak courts in SK-01 and SK-08.

The Metropolitan Court in **Hungary** set a similar standard in its judicial practice. In HU-05, the Court used the term of "punctually referenced" COI and emphasised that the same norm is to be applied in this respect for proceeding authorities and legal representatives:

> [...] it is not permissible to accept any reference of general nature, in the case of country of origin information in view of the accountability and identification, the legal representative shall indicate with proper references and details on which points it challenges the respective part of the administrative decision.

In AT-22, too, the Constitutional Court of **Austria** quashed a lower-instance decision partly because

> [...] comments [on the situation in the country of origin] were made without citing sources and without stating the point of time the country information is based on.

The lack of proper referencing and traceability of COI appears as a reason for cancelling an improper decision in judgment AT-21 of the same court. The Administrative Court of Austria also criticised in AT-17 that

> [...] the second instance based its statements on country reports in a very general manner, without stating the respective passages within the extensive materials or providing citations.

As for **Czech** jurisprudence, the clearest formula was provided in CZ-15 (while the lack of transparency and retrievability was also denounced in CZ-12 and CZ-14):

> [...] in addition to the fact that the administrative body does not specify [the referred "background information"], it neither quotes it, nor provides any explanation on what consideration it has when assessing the evidence. The absence of this consideration then renders the decision not reviewable and this deficiency must be taken into account by the Court *ex officio*.

The Czech Supreme Administrative Court also set a rather general standard in CZ-22 when it held that in the give case

> [t]he criterion of traceability is satisfied not only through inclusion of the reports in the file but also through their accessibility through the internet.

The High Administrative Court of **Bulgaria** in BG-01 held unacceptable the mere reference to "recent information" (without specifying its source).

The former Permanent Refugee Appeal Board of **Belgium** pronounced various judgments concerning the assessment of anonymous sources. In BE-03, the Board held that since the administrative authority based its decision on information from an anonymous source, it was

> [...] therefore not possible to formulate a definite opinion as for its statements, nor does it enable to establish the lack of credibility without further research.

On the other hand, it pointed out in BE-09 that

> the anonymity of a source does not make *per se* the given information unreliable, [...] it can be in the interest of the asylum-seeker that the authorities stay discreet about their sources [...]

The Council of Immigrant Litigation (the Board's successor) also presented different views on this issue: in BE-14 it criticised the reliability of using anonymous oral sources holding that if the requirements set in law[94] are not met (e.g. the source's name, telephone number and function are not specified in the written summary of a conversation), the information provided cannot be considered as valid fundament for a certain conclusion.

[94] Royal Decree of 11 July 2003 fixing the procedure before the General Commissioner for Refugees and Stateless Persons, as well as its functioning, Section 26 – see relevant citation in Chapter IX.1

Nevertheless, in BE-16 and BE-17 it confirmed that the anonymity of a source does not make it unreliable *per se*.[95]

The relevant standard set by the **Dutch** Council of State in NL-01 reflected the above dilemma between transparency and source protection:

> [...] the country report [issued by the Ministry of Foreign Affairs] shall procure information in an impartial, objective and insightful manner, indicating – if possible and on the condition it is safe to do so – the sources from where it has been obtained.

A quite dissenting voice – compared to the above-referred vast jurisprudence – is that of the High Administrative Court of Berlin, **Germany**, in DE-03. As to the transparency of the country reports prepared by the German Foreign Office, considering it as "official statement", the Court held that

> In principle the participants [of the refugee status determination procedure] are not entitled to learn how and on which basis a statement by the Foreign Office has been produced. Neither are the courts obliged to clarify this, unless serious and case-related doubts as to the accuracy of statements provide a reason for it in individual cases. Such a reason emerges if the claimant's submission shows coherently that the Foreign Office has manipulated its sources [...]

## IX.3 Summary

A transparent system of processing and referencing country information in decisions and case files has become a widely supported and respected norm in COI professional circles. Meanwhile, EU member states have neither elaborated a joint position on rules and systems of referencing, nor have determined common standards with regard to information transparency in asylum procedures. The Procedures Directive, however, sets forth some important basic requirements (such as the justification of asylum decisions in fact and in law and the access of counsellors to the information included in their client's file, if liable to be examined by appeal authorities).

Going much further than law-makers, senior courts in several member states have established clear and specific standards in this respect. Jurisprudence frequently emphasises the right of asylum-seekers' to know and to react on the COI materials serving as basis for adjudicating their claim. Courts also appear to see the transparency of COI (an often decisive piece of evidence) as a pre-condition for a valid and effective judicial review. On the basis of the clear norms established in the jurisprudence of a high number of EU member states, all actors of the asylum decision-making mechanism are encouraged to adopt these standards in the next phase of establishing a Common European Asylum System.

[95] Without drawing far-reaching conclusions it is of interest to note that the "critical" judgments were all from the French-speaking chamber of the Council, while the other approach was – at least in light of the jurisprudence at the author's disposal – taken by the Dutch-speaking chamber.

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# Annex

| Short form | Name of ECtHR judgment | Date |
|---|---|---|
| Vilvarajah | Vilvarajah and others v. The United Kingdom | 30 October 1990 |
| Cruz Varas | Cruz Varas v. Sweden | 20 March 1991 |
| Chahal | Chahal v. The United Kingdom | 15 November 1996 |
| Hilal | Hilal v. The United Kingdom | 6 March 2001 |
| N | N v. Finland | 26 July 2005 |
| Salah Sheekh | Salah Sheekh v. The Netherlands | 11 January 2007 |
| Mamatkulov | Mamatkulov and Askarov v. Turkey | 4 February 2005 |
| Venkadajalasarma | Venkadajalasarma v. The Netherlands | 17 February 2004 |
| Ahmed | Ahmed v. Austria | 17 December 1996 |
| Muminov | Muminov v. Russia | 11 December 2008 |
| Saadi | Saadi v. Italy | 28 February 2008 |
| Gaforov | Gaforov v. Russia | 21 October 2010 |
| NA | NA v. The United Kingdom | 17 July 2007 |

| Code | Judgment/decision | Year | National court/ judicial body | Country |
|---|---|---|---|---|
| AT-01 | 98/01/0602 | 1999 | Administrative Court | Austria |
| AT-02 | 2004/01/0245 | 2005 | | |
| AT-03 | 2005/01/0290 | 2005 | | |
| AT-04 | 2001/01/0164 | 2002 | | |
| AT-05 | 2000/01/0348 | 2001 | | |
| AT-06 | 2000/20/0245 | 2002 | | |
| AT-07 | 2001/01/0164 | 2002 | | |
| AT-08 | 2004/21/0134 | 2004 | | |
| AT-09 | 2002/01/0060 | 2003 | | |
| AT-10 | 2000/20/0020 | 2002 | | |
| AT-11 | 223.315/0-VIII/23/01 | 2003 | Independent Federal Asylum Board (UBAS) | |
| AT-12 | 227.558/10-I/02/04 | 2004 | | |
| AT-13 | 225.992/8-I/02/05 | 2005 | | |
| AT-14 | 218.974/11-I/02/06 | 2006 | | |
| AT-15 | 219.896/7-I/02/04 | 2004 | | |
| AT-16 | 2003/20/0486 | 2004 | Administrative Court | |
| AT-17 | GZ 2004/20/0215 | 2004 | | |
| AT-18 | GZ 2007/19/0279 | 2007 | | |
| AT-19 | GZ 2006/01/0930 | 2006 | | |
| AT-20 | GZ 2006/01/0793 | 2006 | | |
| AT-21 | GZ U378/10 | 2010 | Constitutional Court | |
| AT-22 | GZ U305/08 | 2009 | | |

| Code | Judgment/decision | Year | National court/ judicial body | Country |
|---|---|---|---|---|
| BE-01 | 04-3503/F1761 | 2005 | Permanent Refugee Appeal Board | Belgium |
| BE-02 | 04-3388/F1755 | 2005 | | |
| BE-03 | 04-2399/R12893 | 2005 | | |
| BE-04 | 04-0629/F2275 | 2006 | | |
| BE-05 | 02-0266/F1595 | 2003 | | |
| BE-06 | 02-0920/R11111 | 2003 | | |
| BE-07 | 98-0886/R8485 | 2000 | | |
| BE-08 | 05-1554/W11129 | 2005 | | |
| BE-09 | 04-1402/W10502 | 2005 | | |
| BE-10 | 00-1754/W6924 | 2001 | | |
| BE-11 | 05-0979/W11535 | 2006 | | |
| BE-12 | 26112-(PC) | 2009 | Council for Immigrant Litigation (CIL) | |
| BE-13 | 39180-(PC) | 2010 | | |
| BE-14 | 11829-(PC) | 2008 | | |
| BE-15 | 1622 | 2007 | | |
| BE-16 | 22583 | 2009 | | |
| BE-17 | 22582 | 2009 | | |
| BE-18 | 22185 | 2008 | | |
| BE-18 | 25562 | 2009 | | |
| BG-01 | No. 1400 of 18 February 2003 | 2003 | High Administrative Court | Bulgaria |
| BG-02 | No. 2968 of 31 March 2004 | 2004 | | |
| BG-03 | No. 3253 of 13 April 2004 | 2004 | | |
| BG-04 | 3581/2010 | 2010 | Sofia City Administrative Court | |
| CZ-01 | 6 A 636/1993 | 1994 | High Court | Czech Republic |
| CZ-02 | 6 A 592/1993 | 1994 | | |
| CZ-03 | 7 A 539/1995 | 1998 | | |
| CZ-04 | 6 A 780/2000-32 | 2002 | | |
| CZ-05 | 5 A 516/1999-54 | 2001 | | |
| CZ-06 | 6 A 781/2000-21 | 2002 | | |
| CZ-07 | 4 Azs 467/2004-89 | 2005 | Supreme Administrative Court | |
| CZ-08 | 6 Azs 50/2003-89 | 2004 | | |
| CZ-09 | 5 Azs 202/2004 | 2004 | | |
| CZ-10 | 6 Azs 371/2004-52 | 2004 | | |
| CZ-11 | 2 Azs 41/2007 | 2007 | | |
| CZ-12 | 47 Az 22/2003 | 2003 | Regional Court of Prague | |
| CZ-13 | 52 Az 48/2003 | 2003 | Regional Court of Hradec Králové | |
| CZ-14 | 36 Az 418/2003 | 2003 | Regional Court of Brno | |
| CZ-15 | 55 Az 663/2003 | 2004 | | |
| CZ-16 | 36 Az 263/2004 | 2005 | | |
| CZ-17 | 55 Az 52/2004 | 2005 | | |
| CZ-18 | 56 Az 316/2006 | 2007 | | |

| Code | Judgment/decision | Year | National court/ judicial body | Country |
|---|---|---|---|---|
| CZ-19 | 4 Azs 99/2007-93 | 2008 | Supreme Administrative Court | Czech Republic |
| CZ-20 | 5 Azs 55/2008-71 | 2008 | | |
| CZ-21 | 1 Azs 105/2008-81 | 2009 | | |
| CZ-22 | 2 Azs 31/2010-64 | 2010 | | |
| CZ-23 | 1 Azs 59/2008-53 | 2008 | | |
| CZ-24 | 1 Azs 105/2008-81 | 2009 | | |
| CZ-25 | 5 Azs 40/2009-74 | 2009 | | |
| CZ-26 | 2 Azs 41/2007-94 | 2007 | | |
| CZ-27 | 1 Azs 41/2009-59 | 2009 | | |
| CZ-28 | 7 Azs 19/2009 | 2009 | | |
| CZ-29 | 4 Azs 83/2008-69 | 2009 | | |
| CZ-30 | 2 Azs 128/2006-65 | 2007 | | |
| DE-01 | 1 B 12.04 (M7626) | 2004 | Federal Administrative Court | Germany |
| DE-02 | 1 B 217.02 (M7433) | 2003 | | |
| DE-03 | OVG 3 B 15.95 (M0178) | 2000 | High Administrative Court of Berlin | |
| DE-04 | 1 A 296/02 (M7468) | 2005 | Administrative Court of Lüneburg | |
| DE-05 | 2 LB 643/07 | 2009 | High Administrative Court (Niedersachsen) | |
| ES-01 | 2098/2002 (appeal no.) | 2005 | Supreme Court | Spain |
| ES-02 | 3213/2002 (appeal no.) | 2005 | | |
| ES-03 | 7108/2000 (appeal no.) | 2004 | | |
| ES-04 | 7130/2000 (appeal no.) | 2004 | | |
| ES-05 | 94/2001 (appeal no.) | 2002 | National Court of Justice | |
| FR-01 | 394962, Mlle. B. | 2002 | Asylum Appeal Board (CRR) | France |
| FR-02 | 174085, Mlle. R. | 1998 | Council of State | |
| HU-01 | 24.K.33839/2005/7 | 2005 | Metropolitan Court | Hungary |
| HU-02 | 24.K.33469/2004/16 | 2004 | | |
| HU-03 | 6K/34029/2005/8 | 2005 | | |
| HU-04 | 6K/31468/2005/8 | 2005 | | |
| HU-05 | 6K/31128/2005/8 | 2005 | | |
| HU-06 | 24.K.33469/2004/16 | 2004 | | |
| HU-07 | 6.K.35121/2005/14 | 2005 | | |
| HU-08 | 18.Kpk.45276/2002/2 | 2002 | | |
| IE-01 | Atanasov v Refugee Appeals Tribunal , 7 July 2006 | 2006 | Supreme Court | Ireland |
| IE-02 | Adam and Ors. v Minister for Justice, Equality and Law Reform, 5 April 2001 | 2001 | | |
| IE-03 | Camara v Minister for Justice, Equality and Law Reform, 26 July 2000 | 2000 | High Court | |
| IE-04 | Zgnat'ev v Minister for Justice, Equality and Law Reform, 29 March 2001 | 2001 | | |

| Code | Judgment/decision | Year | National court/ judicial body | Country |
|---|---|---|---|---|
| IE-05 | Zgnat'ev v Minister for Justice, Equality and Law Reform, 17 July 2001 | 2001 | High Court | Ireland |
| IE-06 | A(F) v Minister for Justice, Equality and Law Reform, 21 December 2001 | 2001 | | |
| IE-07 | Manuel Rose v Minsiter for Justice, Equality and Law Reform, 2 October 2002 | 2002 | | |
| IE-08 | Traore v Refugee Appeals Tribunal, 14 May 2004 | 2004 | | |
| IE-09 | H(D) v Refugee Applications Commissioner, 27 May 2004 | 2004 | | |
| IE-10 | Biti v John Ryan and Refugee Appeals Tribunal, 24 January 2005 | 2005 | | |
| IE-11 | Idiakheua v Minister for Justice, Equality and Law Reform, 10 May 2005 | 2005 | | |
| IE-12 | Imoh v Refugee Appeals Tribunal, 24 June 2005 | 2005 | | |
| IE-13 | Muia v Refugee Appeals Tribunal, 11 November 2005 | 2005 | | |
| IE-14 | Sango v The Minister for Justice and Ors., 24 November 2005 | 2005 | | |
| IE-15 | Imafu v Minister and Ors., 9 December 2005 | 2005 | | |
| IE-16 | Ngangtchang v Refugee Appeals Tribunal, 21 December 2005 | 2005 | | |
| IE-17 | Kikumbi and Anor. v Refugee Applications Commissioner and Ors., 7 February 2007 | 2007 | | |
| IE-18 | Bisong v Minister for Justice, Equality and Law Reform, 25 April 2005 | 2005 | | |
| IE-19 | S v Refugee Applications Commissioner Unreported, 4 July 2007 | 2007 | | |
| IE-20 | O v Refugee Appeals Tribunal, Unreported, 23 January 2009 | 2009 | | |
| IE-21 | A v Refugee Appeals Tribunal, Unreported, 24 June 2008 | 2008 | | |
| IE-22 | S v Refugee Applications Commissioner, Unreported, 11 July 2008 | 2008 | | |
| IE-23 | A v Refugee Appeals Tribunal, Unreported, 29 October 2009 | 2009 | | |
| IT-01 | 1601/2003 | 2003 | Civil Court of Lecce | Italy |
| IT-02 | 27310/2010 | 2010 | Supreme Cassation Court | |
| LT-01 | A6-626-03 | 2003 | Supreme Administrative Court | Lithuania |
| LT-02 | A5-17/2004 | 2004 | | |
| LT-03 | III12-12-04 | 2004 | Administrative Court of Vilnius District | |
| LT-04 | A-146-821/2008 | 2008 | Supreme Administrative Court | |

| Code | Judgment/decision | Year | National court/ judicial body | Country |
|---|---|---|---|---|
| NL-01 | 200303977, NAV 2002/02 | 2001 | State Council | The Netherlands |
| NL-02 | 200407775/1 | 2005 | | |
| NL-03 | 05/14268 | 2006 | Court of Arnhem | |
| NL-04 | 200305368/1 | 2004 | State Council | |
| NL-05 | 10/16182 | 2010 | District Court of Zwolle | |
| PL-01 | 1134-1/S/02 | 2002 | Refugee Board | Poland |
| PL-02 | 723-1/S/05 | 2005 | | |
| PL-03 | 171-2/S/2004 | 2004 | | |
| PL-04 | 547-1/S/2004 | 2004 | | |
| PL-05 | V SA/Wa 1236/04 | 2004 | Regional Administrative Court of Warsaw | |
| PL-06 | V SA/Wa 1873/04 | 2005 | | |
| PL-07 | V SA/Wa 3467/04 | 2005 | | |
| PL-08 | V SA/Wa 2138/04 | 2005 | | |
| PL-09 | V SA/Wa 1887/04 | 2005 | | |
| PL-10 | V SA/Wa 2139/04 | 2005 | | |
| PL-11 | V SA/Wa 918/06 | 2006 | | |
| PL-12 | V SA/Wa 2616/05 | 2006 | | |
| PL-13 | V SA 610/00 | 2000 | | |
| PL-14 | II OSK 1551/06 | 2007 | Supreme Administrative Court | |
| PL-15 | II OSK 126/07 | 2008 | | |
| PL-16 | II OSK 1227/07 | 2008 | | |
| RO-01 | 3402/30.05.2005 | 2005 | Local Court of Sector 5, Bucharest | Romania |
| RO-02 | 3221/05.05.2006 | 2006 | | |
| RO-03 | 3220/05.05.2006 | 2006 | | |
| SE-01 | B.E. v Migration Court, no. MIG 2006:7 | 2006 | Migration Appeal Court | Sweden |
| SE-02 | UM 207-06 | 2007 | Migration Court of Gothenburg | |
| SE-03 | MIG 2008:12 | 2008 | Migration Appeal Court | |
| SE-04 | MIG 2009:27 | 2009 | | |
| SE-05 | UM 2089-09 | 2009 | | |
| SE-06 | UM 5901-08 | 2009 | | |
| SE-07 | MIG 2007:12 | 2007 | | |
| SI-01 | U 696/2006 | 2006 | Administrative Court | Slovenia |
| SI-02 | U 1332/2003 | 2003 | | |
| SI-03 | U 439/2004 | 2004 | | |
| SI-04 | U 509/2005 | 2005 | | |
| SI-05 | U 2189/2006-8 | 2006 | | |
| SI-06 | U 531/2009-8 | 2009 | | |
| SI-07 | Up 47/2010 | 2010 | Supreme Court | |
| SI-08 | U 1516/2010-29 | 2010 | Administrative Court | |
| SI-09 | Up 408/2008 | 2008 | Supreme Court | |
| SI-10 | Up 251/2008 | 2008 | | |
| SI-11 | Up-968/05-11 | 2005 | Constitutional Court | |

| Code | Judgment/decision | Year | National court/ judicial body | Country |
|---|---|---|---|---|
| SK-01 | 9 Saz 41/2006 | 2006 | Regional Court of Bratislava | Slovakia |
| SK-02 | 2 Saz/1/2006 | 2006 | | |
| SK-03 | 11 Saz 5/2005 | 2005 | | |
| SK-04 | 9 Saz 36/2005 | 2005 | | |
| SK-05 | 10 Saz 43/2005 | 2005 | | |
| SK-06 | 10 Saz 40/2005 | 2005 | | |
| SK-07 | 10 Saz 32/2005 | 2005 | | |
| SK-08 | 1 Saz 2/03 | 2003 | Regional Court of Košice | |
| SK-09 | 5 Saz 7/04 | 2004 | | |
| SK-10 | 9 Saz/16/2004 | 2004 | Regional Court of Bratislava | |
| SK-11 | 10 Saz/27/2004 | 2004 | | |
| SK-12 | 11 Saz 39/2004 | 2004 | | |
| SK-13 | 11 Saz 28/2004 | 2004 | | |
| SK-14 | 11 Saz 9/2003 | 2003 | | |
| SK-15* | 10 Saz/20/2006 | 2006 | Regional Court of Košice | |
| SK-16 | 5Saz/18/2010-72 | 2010 | | |
| SK-17 | 1 Sža/12/2010 | 2010 | Supreme Court | |
| SK-18 | 10Saz 6/2006-1357 | 2007 | Regional Court of Bratislava | |
| SK-19 | 1 Sža/49/2009 | 2009 | Supreme Court | |
| SK-20 | 10Saz 6/2006-1357 | 2007 | Regional Court of Bratislava | |
| SK-21 | 10Saz 56/2006-109 | 2008 | | |
| SK-22 | 8 Sža 29/2008 | 2008 | Supreme Court | |
| SK-23 | 5 SžoKS 152/2006 | 2007 | | |
| UK-01 | Karnakaran v Secretary of State for the Home Department [2000] Imm AR 271 | 2000 | Court of Appeal | The United Kingdom |
| UK-02 | Justin Surenduran Deevaselan vs The Secretary of State for the Home Department [2002] UKIAT 00702 | 2002 | Immigration Appeal Tribunal | |
| UK-03 | Ahmed (R v IAT, ex parte Sardar Ahmed) [1999] INLR 473 | 1999 | | |
| UK-04 | Y v SSHD [2006] EWCA Civ 1223 | 2006 | Court of Appeal | |
| UK-05 | RB (Credibility – Objective evidence) Uganda [2004] UKIAT 00339 | 2004 | Immigration Appeal Tribunal | |
| UK-06 | ZN (Warlords – CIPU list not comprehensive) Afghanistan [2005] UKIAT00096 | 2005 | | |
| UK-07 | (Educated women – Chaldo-Assyrians – risk) Iraq CG [2006] UKAIT 00060 | 2006 | Asylum and Immigration Tribunal | |
| UK-08 | Safet Pajaziti v The Secretary of State for the Home Department [2005] EWCA Civ 518 | 2005 | Court of Appeal | |
| UK-09 | Manzeke v. The Secretary of State for the Home Department [1997] EWCA Civ 1888 | 1997 | | |
| UK-10 | Milan Horvath v The Secretary of State for the Home Department [1997] INLR 7 | 1997 | Immigration Appeal Tribunal | |

| Code | Judgment/decision | Year | National court/ judicial body | Country |
|---|---|---|---|---|
| UK-11 | TK (Tamils – LP updated) Sri Lanka CG [2009] UKAIT 00049 | 2009 | Asylum and Immigration Tribunal | The United Kingdom |
| UK-12 | LP (LTTE area – Tamils – Colombo – risk?) Sri Lanka CG [2007] UKAIT 00076 | 2007 | | |

* Only in the 2007 edition

## Useful websites

**www.ecoi.net** provides up-to-date and publicly available country of origin information with a special focus on the needs of asylum lawyers, refugee counsels and persons deciding on claims for asylum and other forms of international protection. Access to information is facilitated by a comprehensive search tool, a multilingual thesaurus and featured topics on focus countries. ecoi.net is coordinated by ACCORD.

**www.coi-training.net** offers COI training and e-training opportunities and related information for all target groups in various languages, based on the training manual developed by ACCORD and COI Network partners.

**www.refugeelawreader.org** – The Refugee Law Reader is the first comprehensive on-line model curriculum for the study of the complex and rapidly evolving field of international asylum and refugee law. The Reader is aimed for the use of professors, lawyers, advocates and students across a wide range of national jurisdictions. It provides a flexible course structure that can be easily adapted to meet a range of training and resource needs. The Reader also offers access to the complete texts of up-to-date core legal materials, instruments and academic commentary. In its entirety, the Refugee Law Reader is designed to provide a full curriculum for a 48-hour course in international refugee law and contains over 600 documents and materials. The Reader currently exists in four language editions (English, French, Spanish and Russian) and includes regional sections as well (Europe, Africa, Asia and Latin-America). Publisher: Hungarian Helsinki Committee; Editorial Board: Maryellen Fullerton (editor-in-chief), Ekuru Aukot, Rosemary Byrne, B.S. Chimni, Madeline Garlick, Elspeth Guild, Lyra Jakulevičienė, Boldizsár Nagy, Luis Peral, Jens Vedsted-Hansen.

**www.refworld.org** contains a vast collection of reports relating to situations in countries of origin, policy documents and positions, and documents relating to international and national legal frameworks. The information is selected and compiled from UNHCR's global network of field offices, governments, international, regional and non-governmental organisations, academic institutions and judicial bodies. Operated by the UNHCR.

In recent years, country information (COI) has become one of the main issues on the European asylum agenda, partly as a result of the spectacular advancement of information technologies. Far from its supplementary role in the nineties, its key importance as being always-available objective evidence is widely recognised by all actors in this field. The UNHCR, non-governmental organisations, the judiciary and administrative asylum authorities have equally elaborated guidelines summarising main quality standards and requirements related to COI. In addition, professional standards have gradually taken root in national and community asylum legislation as well as in the jurisprudence of the European Court of Human Rights and national courts.

This study aims to draw a complex picture of how substantive quality standards of researching and assessing COI appear in the form of authoritative legal requirements within the present system, either as binding legal provisions or guiding judicial practice. As such, the study intends to provide a tool and a set of concrete examples for policy- and law-makers, advocates, judges and trainers active in this field.

This is the second, updated edition of a 2007 publication that appeared under the same title.

Hungarian Helsinki Committee