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Table of Contents

| | | |
|------|---|----|
| I. | Introduction..... | 4 |
| II. | Executive Summary | 6 |
| III. | The importance of credibility assessments in national asylum procedures | 7 |
| | A. Basic assumptions regarding the role of credibility | 7 |
| | B. The link between credibility and COI | 8 |
| | C. Credibility in the context of different protection mechanisms..... | 9 |
| IV. | The methods for credibility assessments | 11 |
| | A. Burden of proof | 11 |
| | B. The degree of credibility..... | 12 |
| | C. Verification of the different components of the claim | 12 |
| V. | The applicant in focus..... | 16 |
| | A. General applicable safeguards when conducting credibility assessments | 16 |
| | B. Specific applicable safeguards when assessing the credibility of vulnerable asylum seekers..... | 17 |
| VI. | Annexes | 20 |
| | Annex I. Questionnaire distributed among the participants..... | 20 |
| | Annex II. Basic assumptions and the role of credibility..... | 21 |
| | Annex III. Burden of proof | 23 |
| | Annex IV. The degree of credibility | 24 |
| | Annex V. Methods used for establishing credibility with respect to ethnicity, religion and religious conversion, sexual orientation, political opinion and torture..... | 26 |
| | Annex VI. Procedural safeguards in interviews..... | 29 |
| | Annex VII. Vulnerabilities considered during the asylum procedures in relation to credibility | 31 |

I. Introduction

This discussion paper was prepared in the context of the Eastern Partnership Panel for Migration and Asylum as background and preparatory information for the experts meeting on credibility assessment in asylum procedures, which is to take place in Hague on 8-9 December. It has been developed based on responses received from 11 European Union Member States¹ (EU MS) and its 6 Eastern Partners² (EaP countries) to a specific questionnaire developed to that end. The purpose of the present paper is to provide an overview of i. the importance and place of credibility assessment in asylum procedures, ii. the methods used by the responding EU MS and their Eastern Partners to assess the credibility and iii. the procedural safeguards for the applicant.

Credibility assessments play an important role in refugee status determination procedures, which are about establishing “well-founded fear”³. They also come into play when the only available information is statements made by the applicants, who carry the responsibility of substantiating their claim for protection. It is thus of high importance to determine whether these statements are credible or not. Several methods have been developed in order to support this evaluation and substantiation process. However, given the often difficult situation and exhausting journeys asylum seekers have faced, it is important to establish effective safeguards and to apply the principle of the benefit of the doubt when this can be justified. Credibility remains an abstract term, and this very fact highlights the need for an individual assessment of each individual case.

There are namely two main factors that need to be assessed when determining credibility; the internal credibility of the applicant, which refers to the consistency and coherence of the statements he/she makes, and the external credibility, which is determined through the corroboration of the claim through external and objective elements, such as country of origin information (COI).

In its Beyond Proof report⁴, the United Nations High Commissioner for Refugees (UNHCR) identifies five main indicators for credibility: **i.** sufficiency of detail and specificity; **ii.** internal consistency of the oral and/or written material facts asserted by the applicant (including the applicant’s statements and any documentary or other evidence submitted by the applicant); **iii.** consistency of the applicant’s statements with information provided by any family members and/or other witnesses; **iv.** consistency of the applicant’s statements with available specific and general information, including country of origin information (COI), relevant to the applicant’s case; **v.** plausibility.

¹ The following EU MS provided input: Estonia, Finland, Hungary, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia and Sweden.

² The following EaP countries provided input: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

³ As stated in Article 1(A)2 of the Convention Relating to the Status of Refugees (1951): “*For the purposes of the present Convention, the term “refugee” shall apply to any person who: (2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.*”

⁴ UNHCR, *Beyond Proof, Credibility Assessment in EU Asylum Systems: Summary*, May 2013, p. 29, available at: <http://www.refworld.org/docid/51a704244.html>; and

UNHCR, *Beyond Proof, Credibility Assessment in EU Asylum Systems: Full Report*, May 2013, available at: <http://www.refworld.org/docid/519b1fb54.html>

Regarding the EU MS, the so-called Qualification Directive⁵ states in its Article 4, point 5:

Where Member States apply the principle according to which it is the duty of the applicant to substantiate the application for international protection and where aspects of the applicant's statements are not supported by documentary or other evidence, those aspects shall not need confirmation when the following conditions are met:

- (a) the applicant has made a genuine effort to substantiate his application;*
- (b) all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;*
- (c) the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;*
- (d) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so; and*
- (e) the general credibility of the applicant has been established.*

Furthermore, the UNHCR's Beyond Proof report⁶, which is applicable to all, defines:

The term 'credibility assessment' in this context is used to refer to the process of gathering relevant information from the applicant, examining it in the light of all the information available to the decision-maker, and determining whether the statements of the applicant relating to material elements of the claim can be accepted, for the purpose of the determination of qualification for refugee and/or subsidiary protection status.

This understanding of the credibility assessment, which encompasses the determination of which facts presented by the applicant can be believed, situates the credibility assessment as an integral part of the process of establishing the facts of an asylum claim. The credibility assessment involves a determination of whether and which of the applicant's statements and other evidence submitted by the applicant can be accepted and, therefore, may then be taken into account in the analysis of the well-founded fear of persecution and real risk of serious harm.

This understanding is also promoted by the European Asylum Curriculum (EAC) module on evidence assessment, which describes "the assessment of credibility as a tool to establish a set of material facts to which you can apply the refugee definition (the findings of facts)."

The question for decision-makers is how do they know whether they should accept the facts presented by the applicant as supported by his or her statement and the other evidence available in the case? This, in essence, is the question that the credibility assessment should assist in answering.

The questionnaires sent to the participating states comprised eight questions (see [Annex I](#)) aimed at finding out more on how these principles and recommendations are implemented in national refugee status determination procedures.

⁵ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)

⁶ Beyond Proof: Credibility Assessment in EU Asylum Systems, Full Report, p. 27.

II. Executive Summary

As stated by **Malta** in its reply to the questionnaire, “**credibility assessment is the cornerstone of the asylum procedure and is undoubtedly one of the most challenging aspects of the procedure**”.

*In general terms, it is noteworthy that EaP countries often apply EU standards and directly refer to the Qualification Directive in certain cases (**Moldova**).*

All responding countries noted that it is often impossible to verify statements with documentary or other evidence, and that **credibility assessments thus play a crucial role in asylum procedures, as well as in applications for subsidiary protection**. The participating states also confirmed in unison that quality and up-to-date COI is a key element in establishing credibility.

Regarding the methods used for credibility assessments, the **burden of proof** is generally shared between the applicant and the adjudicating authority. Some countries expressly added that the initial burden to substantiate a claim for protection falls on the applicant, whilst the case worker should support in this process, as well as to gather all additional available information and evaluate the **internal and external credibility** of the claim. In cases where credibility cannot be established with absolute certitude, all responding countries apply the principle of the **benefit of the doubt** as long as the statements are generally coherent, consistent and plausible. Regarding the grounds for protection, the responding countries take different approaches depending on the nature of the claim.

At the same time, all the countries also indicated that a number of **safeguards** for the applicants are in place. In general, the individual background and circumstances related to the applicant’s situation are taken into account. Other safeguard measures range from the right of the applicant to comment on the interview and provide additional detail, to the presence of a lawyer or a social worker. In **vulnerable cases** individual needs are assessed to ensure that all necessary measures are taken in order to support the applicant in his or her substantiation of the claim.

III. The importance of credibility assessments in national asylum procedures

A. Basic assumptions regarding the role of credibility

It should be noted that **all** the responding countries indicated that credibility assessments play an important role in their national asylum procedures, and that each claim is assessed individually. All respondents thus also indicated that an in-depth and individual interview is conducted with the applicant. A majority of the respondents indicated that a claim can be accepted as long as the claim is found credible and it can be corroborated by generally known facts or COI, even in cases where specific documentary or other evidence is lacking.

Furthermore, most of the EU Member States highlighted that they comply with article four of the Qualification Directive, which relates to the assessment of facts and circumstances in applications for international protection.

In addition, several countries (such as **Hungary**) mentioned that the UNHCR guidance notes and key principles serve as internal instructions for the assessment of asylum claims.

Armenia indicated that its State Migration Service recently adopted a specific instruction on *assessing evidence in asylum procedures*, which determines that statements and claims made by the applicant are to be considered evidence in asylum procedures.

Sweden provided some examples of indicators used when assessing the credibility of an asylum claim and the story told by the applicant, namely i./whether the story is coherent; ii./whether the applicant provided a concrete and detailed story; iii./whether the story presents inconsistencies and iv./ whether the story is supported by generally known facts and COI.

Belarus and **Georgia** stressed that one of the key elements of credibility assessments is the level of detail the applicant is able to provide during the interview, as well as the consistency of the different verbal and written statements made.

Hungary added that it is possible to reject only certain elements of the claim when these are considered not credible, whereas the claim as a whole can remain valid and credible.

Moldova, in line with what is described in the Beyond Proof Report concerning EU MS, stressed that credibility is assessed in five elements: sufficiency of detail, internal consistency, consistency with statements and evidence provided by family members and other witnesses, consistency with COI and other evidence, and plausibility.

In general, the answers also show the importance of open and honest cooperation from the side of the asylum-seeker.

See [Annex II](#) for detailed information on the basic assumptions and role of credibility.

B. The link between credibility and COI

As indicated above, credibility is assessed through a range of indicia, comprising sufficiency of detail, internal consistency, consistency with statements and evidence provided by family members and other witnesses, consistency with COI and other evidence, and plausibility.

According to the Hungarian Helsinki Committee, “the role of COI is to corroborate, question or put into context the applicant’s statements and other evidence. To sum up, the increasing availability of up-to-date COI may help reduce the margin of error in decision-making, yet it **cannot substitute the wider range of factual evidence usually available in other type of cases** (criminal, administrative, etc.)”.⁷

The fact that COI is a very important (yet not the sole) determinant for credibility is clearly confirmed in the replies given by all the responding countries (**Moldova** explicitly named COI as one of the five elements of credibility).

Azerbaijan and **Malta** added that COI serves to verify the external credibility of the claim, meaning the correlation between statements made by the applicant and objective information.

According to **Hungary**, COI can sometimes also help to solve credibility concerns in providing explanations to what might a priori have seemed contradictory. **Lithuania** added that COI in certain cases must be very specific in order to allow for individual assessments of each claim and avoid generalizations. As mentioned by **Sweden**, COI may also help reduce errors in decision making.

However, and as highlighted by **Latvia**, sometimes the available COI is not detailed or precise enough to clearly substantiate the claim, in which case the principle of the benefit of the doubt should prevail.

Given the importance of COI in credibility assessments, all participants agreed that is crucial to have access to reliable and up-to-date information on the country of origin.

*Out of the EaP states, **Moldova** and **Georgia** mentioned that there are dedicated COI units providing information in asylum cases. **Moldova** also added that it has an arrangement with **Romania**, through which it can obtain additional information upon request.*

Please see the table below for detailed information on the link between credibility and COI.

| Country | Is COI used? | Role of COI in credibility assessments |
|-------------------|--------------|--|
| Armenia | Yes | COI supports decisions and sometimes serves as the only other evidence. |
| Azerbaijan | Yes | COI is used to assess the credibility of key facts. |
| Belarus | Yes | COI is taken into consideration in credibility assessment. |
| Georgia | Yes | COI represents a considerable part of the analysis while assessing credibility. |
| Estonia | Yes | Applicant’s statements and proof is compared with COI. |
| Finland | Yes | An Immigration Service COI database is available to all caseworkers. The interviewer has to get acquainted with COI before making credibility assessment on a case, unless the basis of the claim are of such a nature, that COI has no bearing on them. |
| Hungary | Yes | Claims are verified or rejected based on COI if available. Contradictions may be resolved based on COI. |
| Latvia | Yes | It is the duty of the decision maker to assess whether the information |

⁷ Hungarian Helsinki Committee, Credibility Assessment in Asylum Procedures - A Multidisciplinary Training Manual, 2013, Volume 1, p. 11, available at: <http://www.refworld.org/docid/5253bd9a4.html>

| | | |
|----------------|-----|--|
| | | provided by the applicant is in compliance with COI. |
| Lithuania | Yes | COI is thoroughly assessed to establish external credibility of the claim. |
| Malta | Yes | The applicant's statements and available COI is analyzed for consistency. |
| Moldova | Yes | COI is one of 5 indicators used in the decision-making process. |
| Netherlands | Yes | All relevant facts and applicant's statements are assessed in relation to COI. |
| Poland | Yes | COI may indicate the degree of credibility. |
| Romania | Yes | COI puts into context the applicant's statements and other evidence. |
| Slovakia | Yes | COI is used as a part of an external assessment of credibility. |
| Sweden | Yes | The role of COI is to corroborate the applicant's statements and other evidence. |
| Ukraine | Yes | COI is considered while assessing the facts and used for coherency verification. |

C. Credibility in the context of different protection mechanisms

Not all the responding countries have mechanisms for subsidiary protection (**Armenia** and **Azerbaijan** do not have such a mechanism).

Azerbaijan stressed that although subsidiary protection status does not exist in the national legislation, the cases qualifying for it are transferred to the UNHCR, which in turn can grant subsidiary protection.

The vast majority of those countries that have subsidiary protection mechanisms in place indicated that the procedures for assessing credibility in applications for asylum and subsidiary protection respectively do not differ as they are derived from the same application procedure (**Belarus, Estonia, Finland, Georgia, Hungary, Latvia, Malta, Poland, Romania** and **Slovakia** all use the same application form for both types of protection). **Lithuania** and the **Netherlands** explained in this context that the credibility assessment, during which the plausibility is evaluated, comes prior to determining whether the claim falls under one or the other protection mechanism, if any.

As indicated by **Latvia** and **Moldova**, however, there is an exception when the case falls under article 15 (c) of the Qualification Directive⁸, i.e. when indiscriminate violence justifies subsidiary protection without requiring an evaluation of individual circumstances, including the credibility of the claim.

Sweden explained that there in practice is no difference between those credibility assessments conducted. The Swedish Aliens Act (2005:716) chapter 4, section 1, however, establishes a difference in the standard of proof required for each type of protection. This, in turn, could possibly have an impact on the credibility assessment. Whilst the refugee qualification requires that 'well-founded fear' is established, subsidiary protection only necessitates the presence of 'substantial grounds for assuming'.

See the table below for detailed information on credibility in different protection mechanisms.

⁸ Directive 2011/95/EU Art 15 (c) determines that "serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict" represents a serious harm and justifies subsidiary protection.

| Country | Does subsidiary protection exist in your country? | Difference in credibility assessment in case of asylum and subsidiary protection |
|-------------------|---|--|
| Armenia | No | n/a |
| Azerbaijan | No | n/a |
| Belarus | n/a | No |
| Estonia | Yes | No, the assessment of proof for subsidiary protection applications does not differ from that for asylum applications |
| Finland | Yes | No, the credibility assessment is the same |
| Georgia | Yes | No, the same forms are used for both refugee status assessment and humanitarian status assessment. |
| Hungary | Yes | No, the requirements are the same |
| Latvia | Yes | No, the requirements are the same |
| Lithuania | Yes | No, the requirements are the same |
| Malta | Yes | No, the requirements are the same |
| Moldova | Yes | No, the requirements are the same |
| Netherlands | Yes | No, the requirements are the same |
| Poland | Yes | No distinction in relation to credibility assessment. |
| Romania | Yes | No difference. |
| Slovakia | Yes | No, the requirements are the same |
| Sweden | Yes | No difference in practice, difference in standard of proof. |
| Ukraine | Yes | No, the requirements are the same |

Possible topics for discussion

From which sources do you obtain COI used in credibility assessment procedures?

How can access to reliable and up-to-date COI best be ensured?



IV. The methods for credibility assessments

A. Burden of proof

According to paragraph 196 of the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status⁹, UNHCR stresses that:

It is a general legal principle that the burden of proof lies on the person submitting a claim. Often, however, an applicant may not be able to support his statements by documentary or other proof, and cases in which an applicant can provide evidence of all his statements will be the exception rather than the rule.

This rule is reflected in the practices described by **Azerbaijan, Belarus, Finland, Hungary, the Netherlands Poland, Sweden** and **Ukraine**, which clearly indicate that the initial burden of proof lies on the applicant. However, these countries also mentioned that the case worker should attempt to find all the supporting evidence to substantiate the statements made by the applicant, in line with UNHCR's recommendations:

Thus, while the burden of proof in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner. Indeed, in some cases, it may be for the examiner to use all the means at his disposal to produce the necessary evidence in support of the application¹⁰.

In Azerbaijan the duty to provide information in support of application lies on the applicant. However, despite this, it does not exempt the case worker from his duty to make use of all possible evidence that can substantiate the application.

Armenia, Estonia, Georgia, Latvia, Lithuania, Malta, Moldova, Romania and **Slovakia** equally reported that the burden of proof is shared between the applicant and the case worker.

Latvia sees credibility assessment as a process of cooperation between the applicant and the determining authority, who work together towards the common goal of gathering as much relevant evidence as possible. In this cooperation, the burden of proof implies an obligation for the applicant to deliver a credible statement and to present all possible evidence and to cooperate with the authorities in the investigation of his/her claim.

In Lithuania, the process also starts with giving the applicant the opportunity to articulate individual circumstances and to elaborate on particular issues or clarify inconsistencies or omissions at first place. The burden of proof then shifts to the adjudicator once the applicant has provided all necessary explanations and documents in his/her possession that are relevant to the claim.

Moldova stated that the decision maker has the duty to substantiate the relevant facts and circumstances, though the burden of proof is shared 50/50%. Half of the burden is the responsibility of the decision maker to determine the credibility, while the other half is the obligation of the asylum seeker to make all possible efforts to support

⁹ UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, December 2011, HCR/1P/4/ENG/REV. 3, available at: <http://www.refworld.org/docid/4f33c8d92.html>

¹⁰ Ibid.

his/her declarations with any available proof and to offer justifications for the absence of such proof.

See [Annex III](#) for detailed information on the burden of proof.

B. The degree of credibility

As mentioned above, credibility is assessed based on a number of elements and indicators. Complete certitude can often not be reached in the absence of documentary or other means of evidence. In line with the Qualification Directive and UNHCR's recommendations, the benefit of the doubt should be given to the applicant when their statements are generally credible.

Thus, and as confirmed by **Hungary** and **the Netherlands**, the claim only needs to be substantiated through plausible elements, not verified by proof.

Slovakia highlighted that the relevant authorities examine whether the applicant's statements are "probably true": If the internal statements made by the applicant are considered to be reliable and consistent, but could not be supported or refuted by COI and /or other evidence and documents, the principle of the benefit of the doubt is applied. This principle is also lined out by **Azerbaijan, Belarus, Georgia, Latvia, Malta, Moldova, Poland** and **Sweden**, for whom the absence of evidence does not hinder the benefit of the doubt to be given when the claim is generally credible.

Armenia, Lithuania and **Ukraine** added that when examining the different facts of the claim, those of the facts that cannot be established with certitude are left aside and do not affect the benefit of the doubt.

As described in more detail by Lithuania, "the facts claimed by the applicant are usually examined "one by one" and not as a whole. Those that are coherent, plausible and not contradicting generally known facts are considered "established" and thus constituting "the core" of the claim, while those elements that "failed" the credibility test are discarded and not considered. As a rule, the mere existence of discarded elements (especially those that are not essential or central to the material facts of the claim) does not affect the "benefit of the doubt" given in respect of plausible elements. During the qualification phase only the "established" elements are considered in light of the status determination requirements".

See [Annex IV](#) for detailed information on the degree of credibility.

C. Verification of the different components of the claim

UNHCR states that, "The applicant's statements cannot, however, be considered in the abstract, and must be viewed in the context of the relevant background situation"¹¹. These considerations shall incorporate the **personal background of the applicant**, as well as their age, nationality, ethnic origin, gender, sexual orientation and/or gender identity, education, social status, religion, and cultural background; **past and present experiences** of ill-treatment, torture, persecution, harm, or other serious human rights violations; as well as the **relevant situation in the country of origin** or habitual residence, any transit country and

¹¹ UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, paragraph 42.

Member State, the wider legal, institutional, political, social, religious, cultural context, the human rights situation, the level of violence, and available state protection¹².

The questionnaire distributed among the countries inquired about the methods used for credibility assessments when examining the different grounds for protection. In other words, the assessment is conducted differently depending on the claim.

Some countries, such as **Armenia**, indicated that there is no differentiation in the credibility assessments whether in the context of one or the other ground for protection.

➤ Ethnicity

As reported by the responding countries, claims regarding ethnicity are examined towards external credibility through **language analysis (Azerbaijan, Lithuania, the Netherlands, Slovakia and Ukraine)**, **assessment of the appearance (Latvia)**, **interview** containing specific questions regarding customs and traditions of a certain ethnic group (**Azerbaijan, Estonia, Georgia, Moldova, the Netherlands, Slovakia and Ukraine**), and comparison with the **country of origin information (Belarus, Lithuania and Malta)** using a special **checklist (Slovakia)**.

➤ Religion

According to the UNHCR Guidelines¹³, credibility is a central issue in religion-based refugee claims. In terms of establishing credibility of the religion the most widely used methodology mentioned by the responding countries is **interviewing**, with targeted questions regarding the life of religious communities, rituals, traditions, religious holidays, saints, religious texts (**Azerbaijan, Estonia, Finland, Georgia, Hungary, Latvia, Lithuania, Moldova, the Netherlands, Slovakia and Ukraine**) and corroboration of these through COI. Further, the guidelines however warn:

While decision-makers will often find it helpful during research and preparation to list certain issues to cover during an interview, extensive examination or testing of the tenets or knowledge of the claimant's religion may not always be necessary or useful. In any case, knowledge tests need to take account of individual circumstances, particularly since knowledge of a religion may vary considerably depending on the individual's social, economic or educational background and/or his or her age or sex.

➤ Sexual orientation

According to UNHCR, the assessment of claims based on LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) background, is essentially an issue of credibility¹⁴:

The assessment of credibility in such cases needs to be undertaken in an individualized and sensitive way. Exploring elements around the applicant's personal perceptions, feelings and experiences of difference, stigma and shame are usually more likely to help the decision maker ascertain the applicant's sexual orientation or gender identity, rather than a focus on sexual practices.

¹² Beyond Proof: Credibility Assessment in EU Asylum Systems, Full Report, p. 36.

¹³ UNHCR Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, paragraph 28.

¹⁴ UNHCR Guidelines on International Protection No 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, paragraph 62.

When assessing the credibility of sexual orientation claims, the responding states highlighted that they primarily use interview techniques based on specific questions (**Belarus, Estonia, Georgia, Hungary, Malta, Moldova** and **the Netherlands**). In addition to that **Slovakia** uses **psychological assessments**, while **Hungary** may rely on **expert opinion** in such cases. The “Difference, Stigma, Shame and Harm” (DSSH) model is implemented in **Finland**. At the same time, **Armenia, Azerbaijan, Lithuania** and **Ukraine** reported on absence of specific methods used for assessing credibility of the sexual orientation statements.

According to the UNHCR Guidelines, when assessing the credibility of sexual orientation, questions such as self-identification, childhood, self-realization, gender identity, non-conformity, family relationships, romantic and sexual relationships, community relationship and religion have proven to be helpful¹⁵. As for the evidentiary matters¹⁶, the applicants should never be expected or asked to bring in documentary or photographic evidence of intimate acts. (Para-) medical “testing” towards the applicant’s sexual orientation is an infringement of basic human rights and must not be used. Moreover, relevant and specific country of origin information on the situation and treatment of LGBTI individuals is often lacking.

➤ Political opinion

As per UNHCR Handbook:

Holding political opinions different from those of the Government is not in itself a ground for claiming refugee status, and an applicant must show that he has a fear of persecution for holding such opinions. This presupposes that the applicant holds opinions not tolerated by the authorities, which are critical of their policies or methods. It also presupposes that such opinions have come to the notice of the authorities or are attributed by them to the applicant. (Paragraph 80)

Persecution “for reasons of political opinion” implies that an applicant holds an opinion that either has been expressed or has come to the attention of the authorities. There may, however, also be situations in which the applicant has not given any expression to his opinions. (Paragraph 82)¹⁷

In the responding countries, **interviews** are the most commonly applied method when establishing credibility concerning political opinions (**Azerbaijan, Georgia, Hungary, Latvia, Lithuania, Moldova, the Netherlands, Slovakia** and **Ukraine**). Basically the interviews are aimed at detecting overall political involvement of the applicant in terms of his/her educational background, adhered ideology, knowledge of the specific political party/movement and its structure and leaders, as well as previous political experience. It is also necessary to establish the individual fear of persecution, which might not be rendered plausible by the sole political opinion.

The second step then consists in corroborating the information received during the interview with relevant COI (**Latvia, Malta**) and supplemented with possible evidence such as political membership cards (**Ukraine**) or publications developed by the applicant or any further evidence of public expression of the political opinion (**Latvia**).

➤ Torture

¹⁵ UNHCR Guidelines on International Protection No 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, paragraph 63.

¹⁶ Ibid, paragraph 64-66.

¹⁷ Handbook on Procedures and Criteria for Determining Refugee Status.

In order to establish credibility of torture the responding countries are using medical screening, psychological expertise as well as interview techniques. **Medical assessments** are used in **Azerbaijan, Estonia, Hungary, Latvia, Lithuania, the Netherlands, Slovakia** and **Ukraine**.

In the Netherlands a medical assessment to collect evidence for “serious harm in the past” cannot be initiated by the authority. The applicant however can undergo such an assessment on his own initiative. Such an assessment will then be taken into account when assessing the credibility.

Georgia and **Slovakia** rely on **psychological expertise**, while **interviews** are used in **Georgia, Moldova** and **the Netherlands**). The consistency of the information provided by the applicant is verified based on its consistency with external information, such as in **Latvia** and **Malta**.

Sweden applies the principle of free evaluation of evidence in asylum cases. This consists of two parts: Free production of evidence and free evaluation of evidence. This means that in principle there are no restrictions regarding the sources that may be used to ascertain the truth. Free evaluation of evidence in turn means that the decision maker is free to determine the value of the evidence presented in an asylum case. Evidence requirements should not be applied too strictly as the applicant may face difficulties in providing sufficient proof given the difficult situation he or she is in.

See [Annex V](#) for detailed information on methods used for establishing credibility with respect to ethnicity, religion and religious conversion, sexual orientation, political opinion and torture.

**Possible topics
for discussion**

Which indicators should have decisive weight when assessing credibility?

How do you establish credibility when no documentary or other evidence is provided? To what extent should the benefit of the doubt principle be applied?

Which challenges may arise when assessing credibility of statements made on topics such as ethnicity, religion, sexual orientation, political opinion and torture? How should they be addressed?

V. The applicant in focus

A. General applicable safeguards when conducting credibility assessments

UNHCR stresses that:

It should be recalled that an applicant for refugee status is normally in a particularly vulnerable situation. He finds himself in an alien environment and may experience serious difficulties, technical and psychological, in submitting his case to the authorities of a foreign country, often in a language not his own. His application should therefore be examined within the framework of specially established procedures by qualified personnel having the necessary knowledge and experience, and an understanding of an applicant's particular difficulties and needs.¹⁸

Belarus, Estonia, Malta, the Netherlands and **Ukraine** ensured to take into account the **individual background** and circumstances of the applicant during the interview. **The Netherlands** added that **medical advice** concerning the applicant is sought before the interview to ensure that possible difficulties or stress are considered as circumstances that can influence the ability to give clear statements.

In addition, the **interview script** itself is kept for further assessment in **Armenia, Hungary** and **Sweden**. The majority of the responding countries further ensure that the applicant has an **opportunity to provide comments** on the interview and to clarify details (**Azerbaijan, Belarus, Finland, Georgia, Hungary, Latvia, Lithuania, Malta, the Netherlands, Poland, Sweden** and **Ukraine**). **Latvia** and **Moldova** emphasized the right of the applicant to submit additional documents after the interview. These safeguards are in line with UNHCR's recommendations:

In the adjudication of claims for international protection, ensuring that an applicant has the right to comment on potential credibility problems in the claim requires that he or she be advised in clear terms of problems or issues and have the opportunity to refute, explain, or provide mitigating circumstances in respect of any evidence that appears inaccurate, contradictory, vague, implausible, or inconsistent with other evidence (for example expert evidence, evidence of other family members, and specific or general COI). It would also include the opportunity to address any concerns on the part of the determining authority regarding a lack of relevant elements; and/or concerns that any documentary or other evidence submitted by the applicant is not authentic or reliable. It may also require the determining authority to give the applicant the opportunity to bring further evidence, if appropriate or necessary.

This opportunity should be offered during the substantive asylum interview if the interviewer identifies any apparent inconsistencies, vagueness and/or implausible statements at that time.¹⁹

In Finland, the protocol will be read to the applicant at the end of the interview, so that he/she has a chance to comment on it before it is signed. A copy of the signed protocol is given to the applicant and the lawyer after the interview.

Moreover, according to UNHCR, one of the basic requirements for provision of essential guarantees which the applicant should be offered is the service of a **qualified interpreter**²⁰. **Azerbaijan, Romania** and **Ukraine** mentioned this as a procedural safeguard in place during the interview.

¹⁸ Handbook on Procedures and Criteria for Determining Refugee Status, paragraph 190.

¹⁹ Beyond Proof: Credibility Assessment in EU Asylum Systems, Full Report, p. 44.

²⁰ Handbook on Procedures and Criteria for Determining Refugee Status, paragraph 192 (iv).

*In the **Netherlands** the applicant's representative or a social worker from the Refugee Counsel can join the applicant during the interview.*

See [Annex VI](#) for detailed information on procedural safeguards in interviews.

B. Specific applicable safeguards when assessing the credibility of vulnerable asylum seekers

The following vulnerabilities were identified by the participating countries as requiring a specific approach during asylum procedures and in relation to credibility:

- **Age** (minors, elderly) (*indicated by **Azerbaijan, Georgia, Lithuania, Moldova, the Netherlands** and **Sweden***)
- **Gender/sex** (*indicated by **Azerbaijan, Lithuania, the Netherlands** and **Sweden***)
- **Sexual orientation** (*indicated by **Azerbaijan** and **Sweden***)
- **Cultural communication challenges** (*indicated by **Azerbaijan** and **Lithuania***)
- **Social factors** (*indicated by **Azerbaijan***)
- **Level of education** (*indicated by **Azerbaijan** and **the Netherlands***)
- **Health conditions** (*indicated by **Azerbaijan, the Netherlands, Poland** and **Sweden***)
- **Torture and traumatizing experiences** (*indicated by **Belarus, Finland, Georgia, Lithuania, Malta, Moldova, Poland** and **Sweden***)
 - **PTSD** (*indicated by **Azerbaijan, Belarus, Estonia, Georgia** and **the Netherlands***)
- **Mental conditions** (*indicated by **Georgia, Moldova, Poland** and **Sweden***)
- **Unaccompanied minors** (*indicated by **Moldova, Sweden** and **Ukraine***)

The UNHCR recommends that:

An open and reassuring environment is often crucial to establishing trust between the interviewer and the claimant, and should help the full disclosure of sometimes sensitive and personal information. The interview room should be arranged in such a way as to encourage discussion, promote confidentiality and to lessen any possibility of perceived power imbalances.²¹

Belarus highlighted that the most **favorable conditions possible are provided** when vulnerable categories of asylum seekers are going through the application procedures.

*Although there is no specific and predetermined different approach or safeguards in relation to credibility in **Latvia**, all individual factors and circumstances are always taken into account throughout the asylum procedures.*

*In **Georgia** there is no written regulation on the topic in terms of procedures, but the Ministry plans to draft guidelines on adjudicating vulnerable cases (provisions will be formulated explicitly in the Law as well as in the refugee status determination).*

Further, UNHCR suggests that:

Claimants should be informed of the choice to have interviewers and interpreters of the same sex as themselves, and they should be provided automatically for women claimants. Interviewers and

²¹ Ibid, paragraph 35 (iv).

*interpreters should also be aware of and responsive to any cultural or religious sensitivities or personal factors such as age and level of education.*²²

This recommendation is taken into account by **Azerbaijan, Belarus and Ukraine**, who ensured that the **case worker is of the same sex** as the applicant and, if needed, the interpreter as well (**Poland, Ukraine**).

According to UNHCR,

*Mechanisms for referral to psycho-social counseling and other support services should be made available where necessary. Best practice recommends that trained psycho-social counselors be available to assist the claimant before and after the interview.*²³

*In **Moldova** special attention is paid to vulnerable groups during the interview (persons with psychological disorders and victims of torture), and a psychologist, doctor or social assistant can be present during the interview. According to the Asylum Law, a specific procedure based mainly on credibility is applicable to vulnerable groups.*

*In **Finland**, the asylum interviewers pay special attention to possible symptoms of trauma etc. The interview will be conducted in a way that allows more time for the applicant to concentrate on the story and the interviewer will use techniques that support the applicant in recalling facts. If there are gaps or discrepancies in the story of a vulnerable applicant, he/she is carefully guided to tell more about those issues. The benefit of the doubt will be applied with a low threshold.*

Special attention is paid to **Post-Traumatic Stress Disorder (PTSD)** in **Azerbaijan, Belarus, Estonia, Georgia and the Netherlands**. **Estonia** and **Malta** might involve psychologists in the proceedings of cases where PTSD is involved in order to assess the state of the applicant and his/her readiness for the interview.

*In **Estonia**, if there is a suspicion or evidence of post-traumatic stress, the authorities will inform the accommodation center, whose task it is to arrange for psychological and medical services. If needed, psychologists or other specialists can be involved in the proceedings.*

Lithuania, the Netherlands and Sweden stated that medical expertise is offered to asylum seekers with PTSD. Different interview techniques are used by **Malta**.

When dealing with vulnerable asylum seekers the **burden of proof** might shift to the asylum authorities (as mentioned by **Lithuania**), In such cases **sufficiency of details** as a credibility indicator is carefully applied (as mentioned by **Malta**), **evidence requirements** are not applied too strictly (as mentioned by **Sweden**), and **the benefit of the doubt** principle might be applied (as mentioned by **Azerbaijan** and **Finland**).

See [Annex VII](#) for detailed information on vulnerabilities considered during the asylum procedures in relation to credibility.

²² Handbook on Procedures and Criteria for Determining Refugee Status, paragraph 35 (iii).

²³ Ibid, paragraph 35 (xii).

***Possible topics
for discussion***

How is the applicant best ensured qualified interpretation throughout the entire application procedure?

Which external actors (such as legal representatives, medical personnel, social workers, psychologists etc.) should be allowed to be present during the interview?



VI. Annexes

Annex I. Questionnaire distributed among the participants

1. Does your country pay attention to credibility in the asylum procedure? If yes, please outline briefly the basic assumptions of your applicable policy.
2. What procedural safeguards for the applicants in relation to credibility are in place in interviews?
3. Do you have a specific approach or safeguards for vulnerable migrants during the asylum procedures in relation to credibility, for example in case of PTSD (Post-Traumatic Stress Disorder)?
4. Please outline briefly the relationship between Country of Origin Information (COI) and credibility assessment in the asylum procedure of your country.
5. Who has the duty to substantiate the relevant facts and circumstances? How is the burden of proof shared between the asylum applicant and the case worker/decision maker?
6. Please outline briefly how the degree of credibility of the statement is taken into account in the qualification phase, when the decision on the status is taken (e.g. proof vs. to substantiate a claim and the so called “benefit of the doubt”)
7. Does your country make a difference between those applying for a refugee status and those looking for subsidiary protection, in relation to credibility assessment? How?
8. Does your country establish the credibility of statements with respect to the following themes? If yes, please specify briefly the methods that are used.
 - a. ethnicity
 - b. religion and religious conversion
 - c. sexual orientation
 - d. political opinion
 - e. torture

Annex II. Basic assumptions and the role of credibility

| Country | Is attention paid to credibility? | Legislation | What is assessed |
|-------------------|-----------------------------------|---|---|
| Armenia | Yes | Instruction on the assessment of evidence in asylum procedures (2013) | <ul style="list-style-type: none"> • Statement on the reasons for making asylum claim; • Identity and travel documents; • All documentation; • Interview; • Country of origin information; • Files on previous applications or information on relatives; • Witness evidence. |
| Azerbaijan | Yes | Law on the Status of Refugees and IDPs, Regulation on refugee status application procedures | <ul style="list-style-type: none"> • Reasons for granting refugee status; • Places of residence; • Routes of movement; • Reasons for staying on the territory of other countries; • Information on refugee status granted in other countries. • Other evidence. |
| Belarus | Yes | Instruction determining processing of asylum claims | <ul style="list-style-type: none"> • Biography of the applicant; • Personal and family life circumstances; • Political, religious, cultural, social involvement; • Religion, gender and age, personal experiences; • Other evidence. |
| Estonia | Yes | n/a | <ul style="list-style-type: none"> • Contradictions that arise in the applicant's own statements and in connection with the proof they themselves have presented; • Comparing the applicant's statements with COI and generally known facts; • The general credibility of the applicant's story. |
| Finland | Yes | n/a | <ul style="list-style-type: none"> • The story of the applicants; • Internal coherence; • Plausibility in the light of relevant COI. |
| Georgia | Yes | n/a | <ul style="list-style-type: none"> • Material elements of the claim; • Submitted documentation; • All verbal and written information provided by applicant. |
| Hungary | Yes | n/a | <ul style="list-style-type: none"> • Statements relevant to the claim. |
| Latvia | Yes | n/a | <ul style="list-style-type: none"> • Information on the country of origin; • Regulatory enactments of the country of origin and manner of their application; • Provided explanations; • Submitted documents; • Individual state and personal circumstances; • Other evidence. |
| Lithuania | Yes | n/a | <ul style="list-style-type: none"> • Current situation in the country of origin; • Oral statements; • Documentary evidence; • Coherency of the story. |
| Malta | Yes | n/a | <ul style="list-style-type: none"> • Applicant's statements; • Evidence; • Consistency with country of origin information; |



| | | | |
|----------------|-----|---|--|
| | | | <ul style="list-style-type: none"> • Coherency of the story. |
| Moldova | Yes | Asylum Law | <ul style="list-style-type: none"> • Facts and circumstances. |
| Netherlands | Yes | n/a | <ul style="list-style-type: none"> • Facts and circumstances. |
| Poland | Yes | Act on granting protection to foreigners on the territory of Poland | <ul style="list-style-type: none"> • n/a |
| Romania | Yes | n/a | <ul style="list-style-type: none"> • n/a |
| Slovakia | Yes | n/a | <ul style="list-style-type: none"> • Testimony of applicant; • External sources (facts and country of origin information). |
| Sweden | Yes | n/a | <ul style="list-style-type: none"> • Coherency of the story; • Generally known facts and up-to-date COI. |
| Ukraine | Yes | n/a | <ul style="list-style-type: none"> • Personal circumstances; • Evidence |



Annex III. Burden of proof

| Country | Asylum applicant | Case worker/authority |
|-------------------|---|--|
| Armenia | Is obliged to furnish evidence and substantiate the claim, but does not have to prove each fact with documentary or other evidence. | Conducts comprehensive, full and objective examination of the facts of a case by assessing all relevant circumstances, including those favorable to the applicant. |
| Azerbaijan | Is obliged to provide information in support of the application. | Can in some cases use existing opportunities for providing necessary evidences in support of application. |
| Belarus | Is obliged to provide all necessary facts. | Assesses all presented evidence. |
| Estonia | Is obliged to cooperate in order to ensure effective and efficient proceedings. | Gathers and evaluates case information. |
| Finland | Is obliged to substantiate the relevant facts and circumstances. | Has a responsibility to instruct the applicant to provide all relevant facts. |
| Georgia | The burden of proof is shared between the case worker and the applicant. | The burden of proof is shared between the case worker and the applicant. |
| Hungary | The claim has to be initially substantiated by the applicant. | Gathers COI and other information. |
| Latvia | Provides statement and presents evidence. | Gathers as much relevant information as possible. |
| Lithuania | Articulates individual circumstances and/or elaborates on particular issues or clarifies inconsistencies or omissions. | Shares the burden of proof when the applicant has provided all necessary explanations. |
| Malta | Provides the case worker with all the necessary details. | Conducts country of origin information assessment, checks facts and confronts the applicant with contradictions. Applies the benefit of the doubt when applicable. |
| Moldova | Is obliged to support his/her declaration with any available proof and offer justification when such proof is lacking. | Is obliged to substantiate the relevant facts and circumstances. |
| Netherlands | Is obliged to submit as soon as possible all the information needed in order to substantiate the application. | Assesses the relevant elements of the application in order to conduct further investigation or provide relevant country of origin information. |
| Poland | Is responsible for substantiating proofs for his/her declarations. | If s(he) is not able to do it, the case officer may decide to apply Art. 37a of the Act on granting protection to foreigners on the territory of Poland. |
| Romania | The applicant should make a genuine effort to substantiate the application. | The decision maker provides guidance to the applicant and applies the benefit of doubt rule. |
| Slovakia | Is obliged to provide a truthful and complete testimony, and, if possible, also to submit evidence to support the claim. | Is obliged to secure the evidence provided by the applicant. Assess country of origin information and other relevant information. |
| Sweden | Is obliged to invoke the asylum grounds and carries the initial burden of proof. | Is obliged to assess the reliability and credibility of the narrative and other evidence. |
| Ukraine | Is obliged to substantiate the claim. | Is obliged to facilitate the establishment of evidence. |

Annex IV. The degree of credibility

| Country | Degree of credibility in the qualification phase | How is the benefit of the doubt principle applied? |
|-------------------|--|---|
| Armenia | Insufficiency of evidence may not serve as a basis for failure to make a decision. | An asylum seeker shall be given the benefit of the doubt when assessing events that occurred outside the territory of Armenia. |
| Azerbaijan | The credibility of facts and information are considered to be important. | When there is doubt attached to some of the claims made by the applicant despite efforts to collect sufficient evidence, the benefit of the doubt principle is applied. |
| Belarus | Doubtful facts are considered only after the information assessment when the case worker is convinced about the credibility of the story. | Doubtful facts are recognized as trustworthy when they are consistent, plausible and non-contradictory to the existing COI. |
| Estonia | If the applicant has given false statements or submitted false proof in terms of key facts or circumstances, then those carry significant weight. If the applicant has lied about insignificant facts as relates to necessity of protection, then that does not eliminate the necessity of protection. | If no COI refuting the applicant's statements is found, then the benefit of the doubt principle must be applied. |
| Finland | If the story is coherent and plausible and it is supported by COI, it will be considered credible. | If there is no COI to be found on the subject, the benefit of the doubt has to be applied. Also if the applicant is considered to be vulnerable, the benefit of the doubt is applied with a low threshold. |
| Georgia | Only material elements of the claim are assessed. | The benefit of the doubt is used when there are no major problems with regards to the overall credibility of the applicant, and when certain aspects of the claim cannot be substantiated with certainty. |
| Hungary | The claim needs to be substantiated only, not verified. | n/a |
| Latvia | When applying for refugee status the fear of persecution has to be proven to reasonable degree. | n/a |
| Lithuania | The facts claimed by the applicant are usually examined "one by one" and not as a whole. Those elements that "fail" the credibility test are discarded and not considered in light of the status determination requirements. | The mere existence of discarded elements (especially those that are not essential or central to the material facts of the claim) does not affect the "benefit of the doubt" given in respect of plausible elements. |
| Malta | General credibility is established if the applicant's statement is coherent, plausible and consistent with country of origin information and a genuine effort is made by the applicant to substantiate his claims. | If general credibility has been established, the benefit of the doubt can be applied even if no documents or other evidence have been presented. |
| Moldova | If credibility is established an asylum seeker may receive a form of protection. | The decision maker may apply the benefit of doubt in cases where not all the elements of credibility have been analyzed. |
| Netherlands | The applicant needs to present a plausible case, he does not have to prove his case. | There is no certain degree in credibility: as statement is accepted or rejected as credible, if necessary when applying the principle of the benefit of the doubt. |
| Poland | If general credibility of the applicant is sufficient, proofs are not always necessary. If the testimonies | If there are doubts concerning credibility assessment, "benefit of the doubt" principle is |

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| | of the applicant are coherent, relevant and probable and include current situation in his/her country of origin, it may be decided that presented circumstances are proved. | used. |
| Romania | n/a | A reasonable possibility of persecution is sufficient for the principle of the benefit of the doubt to be applied. |
| Slovakia | When determining credibility, it is sufficient that the testimony and other evidence are evaluated as probably true. | When the applicant's statements are reliable and consistent, but could not be supported or refuted by COI/other evidence and documents, the benefit of the doubt principle is applied. |
| Sweden | In the decision making process reliability deficiencies and credibility gaps should be assessed thoroughly and objectively. | If applicable, the benefit of the doubt principle is applied. |
| Ukraine | The credibility of every single fact is assessed individually. | The benefit of the doubt principle is applied when the applicant's statements are coherent and plausible, and when the justifications for the doubtful facts seem logical. |



Annex V. Methods used for establishing credibility with respect to ethnicity, religion and religious conversion, sexual orientation, political opinion and torture

| Country | Methods used for establishing credibility with respect to: | | | | |
|-------------------|--|--|---|--|--|
| | Ethnicity | Religion and religious conversion | Sexual orientation | Political opinion | Torture |
| Armenia | No differentiation | | | | |
| Azerbaijan | Special attention is paid to such issues as knowledge of language, customs and traditions of ethnic minorities and ethnic groups. | Applicants' participation in religious communities and rituals, as well as knowledge of religious literature, are clarified. | No | The educational and informational level of the applicant is determined. | A medical examination is carried out. The summary of the doctor is taken into account. |
| Belarus | General questions concerning the country and the religion in question are asked. | General questions concerning the country and the religion in question are asked. | Information on the LGBT situation in the country in question, as well as its legislation concerning the group is collected. | n/a | n/a |
| Estonia | Interview and other proof submitted, including proof submitted by the applicant | | | | Medical assessment |
| Finland | n/a | Emphasis on how profound and absorbed beliefs/conviction are. | Difference, Stigma, Shame and Harm model is used. | n/a | n/a |
| Georgia | Questions concerning the main features of the ethnic group the persons represents, such as what distinguishes a specific ethnicity from others in the specific country of origin, are asked. | During the interview process questions about the religious issues are asked. It is established whether the person is aware of traditions, rituals, religious holidays and reasons of conversion within the denomination. | The case worker tries to collect as much information as possible while maintaining correctness and avoid abusive questions concerning sexual orientation. | Questions related to the ideology of a specific political party/movement/government, as well as questions concerning the applicant's political orientation, are asked. | The applicant is given a chance to talk about the life before and after he/she was tortured. Depending on the psychological state of the applicant, case workers might ask more specific questions about the incidents or might refrain from doing so. |
| Hungary | Relevant questions | Relevant questions | Relevant questions and in some cases expert opinion. | Relevant questions | Medical expert opinion |
| Latvia | Appearance, specific questions, COI. | Appearance, specific questions, COI. | Statements provided by the applicant are examined and | Previous experience in politics, publications and | Statements provided by the applicant, medical screening, health |

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|----------------|--|---|---|--|--|
| | | | verified with the COI. | expression of political opinions publicly while residing in the country of origin, COI. | certificate and COI. |
| Lithuania | Verifying particular elements of the applicant's account vis a vis COI; also, where applicable, linguistic analysis. | The applicant is expected to demonstrate general knowledge of the relevant religion (canons of scripture, saints, prophets, religious rites etc.). Furthermore, where applicable, the behavior and general appearance of the applicant is observed and assessed vis a vis the available information on the relevant religion. | No specific methods are used. | Demonstration of general knowledge of at least the political environment. Also, where the alleged political opinion is related to membership in a particular organization, a more detailed assessment is made regarding the applicant's knowledge of that particular organization (structure, leaders, agenda, headquarters etc.) vis a vis the available COI. | Obtaining a medical certificate (report) to establish signs and symptoms of torture. |
| Malta | Consistency between the applicant's oral statements and the available COI. | Self-reflection together with the consistency between the applicant's oral statements and the available COI. | Self-reflection and available COI. | Consistency between the applicant's oral statements and the available COI. | Internal and external consistency. |
| Moldova | All available interviewing techniques are used during interviews. | All available interviewing techniques are used during interviews. | All available interviewing techniques are used during interviews. | All available interviewing techniques are used during interviews. | All available interviewing techniques are used during interviews. |
| Netherlands | Information is obtained through questions during the interview or, in some cases, language analysis. | Information is obtained through questions during the interview. | Information is obtained through questions during the interview. | Information is obtained through questions during the interview. | Information is obtained through questions during the interview. At that point a medical assessment in order to collect evidence for serious harm in the past is not conducted. However, the applicant may do |





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|----------------|---|---|---|---|---|
| | | | | | this on his own initiative. |
| Poland | No specific guidelines | | | | |
| Romania | No differentiation | | | | |
| Slovakia | Checklist, linguistic analysis, specific questions. | Specific questions are in particular used for converts (e.g. tests with targeted questions about a certain religion). | Psychological assessments (inaccurate) are carried out and the credibility of the claim is established. | Specific questions. | Medical reports, psychological reports, specific questions. |
| Sweden | Generally there are no restrictions as to which sources may be used to ascertain the truth. A free evaluation of the evidence, in turn, means that the decision maker is free to determine the value of the evidence presented in an asylum case. | | | | |
| Ukraine | Language analysis, knowledge of traditions and cultural practices. | Religious practices, confessions, religious attributes, visual identification. | n/a | Awareness of political parties, as well as their structure, leaders and membership cards is assessed along with the applicant's active political involvement. | Injuries, medical conclusion. |



Annex VI. Procedural safeguards in interviews

| Country | Procedural safeguards in interviews |
|-------------|--|
| Armenia | <ul style="list-style-type: none"> • Interview records are assessed as evidence according to the law. |
| Azerbaijan | <ul style="list-style-type: none"> • The content of the interview is confidential; • A review of the application with a possibility of having every aspect thoroughly explained is offered to the applicant. • Interpretation is provided. |
| Belarus | <ul style="list-style-type: none"> • The applicant is informed on the obligation to substantiate the application; • A sensitive approach is applied; • Possibility to explain all the facts. |
| Georgia | <ul style="list-style-type: none"> • Possibility to comment on contradictions during the case review. |
| Estonia | <ul style="list-style-type: none"> • The individual's profile (cultural background, age, vulnerability) is taken into account as well as the information presented by the applicant. |
| Finland | <ul style="list-style-type: none"> • The applicant is first allowed to tell the story in his/her own words; • The applicant is given a chance to explain discrepancies or gaps in the story; • If the applicant is considered vulnerable, the interviewer makes sure to help him/her with understanding the questions and the meaning of them; • The protocol is read to the applicant at the end of the interview, so that he/she has a chance to comment on it before it is signed; • A copy of the signed protocol is given to the applicant and the lawyer after the interview. |
| Hungary | <ul style="list-style-type: none"> • Interview transcript is given to the applicant for comments and clarifications; • The applicant is given the opportunity to clarify contradictions during the appeal process in the administration court which, in turn, has the opportunity to examine credibility and change the decision. |
| Latvia | <ul style="list-style-type: none"> • Applicant is informed about his/her obligations during the asylum application procedure; • Questions aimed to clarify specific circumstances or contradictions are asked the applicant by the interviewer; • The applicant is allowed to submit additional documents regarding his/her claim. |
| Lithuania | <ul style="list-style-type: none"> • An applicant is provided with the opportunity to comment on discrepancies established while assessing credibility. |
| Malta | <ul style="list-style-type: none"> • The applicant's individual and contextual circumstances are taken into consideration; • The applicant has the right to an individual and impartial decision and also the right to legal defense; • The benefit of the doubt may also be adopted. |
| Moldova | <ul style="list-style-type: none"> • The applicant has the right to present proof regarding his or her fear of persecution after the interview; • Right to submit a new asylum application if new and credible information emerges. |
| Netherlands | <ul style="list-style-type: none"> • Interview techniques are used; • Right to make corrections and additions to the interview report; • The applicant's medical situation is taken into account during the interview; • The background of the applicant (such as age, sex and education level) is taken into account during the interview; • The applicant may be joined by a proxy or social worker from the Refugee Counsel during the interview. |
| Poland | <ul style="list-style-type: none"> • Before the interview, each applicant is informed about criminal liability for false testimony; • The testimony is confidential; • The applicant has access to the protocol from the interview and may make his/her corrections; • The applicant is allowed to consult his/her dossier and request completing the evidence, including conducting interviews with other persons. |
| Romania | <ul style="list-style-type: none"> • Access to legal information and advice; • Confidentiality; |

| | |
|----------------|--|
| | <ul style="list-style-type: none"> • Appropriate interpretation; • Trained personnel. |
| Slovakia | <ul style="list-style-type: none"> • There are no specific provisions concerning the credibility assessment of applicants. |
| Sweden | <ul style="list-style-type: none"> • Sufficient time and an interview transcript; • The possibility to have the application judicially reviewed by a higher authority. |
| Ukraine | <ul style="list-style-type: none"> • Informing applicant on the obligation to substantiate the claim in the beginning of the interview; • Age, sex, ethnic and cultural background, education, social status, sexual orientation and gender identity are taken into account; • The possibility to clarify the details is given. |



Annex VII. Vulnerabilities considered during the asylum procedures in relation to credibility

| Country | What vulnerabilities are taken into account during interviews? | Safeguards/Specific approaches |
|------------|---|--|
| Armenia | No | No |
| Azerbaijan | Gender, age, sex, sexual orientation, culture, social position, education, health condition, symptoms of PTSD are taken into consideration. | <ul style="list-style-type: none"> When PTSD is revealed the applicants are referred to a medical examination. The benefit of the doubt principle may be applied based on the applicant's psychological condition and if the applicant suffers from PTSD. The interview is conducted by a case worker of the same sex. |
| Belarus | Vulnerabilities are taken into account, considering that refugees often have been through stressful situations. | <ul style="list-style-type: none"> Favorable conditions are ensured during the interview. The interview is conducted by a case worker of the same sex. |
| Estonia | The vulnerability of the individual is taken into account. | <ul style="list-style-type: none"> If there is a suspicion or evidence of post-traumatic stress, the accommodation centre is informed, which in turn provides psychological and medical assistance. If needed, psychologists or other specialists can be involved in the proceedings. |
| Finland | Vulnerabilities and PTSD are taken into account. | <ul style="list-style-type: none"> Special attention is paid to possible symptoms of trauma; The interview is structured in such a way that the applicant can concentrate on telling his/her story; Interview techniques that facilitate the recollection of information are applied; The applicant is offered the opportunity to provide additional information on discrepancies. |
| Georgia | The vulnerability (victims or torture, mentally disturbed, victims of sexual violence) and age (minors, elderly) of the applicant is taken into account during the credibility assessment. PTSD is also being considered when assessing the case. | <ul style="list-style-type: none"> There is today no written regulation on these procedures, but the Ministry is planning to draft guidelines on how to adjudicate in the most vulnerable cases. |
| Hungary | As a general rule, the specific needs of an individual are taken into account throughout the entire asylum application procedure. | n/a |
| Latvia | There are no specific safeguards in relation to the credibility assessment in general, but all individual factors and circumstances are always taken into consideration throughout the entire asylum application procedure. | n/a |
| Lithuania | Trauma, age and gender implications, as well as cross culture communication challenges, are given due consideration when assessing an applicant's credibility. | <ul style="list-style-type: none"> The burden of proof shifts to the asylum authorities to ascertain all relevant facts. In those cases where there is a strong indication of possible past ill-treatment, a medical certificate (report) needs to be obtained in order to establish signs and symptoms of torture. |
| Malta | The applicant's individual circumstances (including traumatizing experiences) are | <ul style="list-style-type: none"> Vulnerability has to be detected at an early stage of the asylum application procedure, and the |

| | | |
|----------------|---|---|
| | taken into consideration during the asylum application procedures as these may affect the credibility assessment. | <p>applicant is then referred to the relevant experts who determine the applicant's readiness for giving the interview.</p> <ul style="list-style-type: none"> • Sufficiency of details as a credibility indicator should be carefully applied. • Different interview techniques are applied in such cases. |
| Moldova | Unaccompanied minors, persons with psychological disorders and victims of torture are treated as vulnerable groups. | <ul style="list-style-type: none"> • The relevant authorities may initiate medical examination procedures in order to determine the age of an unaccompanied minor (if not considered credible regarding their age). • A psychologist, doctor or social assistant is allowed to assist during the interview. • A special asylum procedure, which is mostly based on credibility, is applied to vulnerable groups. |
| Netherlands | The background of the applicant (such as age, sex, medical condition and education level, as well as PTSD) is taken into account during decision making. | <ul style="list-style-type: none"> • A medical expert checks whether the applicant is fit to go through with the interview and whether there are circumstances that may influence the ability to give clear statements. |
| Poland | Victims of violence or who is disabled. | <ul style="list-style-type: none"> • Conditions of the interview adjusted to psychological and physical state of the applicant • Dates of the interview adjusted to the dates when (s)he is having medical treatments. • Presence of a psychologist or a doctor and, if possible, presence of an interpreter of the same sex is ensured. |
| Romania | Vulnerable persons | <ul style="list-style-type: none"> • Appropriate reception conditions; • Access to psychological services; • A proper environment for interviewing; • Sufficient time. |
| Slovakia | The Asylum Act does not contain provisions related to the credibility of vulnerable applicants, but an individual approach is taken in each case. | <ul style="list-style-type: none"> • The decision maker is obliged to take into account proven influences/circumstances (e.g. PTSD, trauma) that can affect the statements of the applicant and can lead to an incoherent or contradictory testimony. |
| Sweden | Age, gender, sexual orientation or gender identity, disability, serious illness, mental disorders and traumas from torture, rape or other serious forms of violence, can have a direct impact on the applicant's credibility. | <ul style="list-style-type: none"> • The evidence requirements applied are not too strict, especially when there are aspects of vulnerability involved. • In cases where applicants suffer from traumatic experiences, the applicant will have to be examined medically and psychologically in an early phase of the asylum process. • Cases involving unaccompanied minors have to be processed within a period of three months. The minor is to be provided with a representative and the interview is to be conducted by specially trained staff. • If a residence permit cannot be granted on other grounds, a permit may be granted if there are "special distressing circumstances". Minors may be granted residence permits under this section even if the circumstances do not reflect the same seriousness and weight that are required in order |



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| | | for a permit to be granted to adults under the same provision. |
| Ukraine | Vulnerabilities are taken into consideration. | <ul style="list-style-type: none"> • The applicant is provided with an interpreter of the desired sex, social, ethnic or religious background. • Case workers of the same sex may conduct the interview. • In cases involving unaccompanied minors, representatives, psychologists and education specialists are provided. |

