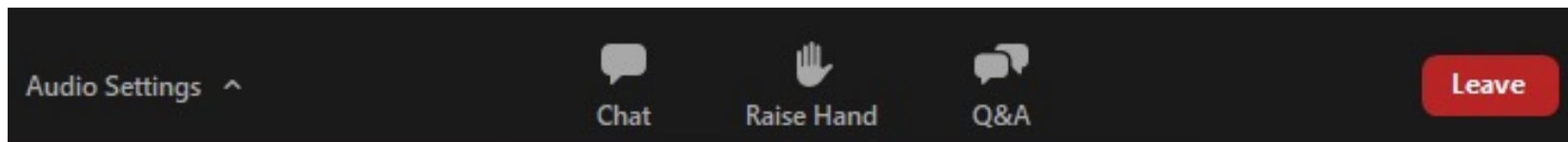




The webinar is about to start...

Q&A: We encourage attendees to submit non-case-specific questions throughout the webinar. Please click on the Q&A box, *not* Chat, in your toolbar to open the Q&A box. Type your question into the Q&A box and click “Send”. Panelists may answer relevant questions in the Q&A box or out loud. While we endeavor to answer as many questions as possible, we may not be able to answer all questions.

Chat: The Chat box located on the tool bar may be used to communicate directly with the host/panelists if you encounter problems with the sound quality, viewing of PowerPoint presentations, or other logistics questions. **Do not use the Chat box to ask substantive questions. Use the Q&A box instead.** Participants may use the Chat box to participate where instructed by the panelists.





Conducting Country Conditions Research to Support Asylum, Withholding of Removal, and Convention Against Torture Claims

Center for Gender & Refugee Studies

Nina Harris, Legal Program Associate

Christine Lin, Director of Training & Technical Assistance

August 12, 2021



CGRS Mission and Core Programs

CGRS protects the fundamental human rights of refugees and asylum seekers under U.S. and international law through these program areas:

- Technical Assistance
- Training
- Litigation
- Policy & Advocacy



Roadmap

- Key Asylum Elements
- Importance of Country Conditions
- Research Process
- Sources of Country Conditions
- Country Conditions Submissions
- Q&A
- Resources



Key Asylum Elements



What is asylum?

- An individual is eligible for asylum if they meet the definition of a refugee. Immigration & Nationality Act (INA) § 208(b)(1)(A).
- A refugee is “any person who **is outside any country of such person’s nationality . . . and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.**” INA § 101(a)(42)(A)



Asylum Elements

1. “Well-Founded Fear”
2. Of Harm Rising to the Level of “Persecution”
3. “On Account of” (Nexus)
4. A Protected Ground:
 - Race
 - Religion
 - Nationality
 - Political Opinion
 - Membership in a Particular Social Group
5. Perpetrated by the Government or an Entity the Government is Unable or Unwilling to Control



Related Forms of Relief

Statutory Withholding of Removal

Must show that “life or freedom would be threatened” in country on account of race, religion, nationality, membership in a particular social group, or political opinion

- INA § 241(b)(3); 8 U.S.C. § 1231

Convention Against Torture (CAT) Protection

Must establish that it is “more likely than not” that he or she would be tortured if removed to the proposed country of removal

- 8 C.F.R. § 208.18



Why is Country Conditions Evidence Important?



Country Conditions Evidence

- Background and contextual information
- Corroborate client's story
 - Personal circumstances
 - Similarly situated individuals
- Demonstrate likelihood of future persecution or torture



Establishing Other Key Components

- Establish government unwilling or unable to protect or state acquiescence/complicity
- Explain that internal relocation is not safe or reasonable
- Prove existence of a particular social group
 - Immutability
 - Social distinction: does society view the group as a group?
 - Particularity: who is inside the group?
- Changed circumstances



Prevalence of Harm

Likelihood of harm and nexus (“on account of”):

- Statistics on the type of harm in question
 - E.g., femicide rates, reports of domestic violence, reports of hate crimes against religious group
- Reports of specific violence against similarly situated individuals
 - E.g., news report on particular femicide case, article on violence following political protests
- Societal, cultural, religious, and other attitudes toward similarly situated individuals



State Protection and Internal Relocation

- State protection
 - State involvement in harm
 - Ineffective legal framework
 - Ineffective institutions
- Internal relocation
 - Not safe
 - Not reasonable



Particular Social Group

1. Immutability (e.g., reports on recognition of divorce)
2. Social distinction (e.g., local slurs used to describe LGBTQ+ individuals; disability rights law)
3. Particularity (e.g., dictionary definitions of terms; family code defining types of spousal relationships)



Country Conditions in Action



Luna's Case: Gender-Based Violence

Luna is a Salvadoran girl who experienced sexual abuse from an adult uncle and older male cousins who often visited the home where she and her mother lived.

Which of the following facts would help establish that females are more susceptible to violence than their male counterparts? Select all that apply.

- 1) El Salvador has a law that protects children and adolescents
- 2) Patriarchal norms in the country of origin
- 3) Societal expectations regarding gender roles
- 4) High levels of impunity for male perpetrators of violence
- 5) El Salvador has legislation to combat violence against women



Manuel's Case: Impunity Rates as Evidence

Assume that in Guatemala there are high levels on the rate of impunity for corruption crimes, theft, violence against LGBTQ+ individuals, and crimes involving extortion and weapons. Manuel is a gay Guatemalan man who experienced harm from family members, his church, and community members. Gang members also extorted him.

How could impunity statistics be used as evidence in Manuel's case? Select all that apply.

- 1) If Manuel did not report to the police, high rates of impunity may help establish why it would have been futile for him to do so.
- 2) The high impunity rates of violence against LGBTQ+ individuals may help establish the Guatemala government's failure to protect this population.
- 3) The high impunity rate for corruption crimes may help corroborate other evidence submitted in the record that shows that corruption amongst police is pervasive in Guatemala, particularly with respect to crimes committed by gang members.
- 4) The high rate of impunity on extortion crimes may help prove that Manuel was extorted by gangs.



How to do Country Conditions Research



Research Process

- Background research
- Identify search terms
 - Start specific
 - Add terms as research progresses
 - Think through the different grounds



Sources of Country Conditions



Explore Sources of Country Conditions

- Background reports
- Compilations
- Internet and databases
- Local and on-the-ground organizations
- Non-English language research



Background Reports

- U.S. Department of State
 - [Country Reports on Human Rights](#)
 - [International Religious Freedom Report](#)
 - [Trafficking in Persons Report](#)
- [Amnesty International](#)
- [Freedom House](#)
- [Human Rights Watch](#)



Office of the High Commissioner for Human Rights (OHCHR)



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

WHAT ARE HUMAN RIGHTS? 

DONATE 

HOME

ABOUT US

ISSUES

HUMAN RIGHTS
BY COUNTRY

WHERE WE
WORK

**HUMAN RIGHTS
BODIES**

NEWS AND
EVENTS

PUBLICATIONS AND
RESOURCES

English > Human Rights Bodies > TreatyBodies

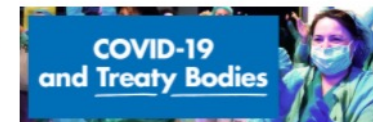
[Arabic](#) | [Chinese](#) | [French](#) | [Russian](#) | [Spanish](#)

Human rights treaty bodies

What are the human rights treaty bodies?

The human rights treaty bodies are committees of independent experts that monitor implementation of the [core international human rights treaties](#). Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty.

Currently, there are nine human rights international treaties, and one optional protocol, from which 10 treaty bodies have been established. The treaty bodies are composed of independent experts of recognized competence in human rights, who are nominated and elected for fixed renewable terms of four years by State parties.



Treaty bodies

[Treaty bodies main page](#)

Committees

[CERD](#) | [CESCR](#) | [CCPR](#) |
[CEDAW](#) | [CAT](#) | [CRC](#)
| [CMW](#) | [SPT](#) | [CRPD](#) |
[CED](#)

The Committee
Introduction
Mandate
Membership
Meetings of State parties/Elections
Upcoming elections for all treaty bodies
Basic documents
Convention
Optional Protocol
Rules of procedure
Proposed amendment to art. 20(1)
Working methods
Annual reports
The work of the Committee
General Recommendations
Chairperson's and other statements
Committee's contribution to the High-level Political Forum on Sustainable Development (HLPF)
Guidelines for reporting to the Committee
Guidance note for States parties for the preparation of periodic reports under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, in the context of the Sustainable Development Goals
Common Core Document, initial and periodic reports
Simplified reporting procedure
Documentation tools on reporting to the UN Treaty Bodies
Key documents related to reporting cycles
States parties reports
List of issues (LOIs)
Replies to LOIs
Concluding observations
Follow-up to concluding observations procedure

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

CEDAW Committee consists of 23 experts on women's rights from around the world.

More about the [Committee on the Elimination of Discrimination against Women...](#)

Ratification of the Convention on the Elimination of All Forms of Discrimination against Women



Click on the image to access the interactive map
See the maps on ratifications (PDF) of the Convention on the Elimination of All Forms of Discrimination against Women or its Optional Protocol

Upcoming Events

Day of General Discussion on "the Rights of Indigenous Women and Girls 24 June 2021, CALL FOR SUBMISSIONS (deadline 18 June 2021)

Remote 79th session of the Committee on the Elimination of Discrimination against Women, 21 June to 1 July 2021

The Pre-session Working Group for the 81st session will take place remotely and in closed meeting from 5 to 9 July 2021

Joint Call by CEDAW and IPU for National Action Plans to achieve gender parity by 2030 - International Women's Day 8 March 2021
[English](#) | [French](#)

Recent Developments and Events

Statement of the Committee on the Elimination of Discrimination against Women - Turkey

The Pre-session Working Group for the 80th session will take place remotely and in closed meeting from 1 to 3 and on 5 March 2021

New individual complaints form and guidance note
Form (Word): [English](#) | [Français](#) | [русский](#) | [Español](#)
Guidance (Word): [English](#) | [Français](#) | [русский](#) | [Español](#)

Remote 78th session of the Committee on the Elimination of Discrimination against Women, 15 to 25 February 2021

Online review of ninth periodic report of Denmark on 22, 23 and 24 February 2021, 12:30 to 14:30 CET (live webcast)

[Statement of the Committee](#)

Country-specific information

Select a country

Meetings and deadlines

[Sessions](#)

[Calendar of country reviews by treaty bodies](#)

[Deadlines for the submission of documentation](#)

Search

[Common core documents](#)

[Treaty body database](#)

[Universal human rights index](#)

[UN Secretary General's database on violence against women](#)

Useful links

[Working Group on Discrimination against Women](#)

[Special Rapporteur on violence against women](#)

[Special Rapporteur on trafficking in persons](#)

[Technical cooperation](#)

[Commission on the Status of Women](#)

[UN Women](#)

[Women Watch](#)

External links

[Treaty Body Webcast](#)

[IDA](#)

[Inter-Parliamentary Union](#)

[International Women's Rights Action Watch \(Asia Pacific\)](#)

[International Women's Rights Action Watch](#)

[Women's United Nations Report Network \(WUNRN\)](#)

[Musawah](#)

[Optional Protocol to CEDAW](#)

Note: OHCHR is not responsible for the content of external websites.

Follow us



OHCHR CEDAW

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Country-specific information

Select a country

Key documents related to reporting cycles

[States parties reports](#)

[List of issues \(LOIs\)](#)

[Replies to LOIs](#)

[Concluding observations](#)

[Follow-up to concluding observations procedure](#)



Reporting Status for Guatemala

Reporting status for Guatemala

Treaty	Signature Date	Ratification Date, Accession(a), Succession(d) Date
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment		05 Jan 1990 (a)
CAT-OP - Optional Protocol of the Convention against Torture	25 Sep 2003	09 Jun 2008
CCPR - International Covenant on Civil and Political Rights		05 May 1992 (a)
CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		
CED - Convention for the Protection of All Persons from Enforced Disappearance	06 Feb 2007	
CED, Art.32 - Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance		
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	08 Jun 1981	12 Aug 1982
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	08 Sep 1967	18 Jan 1983
CESC - International Covenant on Economic, Social and Cultural Rights		19 May 1988 (a)
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	07 Sep 2000	14 Mar 2003
CRC - Convention on the Rights of the Child	26 Jan 1990	06 Jun 1990
CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	07 Sep 2000	09 May 2002
CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	07 Sep 2000	09 May 2002
CRPD - Convention on the Rights of Persons with Disabilities	30 Mar 2007	07 Apr 2009





CEDAW Guatemala

☐ CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

08 Jun 1981

12 Aug 1982

Reporting Cycle

Session (Year)

☐ X

Document type	Symbol/Title	Due date	Submitted date	Publication Date	Download
State party's report		01 Dec 2021			

☐ VIII-IX

68 (2017)

Document type	Symbol/Title	Due date	Submitted date	Publication Date	Download
State party's report	CEDAW/C/GTM/8-9	01 Sep 2015	19 Nov 2015	11 Jan 2016	View document
Annex to State party report	Annexes (as received) (S only)				
List of issues	CEDAW/C/GTM/Q/8-9		10 Mar 2017	13 Mar 2017	View document
Annex to Reply to List of Issues	Annexes (as received) (S only)		27 Jun 2017	27 Jun 2017	View document
Reply to List of Issues	CEDAW/C/GTM/Q/8-9/Add.1		19 Jun 2017	19 Jun 2017	View document
Info from Civil Society Organizations	Asociación de Mujeres Afroamerica XXI Guatemala (submission for the session)		19 Sep 2017	20 Sep 2017	View document
Info from Civil Society Organizations	ATRAHDOM Guatemala (submission for PSWG)		23 Jan 2017		View document
Info from Civil Society Organizations	Disability Rights International (submission for the session)		28 Aug 2017	30 Aug 2017	View document
Info from Civil Society Organizations	ENI-Guatemala y Cooperativas (CONGCOOP) (joint submission for the session)		04 Oct 2017	04 Oct 2017	View document



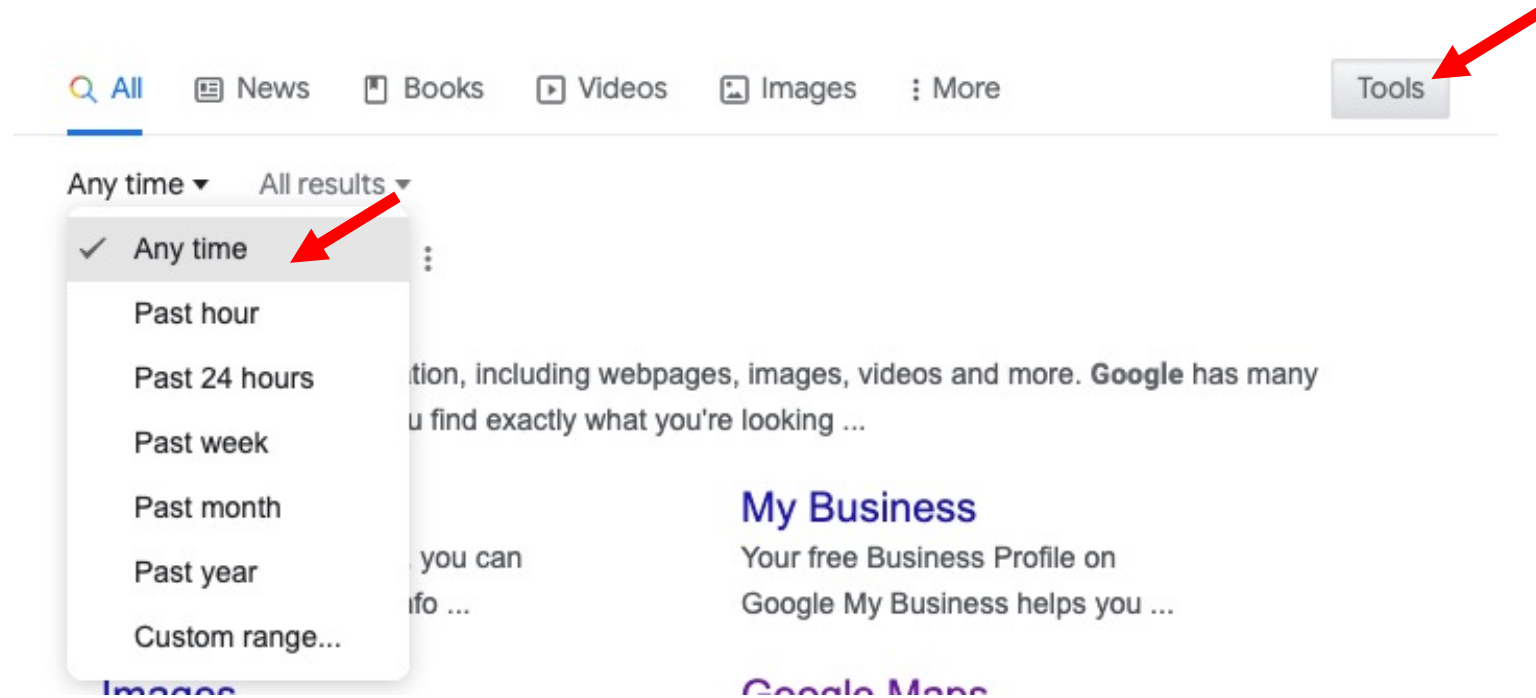
Compilations

- [Immigration and Refugee Board of Canada](#)
- [United States Department of Justice, Executive Office for Immigration Review](#)
- [European Country of Origin Information \(ECOI\) Network](#)
- [United Kingdom Home Office](#)
- Temple University/WOLA, [Annotated Table of Contents Project](#)
- CGRS Country Conditions Toolkits – available through [CGRS Technical Assistance Program](#)



Databases and Internet Searches

- Google
- United Nations High Commissioner for Refugees – [Refworld](#)
- Newspapers
- Academic Databases
 - JSTOR, ProQuest, HeinOnline, LexisNexis, Westlaw





Local and On-the-Ground Organizations

- *Organización de Mujeres Salvadoreñas por la Paz (ORMUSA)*, Salvadoran non-profit promoting safety and equity for Salvadoran women through advocacy and facilitating access to justice
- Institute for Justice and Democracy (IJDH) or *Bureau des Avocats Internationaux (BAI)*, documents human rights abuses in Haiti
- *Entre Amigos*, Salvadoran NGO defending the rights of LGBTI individuals
- Save the Children
- UNICEF
- UN Women
- Doctors Without Borders



Non-English Language Sources

- National laws or penal codes
- In-country newspapers
 - El Salvador: [Diario Co Latino](#), [El Diario de Hoy](#), [El Faro](#), [La Prensa Gráfica](#)
 - Guatemala: [El Periódico](#), [Prensa Libre](#)
 - Honduras: [El Periódico](#), [El Tiempo](#), [La Prensa](#), [La Tribuna](#)
- MUST include English translation with translator's certification



Selecting Evidence to Submit in Support of a Fear-of-Return Claim

What to include?

- Reputable sources
- Relevant time-frame
- Corroborative information to substantiate claim

What to avoid?

- Duplicative information
- Overly general information
- Harmful information



Presenting Country Conditions Evidence

- Be organized
- Provide excerpts, annotations, or highlight key information
- Check the [Immigration Court Practice Manual](#)



ANNOTATED TABLE OF CONTENTS

COUNTRY CONDITIONS EXHIBITS SUPPORTING THE ASYLUM, WITHHOLDING OF REMOVAL, AND TORTURE CONVENTION CLAIM OF

[REDACTED]

Index of Documents	Page
A: “Women's Murderers Evade Justice as Femicide Surges in Guatemala,” TeleSURtv.net, May 23, 2016, http://www.telesurtv.net/english/news/Womens-Murderers-Evade-Justice-as-Femicide-Surges-in-Guatemala-20160523-0034.html	1
B: Bureau of Democracy, Human Rights and Labor, U.S. Department of State, Guatemala, Country Reports on Human Rights Practices for 2015, April 13, 2016, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253017	4
C: UN Human Rights Council, Annual report of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala, February 19, 2016, A/HRC/31/3/Add.1, http://www.refworld.org/docid/56ead0734.html	35
D: Amnesty International, Annual Report “Guatemala 2015/2016” (2015), https://www.amnesty.org/en/countries/americas/guatemala/report-guatemala/	56

**Excerpt of Index of
Country Conditions
Documents
submitted to
Immigration Court**



SECTION 4

Victims of Domestic Violence are Unable to Reasonably and Safely Relocate within Guatemala; Relocation Barriers for Indigenous Women are Even Greater

- B: Bureau of Democracy, Human Rights and Labor, U.S. Department of State, Guatemala, Country Reports on Human Rights Practices for 2015, April 13, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253017> 4

This report highlights the inadequacy of shelter and protective services for victims of domestic violence, including temporary accommodation, legal and psychological support.

- G: Karen Musalo and Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 HASTINGS RACE AND POVERTY L. J. 265 (2013) 312

The article addresses the limited number of shelters or other support available for female victims of violence and their children. Of the support centers that were present in just five of the twenty-two departments, at the time of writing, only two of those had shelters to provide for temporary accommodation with only a sixty person capacity. The situation for women seeking shelter becomes more complicated when considering that many shelters do not allow male children over the age of twelve to stay in the shelters so women with teenage sons are not able to access these services. The article also notes that there were only two NGOs within Guatemala that provided temporary and limited services two women seeking refuge. The article further discusses how rural women in Guatemala face more barriers in access to shelters as the shelters that do exist are in urban areas. Further, with limited economic opportunity, women are often prohibited from even reporting abuse or violence when faced with the realities of needing to provide for themselves and their children. At 288-290.

Excerpt of an ATOC

The attorney summarized by topic the many country conditions sources submitted as evidence.



Q&A



CGRS Technical Assistance Resources

Practice Advisories

- Domestic violence claims
- Children's asylum
- Fear-of-gang claims
- Gender-based claims
- CAT protection claims
- EAD Rule

Country Conditions Reports

- Specific topics in individual countries (e.g., children, indigenous, LGBTI, gang)

Unpublished Case Law

- IJ and BIA decisions

Expert Declarations

- Country-specific (e.g., violence against women, children, LGBTQ)
- Topic-specific (e.g., domestic violence, incest, trauma and memory)

Sample Pleadings

- Case documents: declarations, indices, expert affidavits
- Legal briefs



CGRS Country Conditions Resources

- *Conducting Country Conditions Research for Asylum, Withholding of Removal, and Convention Against Torture Claims* (March 2018)
- *Finding Country Conditions Evidence for Asylum and Fear-of-Return Immigration Cases: Pro Se Manual* (June 2020)
- **Country Conditions Toolkits**
 - Harm to Children
 - Violence Against Women
 - Fear-of-Gang
 - LGBTI
 - Indigenous
 - Disability
- **Universal Expert Declarations**



Request CGRS Technical Assistance

CGRS provides free expert consultation to attorneys and organizations representing asylum seekers, including legal technical assistance, strategy development, sample briefs, unpublished decisions, country conditions evidence, and expert witness affidavits.

Request assistance in your case: <http://cgrs.uchastings.edu/assistance>.

Email: CGRS-TA@uchastings.edu with your CGRS Case Number if you have follow-up questions.

Reach out to CGRS: cgrs-ABtracking@uchastings.edu to request CGRS's amicus support in a case involving *Matter of A-B-* before the BIA or courts of appeals.



Report Case Outcomes

Advocates can report case outcomes at: <https://cgrs.uchastings.edu/outcomes>

IN THIS SECTION

> GET HELP WITH AN ASYLUM CASE

> TECHNICAL ASSISTANCE FAQ

> FIND AN EXPERT WITNESS

> REPORT AN OUTCOME IN YOUR CASE

REQUEST ASSISTANCE

To request assistance in your asylum case, please fill out this [form](#).

Report an Outcome in Your Case

In order to update us about your case, the case must first be in our database. If it isn't, please fill out the [intake form](#), where you can tell us about your case *and* enter an outcome.

If the case is already in our system, please do the following:

- 1. Log in
- 2. Find the case in our system on [your account page](#).
- 3. On the case page, under the "Outcomes" tab, select "Add an outcome."
- 4. If you would like further assistance on this case (i.e. with an appeal), please also email CGRS-TA@uchastings.edu and include the case number in the subject line.



CGRS Expert Database

- Free, searchable repository of health, country conditions, and issue-specific professionals who serve as expert witnesses to support the legal claims of asylum seekers in the United States.
- Expert profiles with areas of expertise, availability, and CV.
- Advocates can sign into their CGRS accounts to search and contact experts:
<https://cgrs.uchastings.edu/expert/search>.
- Experts who wish to be considered for inclusion in the database may create a profile at: <https://cgrs.uchastings.edu/register/expert-witness>.



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