



**ANRIP**

The Asian Network for Refugee and International Protection

*Promoting quality, competence and expertise in protection decisions in Asia*

**THE INAGURAL**

**ASIAN NETWORK FOR REFUGEES AND INTERNATIONAL**

**PROTECTION (ANRIP) CONFERENCE**

**CONFERENCE ON REFUGEES AND OTHER INTERNATIONAL PROTECTION**

**SOME ESSENTIALS AND COMPARATIVES**

**CONFERENCE MINUTES AND REPORT PAPER**

**Written by:**

**Ayako Hatano, Chie Tsuchida, Shinya Ito, Eitaro Suda, Dylan Scudder**  
**Hiroshi Miyauchi (Chair)**

**DIGNITY**  
**HSF**

 **Rissho Kosei-kai**  
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## INTRODUCTION TO ANRIP CONFERENCE

ANRIP (Asian Network for Refugees and International Protection) is an organization established in December 2014 after an international conference at the University of Tokyo on Refugee law and practice. The members of ANRIP are composed of Gov. Officials, Jurists, UNHCR officers and Academics from various regions and countries in Asia including Japan, Korea, the Philippines and Hong Kong.

As Asia has significant numbers of refugees, asylum-seekers and other persons who are in need of international protection, ANRIP aims at forming the platform to share information and good practices between the members. Our Goals are to (1) promote the rule of law and the application of international standards in Refugee and International Protection decision making process.

At our first conference, “Refugees and Other International Protection in Asia-Some Essentials and Comparatives”, we focused on topics regarding Country of Origin Information (COI). Specifically speaking, the know-hows and principles regarding the collection and usage of COI. We had distinguished guest speakers from various organizations (ACCORD, UNHCR, New Zealand Immigration and Protection Tribunal) to present at our conference supplying the participants with important inputs.

We were pleased to see over 50 participants from various backgrounds (Immigration Officials, Judges, Lawyers, Academics, NGOs) to participate in the conference and actively engage in discussions. We were happy to receive positive comments from the participants requesting for future conference and further collaboration. We hope that the readers of this report are able to benefit from our conference as well.

We would like to express our utmost gratitude to the Republic of the Philippines Ministry of Justice, Philippine Judicial Academy Training Center and United Nations High Commissioners for Refugees (UNHCR) Philippine Office for their tremendous and essential support and cooperation in hosting the conference. Also, we profoundly thank the Risho-Koseikai and Deloitte Thomatsu for their financial contribution.

ANRIP will continue to endeavor to become an effective platform for sharing good practices and information and to enhance the standards of decision making process in the Asian region.

March 21, 2016

Hiroshi Miyauchi

Chair, Asia Network for Refugee and International Protection

## **Conference Details**

Date: January 28~29, 2016

Venue: The Philippines Judicial Academy Training Center (Tangaytay, Philippines)

Hosts: ANRIP, Republic of the Philippines Ministry of Justice, Philippine Judicial Academy Training Center

Supported by: United Nations High Commissioners for Refugees (UNHCR) Philippine Office, Project of Compilation and Compilation and Documentation on Refugees and Migrants (CDR) University of Tokyo, NPO Human Security Forum

Funders: Risho-Koseikai, Deloitte Tomatssu

## **Welcome Speeches**

### **Chief Ricardo Paras III, Ministry of Justice, The Philippines**

On behalf of the Philippine government, welcome to the ANRIP conference. Let me cite some global statistics on refugee and asylum seekers from UNHCR. There were 10.4 million refugees at the end of 2011, and 14.4 million at the end of 2014. In the middle of 2015, it was estimated at 15.1 million, the highest in 20 years. 2015 had significantly more asylum seekers because of armed conflicts around the world including Syria, Afghanistan, Burundi, Mali, South Sudan and others. Somewhere in the world whether in Europe, America or Asia, there are refugees and asylum seekers in search of international protection.

This situation is a great challenge for all destination countries, including a country's capacity to identify and determine who are really refugees in need of international protection. Functioning procedures are very important. Country of Origin Information (COI) is a critical tool in the refugee status determination but there are many challenges to using COI. Decision-makers must know how to use COI, and where they can rely on reliable and relevant COI. COI on particular countries can be scarce or unavailable. In this case, more information sharing among countries would be useful and helpful.

### **Bernard Kerblat, Representative of UNHCR in the Philippines**

ANRIP is an important structure. Justice Azcuna's presence is testimony to the importance of this event. Not only jurisprudence but also the driving force behind it, the Philippines' spirit of compassion in refugee and stateless persons protection.

UNHCR staff are privileged to travel around the world; 3 years in Afghanistan and 4 years in Congo, working in various countries including producing and receiving refugee. However, UNHCR is an institution that must work with international society, with member states. Meanwhile, each member state is expected to take responsibility to accept asylum seekers.

UNHCR has a tendency worldwide to expect civil servants and civil society to have the very intimate knowledge and understanding of COI; however, this requires training. COI is extremely complex, time-consuming, labor-intensive, yet contains substantial amounts of subjectivity, making it a very difficult process.

The Philippines is very specific. It is the only ASEAN member state, which is a signatory of the refugee convention *by design*. The other member, Cambodia, is signatory, but not by design, because at that time they needed a negotiation. I would like you to recall the 1940s. There was a collapse of civilization, and extremist ideologies were rampant. This country here, the Philippines, very quietly passed a text, summarized in Immigration Act Art. 47 (b), one of the most visionary, comprehensive texts, which encompassed the notion of protecting persons in need of escaping persecution. This was indeed a very courageous act and spirit. That defined Philippine society, with its readiness to come to help of people in need of escaping persecution.

In 2016, there are 4.1 million people escaping from disasters such as typhoons; this country without the help of the international community, allocated its domestic budget to aid those asylum seekers. In my official capacity, when reporting on our situation in the Philippines, I always feel privileged to write “NTR” (nothing to report).

In conclusion, I would like to leave you with one message. I would love it if we could integrate ASEAN and have an even larger membership of ANRIP in the future; just this kind of gathering under the spirit of the 1951 convention. ANRIP is still quite a new initiative. We have to think about how to protect innocent civilians in Syria through whichever form. Every single personal must contribute.

#### **Justice Adolfo S. Azcuna, Chancellor of the Philippine Judicial Academy, PHILJA**

This facility is for training members of the Philippine judiciary with the purpose of making law an effective instrument of justice. Regarding the protection of refugees internationally and domestically, the phenomenon we are facing today is changing the international order: the Westphalian order came about after 20 years of religious war. Still today, we face issues related to fixed borders, sovereign states and the choice of religion. Within this context, recognition of sovereignty and fixed borders remains central.

The challenges to this order include the South Sea China dispute; disputed borders. The flow of refugees is unstoppable. We see continued internal disputes, leading to more refugees. The Philippines also has a large number of displaced persons due to conflict over natural resources. To protect refugees and stateless persons, we have a law as an instrument of protection. Law has been used as a tool to protect human rights and seeks to serve justice. Regarding international law and common law, judges are in the best position to protect fundamental rights. Therefore, judges in the Philippines should know about refugee protection.

## **The Aims and Purposes of ANRIP and the Conference**

**Hiroshi Miyauchi, Chair, ANRIP**

First, a few words about ANRIP, the Asian Network for Refugees and International Protection

ANRIP was established in December 2014 in Tokyo.

Our members are from Japan, Korea, Hong Kong, The Philippines and New Zealand. Membership is quite diverse and includes government officials, judges, lawyers, NGOs and academics.

### **ANRIP'S Goals:**

- (1) Promote the rule of law and the application of international standards in the Refugees and International Protection decision-making process
- (2) Provide a platform for discussion and sharing information

### **ANRIP's Principles:**

- (1) to value willingness and autonomy;
- (2) to focus on legal issues and not on policy;
- (3) to encourage collaboration, inclusion and mutual trust; and
- (4) to ensure confidentiality

### **Focus of the Conference:**

Key Theme: COI=Country of Origin Information

How is COI produced and collected?

How are COI databases operated?

How should COI be used in decision-making?

### **Goals of the Conference:**

- (1) Develop a better understanding of the various forms of COI databases around the world, by discussing with experts working with domestic and international databases.
- (2) Understand the international standards of collection and usage of COI.
- (3) Pursue future collaboration and cooperation in order to enhance and improve COI in the Asian region.

We hope all the participants gathered here today will benefit from the many great lectures and presentations ahead, and that the conference will contribute to international standards and the rule of law for decision-making especially in Asia.

**Multinational COI Providers in Europe — Ecol.net and EASO**  
**Andrea Jakober, ACCORD**

ACCORD, The Austrian Centre for Country of Origin & Asylum Research and Documentation

ACCORD was founded in 1999. We aim to contribute to fair and efficient procedures for determining international protection needs. From the very beginning, UNHCR Austria thought it was a good idea to have a unit to collect COI. This collection should be done by everybody, including not only decision-makers but also academics and NGOs, because this contributes to better asylum systems. What is important is to be neutral and functional. It is very important for us in our research not to have an interest in a specific outcome. We are not allowed to have a stake in any individual claim. From the very beginning, ACCORD has been fully cooperating with UNHCR. When we started it in 1999, it was mainly for lawyers and NGOs and only after a while, we receive questions; 50% from NGOs and 50% from asylum offices. We have also been writing COI reports over the past few years, mainly reporting to UNHCR.

Our work is to maintain a COI database called Ecol.net, which I will demonstrate shortly. We also provide COI training domestically and internationally. Like everywhere in the world, we have three main COI users, the office for immigration and asylum, federal administrative courts, and legal advisers such as lawyers and NGOs. In Austria, we have two, Offices for Immigration and Asylum (Staatendokumentation) and ACCORD (Red Cross). We research on a neutral basis. It took time, but in 2005, Austrian asylum mandated a COI unit, and an asylum office was established. As you might know, it is very important to have the information in various languages. For example, since we have a huge number of Russian cases, we also write in Russian. Our law says COI has to be open to the parties involved.

Now let's look at Ecol.net. Ecol.net was founded by UNHCR in 2001, maintained by a German organization and Slovenian organization. We specifically cooperate with Austrian and German organizations for the main part. The database is accessible publicly and free of cost, gathering up-to-date COI relevant for procedures for international protection. This database has bi-lingual summaries in English and German. All of you know that most COI is in English. German is not a UN language so it is important to translate all the documents. When we update a document, we summarize it in English and in German, so even if the document is not in English, the search engine will find the summary and the document to make them easier to read in

English. Meanwhile, as of January 2016, 260,000 documents are publicly available. The documents are mostly in English but part of them is in German for our group in Austria. We also have documents in French and Russian because one of our colleagues researches Russian cases. So most of the documents are in English, German and French.

### **Live Demonstration of the Ecoi.net Database**

Users can switch between English and German. We currently draw on 155 different sources. There are some sources that are covered everyday. Others we check weekly or monthly, and some just once a year. For example, Human Rights Watch resources are checked daily. The Council of Europe and Canadian Refugees are checked weekly. The UN General Assembly is checked monthly. And specific resources like those for Afghanistan are checked monthly.

How do we chose documents to be in the Ecoi.net? We ask the following questions: Is the source relevant? Is the source reliable? Is the sources too bias to have it in Ecoi.net? We know every source has its interests. So we have to check very carefully who it is, who finances the source, why the source is published, and how the reports are published. We then take a mix of sources, such as government sources and non-governmental sources. We may also have a few media and academic sources.

We are covering 170 countries and not each country is treated in the same way. Basically you have two ways to select documents, through country pages and through the search engine. If the sources are too long for decision-makers, it would be shortened. The search engine has different features and many search functions. You can choose one specific source, different types of documents, regular reports, media reports. You can also choose by date, and the usual search functions.

In the last part, you can register Ecoi.net for personal features like weekly e-mail alerts: subscribe to countries of your choice and receive updates on selected news reports and developments. You can also have a research basket to connect the documents chosen in specific area and keep track of your research by saving relevant documents in the basket. Registering on Ecoi.net is free of charge.

Lawyers and asylum seekers have to see the documents, so we make it public. Public information can then be criticized. We are convinced that such cooperation supports the quality of information available.

Ecoi.net is maintained in close cooperation with Informationsverbund Asyl & Migration in Germany ([www.asyl.net](http://www.asyl.net)). It also forms a basis for

www.staatendokumentation.at, the COI database of the Federal Office for Immigration and Asylum (BFA). Ecoi.net hosts a COI forum for exchange and mutual support managed by the Dutch Refugee Council and Asylum Research Consultancy in the UK. The Refugee Documentation Centre Ireland, part of Irish Ministry of Justice, publishes COI products on Ecoi.net. We have information agreements with many sources that include gaining permission to republish their documents, which we then make available as local links within Ecoi.net.

### **COI cooperation within the European Union**

At the EU level, we are fully cooperating with all 28 EU Member States plus Norway and Switzerland, and deal with COI in their national contexts. They have very developed systems and very developed COI units. These days, we can say that there are established traditions in COI. Some 300 people are involved in COI units in the European Union, but we also have to manage with 24 different languages.

In line with the European Asylum Support Office's (EASO) regulation, Article 4, the European Union has draft reports on countries of origin at the European level in the form of COI reports. They have to have databases and they have to develop a common format and a common methodology for presenting, verifying and using information on country of origin.

The EU has two kinds of networks to support the implementation of the aforementioned standard. One is a strategic network for managerial matters, which has strategic input on EASO's COI activities. Member states are actively involved in those networks. The others are country specific expert networks on the most important countries of origin such as Afghanistan, Iran, Iraq, Pakistan and Syria. In the networks, they exchange information; conduct joint assessments of information needs, also to avoid duplication of efforts. They meet at least once a year to hear expert lectures and exchange information.

In terms of EASO COI reports, they ask members from relevant countries to draft the reports. Then the drafts are peer-reviewed by other network members and by EASO. Finally, 300 people are writing reports and if there is an interesting one, they publish it in English and translate it into various EU languages. Then they publish it on the EASO website, Ecoi.net and Refworld.

## COI and the Use of Refworld

Yamani Pande, UNHCR

The purpose of this presentation is to explain what COI is, how you use it, and how to effectively use Refworld – UNHCR’s protection information database.

### 1. Basic Knowledge about COI

- What we use COI for

The UNHCR gathers information about the applicant’s country of origin. We see the overall situation of the asylum seeker’s country. Most specifically, we look at how the legal framework or political situation impacts specific groups such as women and children. COI is more useful for general country situations than for specific information of particular applicants. COI is also useful to demonstrate and establish the credibility of asylum seekers’ claims, but one must know that the asylum seeker’s lack of information of a particular event does not necessarily mean they are not credible.

- COI assessment

In assessing whether a source of COI is reliable, we have to look at whether it is a primary source, independent, impartial, and objective, and using a sound methodology. The decision-makers also have to look for several different sources. You cannot rely on just one source.

- COI limitations

There may be relevant COI available, but this information may be outdated. There are often times when COI is incomplete. But just because you are not able to find objective information of a specific event does not mean the statement of the asylum seeker is not true. For instance, if a man does not know the nearest village from where he came, that does not imply that he does not come from that village. He just may be completely uneducated.

- Where we find COI

You can use search engines, but the [ecoi.net](http://ecoi.net) – the country of origin information system of the Austrian Red Cross and Refworld offer much more accurate and reliable. They also provide more transparent information that are as free from bias as possible.

## 2. How to use Refworld

The rest of the presentation shows key features of Refworld. One of the reasons why UNHCR started up Refworld is to make sure that there was an easily accessible database of COI for decision-makers, lawyers, and applicants. This is accessible to anyone.

On Refworld, you can discover a collection of national and international legislation. One of the useful advantages of Refworld is that it enables you to find not only case laws on refugee matters, but also UNHCR's court interventions. While the *ecoi.net* ranks the significance of each country in a European context, Refworld does not. It will, therefore, occasionally give more information about some countries.

Refworld offers very wider resources. It's not just statistics, but specific information on particular areas. Refworld is kept up-to-date on a daily basis. Although most documents are in English, some documents have language options, including French and Japanese. If you scroll down the top page of Refworld, you can find special features, which are information on certain key groups. It mainly covers issues related to UNHCR guidelines, rather than COI, such as children, detention, gender equality and women.

One of the advantages of Refworld compared to Google is that you can only see the most updated information and certain types of information. The simple search shows you a lot of documents. You can choose whether the search results are sorted by relevance or date. The tool bar allows you to narrow the search either by country or keywords. In the advanced search, there are different types of toolbars, which allow you to browse certain categories. There is a lot of information on Refworld, so if you are not sure where you want to start, it's better to start with an advanced search so that you can narrow the scope of information you get.

Refworld has an assisted search system, so even if the spelling you typed in is not exactly the spelling in a particular document, Refworld hits the relevant documents. It is very useful, for instance in the case of a person's name, it will find all the different variations of the spelling like *sharia/shar'ia*.

One of the advantages of Refworld is that it is not set up in response to a particular question, but to just provide information. There are some additional advantages if you register a profile. You can get information on a daily basis. If you go to "My Documents and Searches," it takes you back to what you have previously viewed. Refworld also allows you to save documents in folders and to save specific searches. This is one of the most useful features of Refworld.

### **3. Question and Answer Session**

Q: How secure is Refworld to cyber attacks?

A: It's completely secured. It has never been hacked. It's monitored by daily basis. All information are open to public.

Q: Is the information publicly available?

A: It's very much publicly available information. UNHCR's concern is genuine asylum seekers not having access to enough information.

Q3: Can you make a request when you don't find the document you need on Refworld?

A: Sure. Please send it to the Refworld e-mail address.

Q4: Is there a Refworld app that could be easily accessed from a smartphone?

A: That is a very good suggestion.

## **Departmental COI Units – the advantages and pitfalls**

### **Bridget Dingle (New Zealand, Immigration and Protection Tribunal)**

In this presentation, we will focus on the COI division model applied in New Zealand.

There are three different models of COI collection around the world. First, there is the model where the decision-makers collect the COI by themselves. Second, there is the model where the state establishes an internal COI division (ex: NZ, U.K, Switzerland). Third, there is the model where a completely external organization collects COI for the decision-makers (ex: Norway). However, there are countries such as Australia that applies two models at once (the second and third one).

The model that NZ applies is the second one. The government established a COI division internally, however, the budget, management and daily operations are completely independent from the decision-maker. This is to ensure neutrality of the COI division and to have it not be influenced by the case's outcome and interest.

#### **1. Basics about the NZ's RSD system**

The RSD system in NZ is operated under the 2009 Immigration Act that brought about two major changes to the system.

First is the establishment of the complementary protection mechanism. If the person is in danger of being deprived of his/her life, tortured or subject to other forms of inhumane acts, that person must be protected complementary under NZ legislation.

Second is the establishment of the Immigration and Protection Tribunal (IPT). Before, it was the Refugee Status Appeals Authority (RSAA) that was authorized to conduct the appeal stage. The RSAA and the Appeal body for deportation and removal cases has merged to become the IPT.

There are two institutions which conducts the RSD. First the Immigration New Zealand conducts the first instance decision. The asylum-seeker has the right to make an appeal to the IPT. When appealed, there will be an independent hearing by the IPT and the facts and legal issues, COI and creditability would be re-assessed. If the asylum-seeker is not satisfied with the decision handed down by the IPT, they may make a further appeal to the High Court.

The hearing is conducted in an Inquisitorial system. The Ministry of Business, Innovation and Employment does not usually appeal the IPT's decision. The applicants are eligible for legal aid and may submit new materials to the tribunal that corroborates there claim. The IPT needs COI in order to conduct the hearing and they

also collect COI prior to the hearing. Any information that establish the fact or is disadvantageous to the applicant must be disclosed. The applicant and their legal representative are ensured the opportunity to respond to such information.

## **2. The COI Division (Country Research Branch (CRB))**

The CRB, as same as the IPT, is under the jurisdiction of The Ministry of Business, Innovation and Employment. The CRB is independent from other immigration authorities and there are limitations such as an officer who used to work in the immigration department cannot work in the CRB unless after an elapse of certain period. Budget and operation wise, the CRB is independent from the decision-maker.

The CRB consists of 13 members. Because of the small number of members, the CRB hires experts on information collecting. CRB is trained in COI research methodology which are conducted using materials such as those made by ACCORD. The CRB prioritize providing information to the requester.

There are two divisions inside the CRB. One is the protection research division that collects information for the three divisions, namely the Immigration Division (the first instance decision-maker), IPT and Resettlement Division, those which assess claims regarding protection and settlement in NZ. The other is the risk research division. This division assess the risks of a certain individual for visa issuance or crime prevention (such as human trafficking) purposes. The risk research division focuses on researching the risk factor of an individual aim to protect state borders.

The CRB researches up to 80 cases per month, which are composed of 30 to 40 different countries. It operates a database including more than 16,000 pieces of information. The information collected by the CRB is on the past and present situation of the country, including information about legislation, culture, religion, conflicts, human rights, refugees, military, map and geography and etc.

The database is not public and only the decision-makers are able to access. However, in practice, the decision-maker does not research on their own but makes a request to the CRB to conduct research. The CRB would reply to the decision-maker not only by documents but also by consultation and telephone.

## **3. The merits and demerits of having a COI division**

One merit is that it is easier to facilitate cooperation among the COI division and the decision-maker as they are under the same ministry. However, the demerit is that there is the risk of the COI division being influenced by administrative orders. It can comply promptly with the decision-maker requests, but on the other hand it is in

danger of being influenced by the decision-maker. Other demerit is that it is quite expensive to maintain such division consist by expert researchers.

**COI: Equality of Arms — Ensuring the use of COI meets natural justice expectations**  
**[Break-out session for all participants except 1st instance decision-makers]**

**Moderators: Martin Treadwell and Hiroshi Miyauchi**

This was an interactive discussion between the moderators and the audience about claimants' access to COI.

**Question:** What sort of COI is it that decision-makers should be obliged to provide to claimants? Is the decision-maker allowed to distinguish between relevant COI and irrelevant COI and only give the former to an attorney? In the other words, must decision-makers hand out all the COI documents they have to the attorney?

**Answer:** This is an extremely gray area of law. This is an issue of fairness. It concerns procedural rule. It is possible that, even if the decision-maker is sure that certain materials are irrelevant, the attorney still demands it for preparation.

There are also practical issues such as translation. Take one real case in New Zealand, for example, regarding a Russian woman. Translating her document in Russian to English so the decision-maker can understand it, translating it from English to Russian so the claimant can understand it, and confirming that the English document and the Russian document are consistent would cost 4,000 dollars. This is not possible.

The volume of COI is such that decision-makers should provide it as soon as possible, so that the attorney can prepare. If the date of the trial is too soon, demanding to postpone until the attorney and claimant have time to prepare is exactly what you have to do as a lawyer.

**Question:** What if the government has some sort of constraints on available resources?

**Answer:** COI is not limited to particular kind of documents. It is newspaper reports, special rapporteur reports or human rights reports. You can rely on anything that informs you about the situation in the claimant's country.

**Question:** What is fair treatment for lawyers to an anonymous e-mail attached to a document or photo that seems relevant to the claimant's case?

**Answer:** This is a difficult situation where the picture seems to be an authentic one, because it's hard to ignore. The document is rather easy to ignore. However it is challenging because even genuine material may tell you lies.

Even though the decision-makers collect COI, they cannot replace the job of the lawyers, which is to collect and research COI relevant to claimants. Mutual trust

between them is important.

## **COI Quality Control**

**Andrea Jakober, ACCORD**

### **1. Scope and Limits of COI**

#### **○ Scope of COI**

COI constitutes evidence in protection procedures. The Scope of COI includes the human rights and security situation, the political situation, the legal framework, cultural aspects, societal attitudes, the humanitarian and economic situations, specific events and incidents as well as geography. COI can help to answer two types of questions: protection-related questions and questions related to establishing credibility. Finally, to qualify as COI, it is essential that the source of the information has no vested interest in the outcome.

#### **○ Functions of COI in Procedures of International Protection**

COI helps to obtain an understanding of the general situation in the country of origin before an interview takes place. The legal questions like “how does persecution take place in a particular area?” cannot be answered without COI.

The judges often ask questions like “How big is the possibility that a Chechnyan leader would find a person in Moscow?” Don’t expect COI to answer that kind of question because COI itself is not risk assessment. Think rather about what you need to know in order to find an answer to that question.

#### **○ Limits of COI Research**

Language is an important factor. Perhaps because English is the dominant language in human rights and humanitarian reporting, other languages such as Arabic are not used as often.

#### **○ Different opinions about COI**

Judges have different opinions about COI. One may say, “In order to make good decisions I have a responsibility to know as much as I can about the case, so I want to know everything I can.” Another may say, “I’m a lawyer, so I have to make a legal decision. What I have to know is law. I just need COI as it pertains to the legal context. I don’t need so much detailed information that is unrelated to legal concepts.”

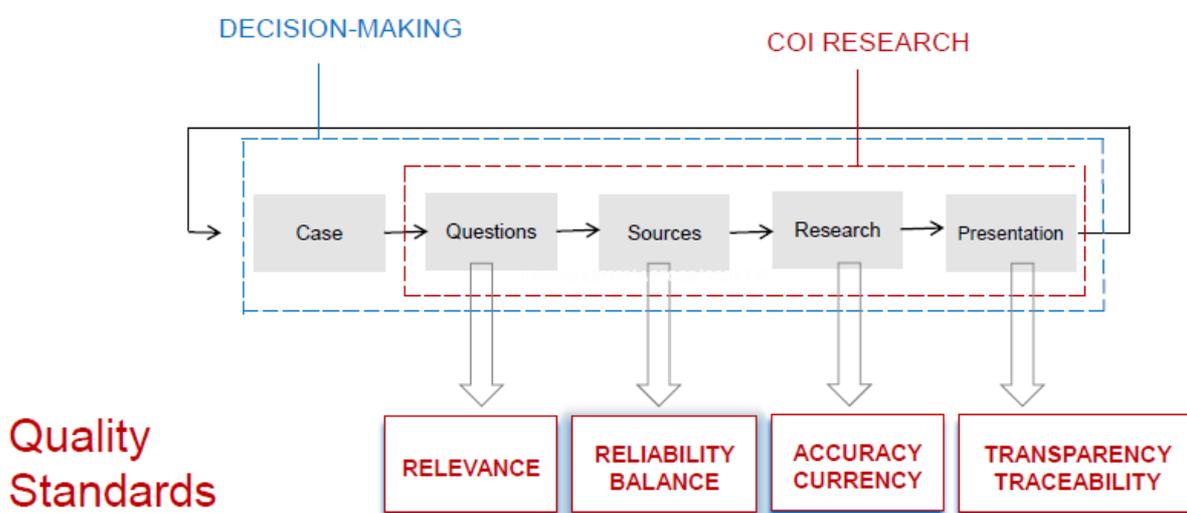
- **Double role – researcher and decision-maker**

The lawyer or decision-makers ask researchers questions. It is important to clarify your questions.

If you don't distinguish between researching COI and decision-making, that can become a dangerous bias. COI research must be conducted as neutrally as possible.

## 2. COI Quality Standards and how to apply them – What is good COI?

- **COI Research Cycle**



First, you have the case from which questions are formulated. You then go to find sources, do research and present your research result. Finally, the research result goes back to the case.

These steps are combined with COI standards. For questions, we confirm that they are relevant to the case. Relevance is the information that you need in order to make a legal decision. Doing research that is not relevant makes the procedure very long. As for sources, it is difficult to know whether the information is accurate or not. You can really only judge the source. If the source is reliable, you can present it. One source is not enough. You have to check against sources of different kinds such as governmental reports or non-governmental reports such as those done by academics.

Regarding research, accuracy and currency are essential. Sometimes information is outdated. When it comes to the presentation of information, you have to present it transparently. Traceability is also important in this regard. We are careful about using information from experts and websites.

- **Cross-checking information**

Corroborating information, which means verifying the accuracy of information by checking different sources and different types of sources is useful. It is important to identify the primary source and trace information back as far as possible.

What should you do with contradictory information? As long as the source is reliable, you take it into account. When the information is significantly contradictory, look for other sources that explain the contradiction. If other sources are not available, present it like “This is what they say. Please judge yourself.” Needless to say, one should always exercise special care to cross-check statements made by dubious sources.

- **Transparency and Traceability**

Every piece of information should be traceable to its source. Make sure that you make internal documentation of all the information you use in a COI product.

- **Neutrality and impartiality**

As a COI researcher, you do not have an interest in the result of the research.

- **Equality of arms as regards access to information**

Applicants must have access to all the information used to make a decision, so that they may comment on it. Exceptions can be allowed in only very rare situations.

- **Using public information**

Take only publicly available information, which is open to review and scrutiny by the applicant, experts and the public at large.

- **Data protection**

There are types of data that are not shared. Questions about COI are sometimes so detailed, for example, that they might not be useful for anybody else. Another example is the personal data of claimants, which must be protected.

- **COI manual**

The details of the above explanation are available in the COI manual which you can download at this site: <http://www.coi-training.net/content/>.

### **3. Review mechanisms**

- In order to control quality, you need to clearly define the standards. A research team, peer review, or external quality control can be useful. Publication is also important, because everybody is able to review and give feedback.
  
- The International Association of Refugee Law Judges (IARLJ) has put together a checklist called the Judicial Criteria for assessing COI.

When assessing COI in the context of deciding asylum or asylum related cases, judges may find the following 9 questions useful.

#### **Relevance and adequacy of the information**

- i) How relevant is the COI to the case in hand?
- ii) Does the COI source adequately cover the relevant issue(s)?
- iii) How current or temporally relevant is the COI?

#### **Source of the Information**

- iv) Is the COI material satisfactorily sourced?
- v) Is the COI based on publicly available and accessible sources?
- vi) Has the COI been prepared on an empirical basis using sound methodology?

#### **Nature / Type of the Information**

- vii) Does the COI exhibit impartiality and Independence?
- viii) Is the COI balanced and not overly selective?

#### **Prior Judicial Scrutiny**

- ix) Has there been judicial scrutiny by other national courts of the COI in question?

The Federal Administrative Court in Austria has adopted its own checklist to check the quality of COI based on the IARLJ's list.

### **4. Question and Answer Session**

**Question:** Doesn't obtaining COI take too much time?

**Answer:** If you go about it pragmatically, it takes approximately 8 hours per case on average.

**Question:** How can COI be used in the Asian context, not the European one?

**Answer:** I can only give you an example that I know. I'm not sure about Asia. [Bridget Dingle] Although the different jurisdictions set up different legal frameworks, there's no difference in how the COI is used.

**Question:** How can we adopt those COI experiences in Asia? Could you give us any hints?

**Answer:** The COI research team should be composed of 2 or 3 people. Query response needs to collect information mainly in English and summarize it – not do a full translation – into an Asian language such as Korean. The most important thing is translation.

**Question:** Is making the research unit international more effective than making it national?

**Answer:** It depends on how you do it. Hiring somebody means training somebody, so we cannot hire a lot of people.

**Question:** How do you treat media sources that are prejudiced toward specific events?

**Answer:** We look for another source or try to explain the characteristics of that particular media.

**Constructing a Collective COI in Asia – Final Session on 29 January 2016**  
**Facilitated by Hiroshi Miyauchi**

**Comments from the floor:**

Regional cooperation between countries collecting COI could help, as could a system to share information at the institutional level, either intergovernmental or between NGOs.

Sharing the information we've already collected could be sent to RefWorld. We could have focal points like UNHCR, or governments could establish JPO positions to collect COI and do a translation quality check. The source quality check is already being done on RefWorld. In terms of efficiency, we sometimes produce the same document 15, 20 or even 50 times because the lawyers and the judges are unaware of its existence elsewhere. We need a place where we can collect translations and make them available to reduce duplication of work.

We need a host to maintain an official repository like "RefAsia". We could have an inter-regional repository.

The problem with COI is not a lack of information, but rather an excess of information. We shouldn't produce more information. We have to share our experiences in using COI. When we find something useful, we should share that experience with others. Citations, for example, can be very useful. This is something lawyers, decision-makers and judges can do. COI produced in Europe is fundamentally the same as COI produced in Asia. What is needed, therefore, is a platform for sharing best practices.

We have learned so much from ACCORD's example. In order to compare other European countries where English is not the first language, I would like to hear from them about how they are working through this and sharing information.

We need to share COI with people who are collecting COI. ANRIP could appeal to the Human Rights Committee so that people feel motivated to contribute to COI. We need to involve national human rights institutions more and let them know that their contributions are valuable.

We could establish a protocol, common indicators and guidelines to verify COI. If this

could be standardized, it would help to make things more efficient.

ANRIP could serve as the platform we've been discussing here, a conduit to support COI decision-making.

We need to scale up the discussion beyond COI. Not only COI, but also CAI – Country of Asylum Information. This would be highly interesting to immigration people [from Japan] – they want to know about COI and the best practices of other governments. We don't need to have political debates, but we do need to compare policies. ANRIP cannot survive on COI alone.

Japan and Korea have been working on a sub-country instrument on refugees, a new initiative that needs to be tested in Asia. Asylum seekers in the broad sense, for example, refugees in camps in Thailand, Malaysia, Hong Kong etc., consider themselves refugees, but the authorities don't recognize them as such. Let's remember the Indochinese refugees in Hong Kong. Japan also received 11,000 of them. Japan later started a pilot project with Burmese refugees from camps in Thailand and Malaysia. Korea is also moving forward in this respect. The point is that it's not only a matter of determining refugee status from a legal perspective. Contemporary global society presents a much more complex situation; Syrian refugees or quasi-refugees fleeing conflict, environmental IDPs fleeing natural disaster in the Philippines, etc. These are Human Security issues. Discussing only technical issues about controlling the quality of COI is important, but we have to see that this is happening in a broader context in which we face more serious threats. In this connection, we should, therefore, also consider the role of regional cooperation.

We would like to see a new common standard for COI and how government officials should assess COI at the country level. We should include a focus on how to apply this standard. Governments could come together, civil society too, to exchange best practice at the regional level to support country-level COI work.

We need more trust-building between lawyers and decision-makers to reduce costs rooted in preventable inefficiency. This ANRIP event was a very good example of how this could be achieved. We should hold such conferences on an ongoing basis. Better consensus-building would benefit all parties.

For future ANRIP meetings, we need interpreters, discussion on how to conduct interviews, and expert presentations on topics like criteria for membership in social groups.

In addition to ASEAN's focus on economic cooperation and diplomacy, our initiative could focus on refugee issues.

Future ANRIP meetings could expand the scope of discussion. Examples of policy-level discussions could include abusive claims, which would be interesting for policymakers, not only decision-makers. Japan and Korea could exchange their experiences in this area, for example. More pressing issues could also be addressed, and a more ambitious agenda that could include issues related to cases like the Syrian or Rohingya refugees.

### **Closing Remarks**

[Facilitator] On behalf of ANRIP, I want to thank you for your active participation in this conference. We will take all the points raised here into consideration to further develop a platform for future discussion. We have enjoyed a lively exchange between the presenters and the audience, and we have seen significant interest in the topics discussed throughout these past two days. We wish to express a special thanks to the Judicial Training Center, the Ministry of Justice of the Philippines, UNHCR Manila, and our esteemed guest speakers from New Zealand and Austria. This conference was only possible as a result of everyone's efforts. Let us continue in this way for future ANRIP initiatives.