International Association of Refugee and Migration Judges (IARMJ)
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# DUE PROCESS STANDARDS FOR THE USE OF COUNTRY OF ORIGIN INFORMATION (COI) IN ADMINISTRATIVE AND JUDICIAL PROCEDURES1

(revised version – 12 February 2020)2

## A. GENERAL ASPECTS OF EFFECTIVE ACCESS TO (ASYLUM) PROCEDURE

1. **Right to information (including interpretation) and counselling** of a third-country national *"who may wish to make"* an application for international protection, especially at the border crossing points, in detention facilities and transit zones.3 Since non-refoulement (Article 3 of the European Convention of Human Rights or/and Article 19(2) of the EU Charter of Fundamental Rights) is applicable already at this stage of the procedure,4 the rules and standards as regards the use of COI may be relevant already at this stage of a procedure.

2.

3. **Duty to provide** through non-governmental organisations or specialised services of the State at first instance5 **free of charge relevant information on legal and procedural matters6** in order to enable applicants to better understand their rights and obligations in the asylum procedure **concerning the use of COI.**

1. **Access to legal advisers or counsellors** should be permitted for applicants at their own costs at all stages of the asylum procedure.7

1. Applicants should have an **opportunity to communicate with a representative of the UNHCR.8**

1. If not possible at the first instance procedure,9 **free legal assistance and representation** should be guaranteed **at least for the purpose of effective legal remedy** against administrative decisions for the applicants who do not have necessary financial resources. 10

1. Applicants should have **access to the services of an interpreter for submitting his or her case11 including relevant COI.**

1. **Special procedural guarantees in relation to five standards above are required for vulnerable asylum applicants** due to their age,12 gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence.13

B. SPECIFIC ASPECTS OF EFFECTIVE USE OF COI

8. **Shared burden of proof:**
Under EU secondary law national legislation or case-law "*may consider it the duty of the applicant to submit as soon as possible all the elements needed to substantiate the application*"14. These elements consists of applicant's "*statements, all the documents at his/her disposal regarding his/her age, background, relevant relatives, identity, nationality, country(es) or place(s) of previous residences, previous asylum applications, travel routes and documents and the reasons for applying for international protection*".15 Under EU secondary law the term "*evidence*" is used only in relation to the procedural rules of the subsequent applications (see Article 42(2(a) of the RPD).
The Court of Justice of the European Union (CJEU), too, uses the term „*elements*", when it states *„it is generally for the applicant to submit all elements needed to substantiate the application*".16 The CJEU did not yet develop a clear and distinct interpretations concerning the terms "*elements"* and "*evidence*".17 However, it is clear that if an applicant has at his/her disposal COI as an evidence that he/she has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm in the past,18 or if he/she poses COI as an element which shows possible persecution or serious harm in the future, he/she has a duty to submit such COI as evidence or as an element/ information.19 In words of the ECtHR the applicant has an obligation to "*the greatest extent practically possible to adduce material and information allowing"* the authorities to assess the risk a removal may entail.20
Furthermore, Article 13 of the RPD, which sets legal obligations and defines documents that must be submitted by the applicant, does not mention COI. Concerning the burden of proof for the applicant the CJEU also states that the existence of a serious and individual threat to the life or person of an applicant for subsidiary protection "*is not subject to the condition that the applicant adduce evidence*" that he is specifically targeted by reason of factors particular to his personal circumstances.21

On the other side, it is a duty of determining authority to ensure that "*the assessment of an application for international protection /.../ includes taking into account all relevant facts as they relate to the country of origin at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied.*"22 This is especially relevant, when an applicant has no legal representative. Furthermore, "*where aspects of the applicant's statements are not supported by documentary or other evidence, those aspects shall not need confirmation"* when certain conditions are met and among them is the condition that /.../ *"the applicant's statement /.../ do not run counter to available specific and general information relevant to the applicant's case."*23 According to the RPD *"Member States shall ensure that decisions by the determining authority /.../ are taken after an appropriate examination. To that end, Member States shall ensure that precise and up-to-date information is obtained from various sources, such as EASO and UNHCR and relevant international human rights organisations, as to the general situation prevailing*

*in the countries of origin of applicants, and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions*".24
Furthermore, owing to the absolute character of protection against death penalty or execution,25 torture or inhuman or degrading treatment or punishment of an applicant in the country of origin26 and since in many cases even international protection under under Article 1 of the 1951 Convention and the 1967 Protocol relating to the status of refugees and Article 15(c) of the RQD may have an absolute character, it is necessary that determining authorities and courts – in the words of the ECtHR - "*take as their basis all the material placed before them and, in addition, it may be necessary to obtain material proprio motu."* The ECtHR *"will do so, particularly when the applicant /.../ provides reasoned grounds which cast doubt on the accuracy of the information relied on by the respondent Government"*.27 *"Even though the historical position is of interest in so far as it may shed light on the current situation and its likely evolution,28 its is the present conditions which are decisive and it is therefore necessary to take into account information that has come to light after the final decision taken by the domestic authorities"*.29 Due to subsidiary character of protection under the ECHR, the same standards should apply to national authorities and courts.
Furthermore, under the case law of the ECtHR asylum application should not be rejected based on an argument that an applicant did not fulfill his/her burden of proof, if certain relevant facts about the conditions in the country of origin or in the country of transfer *"are well know and are freely ascertainable from a wide number of sources"*.30 A shared burden of proof concerning the use of COI is applicable also in cases of extradition, because extradition might result in direct or indirect refoulement in violation of the international and Union obligations of the member States.31

9.**The use of COI and their assessment is obligatory provided** that an applicant has an arguable claim concerning his/her request for international protection, in case that alleged persecution on conventional grounds (eligibility criteria for refugee status) or serious harm (eligibility criteria for subsidiary protection) overlap with protection under Article 3 of the ECHR32 and also in case where there is no such overlap.33
Arguable claim under case law of the ECtHR means that consequences of a return on the right from Article 3 ECHR "are not too remote."34 or where the applicant "seeks to prevent his or her removal".35
In the context of EU secondary law, arguable claim in relation to accelerated procedure means that even in accelerated procedure if the applicant has made *"clearly inconsistent and contradictory, clearly false or obviously improbable representations"*, COI must be taken into account in order to check whether such representations „*contradict sufficiently verified country-of-origin information*" and only then application can be considered "*clearly unconvincing"* in relation to whether he/or she qualifies as a beneficiary of international protection by virtue of RQD.36

10**. Criteria for assessment of COI:**
In assessing the weight to be attached to COI consideration must be given to the source of such material, in particular its independence, reliability and objectivity. In respect of

reports, the authority and reputation of the author, the seriousness of the investigations by means of which they were compiled, the consistency of their conclusions and their corroboration by other sources are all relevant considerations. The ECtHR also recognises that consideration must be given to the presence and reporting capacities of the author of the material in the country in question the many difficulties faced by governments and NGOs gathering information in dangerous and volatile situations. It accepts that it will not always be possible for investigations to be carried out in the immediate vicinity of a conflict and, in such cases, information provided by sources with first-hand knowledge of the situation may have to be relied on.37

11.**Prohibition on obtaining COI from the alleged actor(s) of persecution or serious harm:**

"*Member States shall not obtain any information from the alleged actor(s) of persecution or serious harm in a manner that would result in such actor(s) being directly informed of the fact that an application has been made by the applicant in question, and would jeopardise the physical integrity of the applicant or his or her dependants, or the liberty and security of his or her family members still living in the country of origin*."38

12**.Duty of cooperation and disclosure of COI:**

The fundamental question in this respect is whether the determining authority has an obligation to inform the applicant of the concrete COI that decision-maker intends to use in administrative decision and if the answer is positive, what basic procedural standards should be offered to the applicant for effective fulfillment of this procedural standard?

Second sentence in the Article 4(1) of the RQD states that *"in cooperation with the applicant, it is the duty of the Member State to assess the relevant elements of the application"*. The recital of the RPD states that the procedure in which an application for international protection is examined *"should normally provide an applicant at least with /.../ the right to be informed of his or her legal position at decisive moments in the course of the procedure"*.39 This may lead to the conclusion - in the light of the principle of natural justice from the non-European jurisdictions - that "*a person whose interests are likely to be affected by an exercise of power be given an opportunity to deal with matters adverse to his/her interests that the repository of the power proposes to take into account in exercising the power. This does not mean that the source and nature of all material that comes before the decision maker must be disclosed. But in the ordinary case an opportunity should be given to deal with adverse information that is credible, relevant and significant to the decision to be made. What is required to discharge this duty depends on the circumstances of the particular case.*"40

However, based on the interpretation of the CJEU, the standard on "*cooperation"* from the second sentence of Article 4(1) of the RQD relates only to the "*first stage of assessment*" at determining authority. The first stage of assessment concerns "*the establishment of factual circumstances which may constitute evidence that supports the application, while the second stage relates to the legal appraisal of that evidence, which entails deciding whether, in the lights of the specific facts of a given case, the substantive conditions /.../ for the grant of international protection are met"*.41 What is clear from the judgment in case of M.M. is that EU law does not "*require the national authority*

*responsible for examining application for subsidiary protection to supply the applicant, before adoption of a negative decisions /.../ with the elements on which it intends to base its decisions and seek the applicant's observations in that regard*."42 This standard is not based on the aforementioned recital in the Preamble of the RPD that an applicant should normally be provided at least with the right to be informed of his or her legal position at decisive moments in the course of the procedure nor on Article 4(1) of the RQD. A duty of disclosure of COI derives from the *"right of a foreign national to be heard in the course of examination*"43 as this being the right of the defence as a fundamental principle of EU law, which is now *"affirmed"* in Articles 47 (right to an effective remedy and to a fair trial) and 48 of the Charter (right of defence) and 41 of the Charter (the right to good administration).44 Namely, concerning the importance of the right to be heard, the CJEU says this right *"must apply in all proceedings which are liable to culminate in a measure adversely affecting a person /.../. Observance of that right is required even where the applicable legislation does not expressly provide for such a procedural requirement. The right to be heard guarantees every person the opportunity to make known his views effectively during an administrative procedure and before the adoption of any decision liable to affect his interests adversely*".45 This means the right to be heard cannot be effective, if there would be no duty of disclosure of relevant COI to the applicant before the administrative decision is taken. In addition to judgment in case of M.M., further arguments for a duty of disclosure can be found also in the RPD. Under Articles 15(3) and 16 of the RPD *"personal interviews must be conducted under conditions which allows applicants to present the grounds for their applications in a comprehensive manner*" and the applicant "*must be given an adequate opportunity to present elements needed to substantiate the application in accordance with Article 4 of the RQD as completely as possible. This shall included the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in the applicant's statements.*" These standards could not be fulfilled without a duty of disclosure of COI before administrative decision is taken. Furthermore, Article 23(1) of the RPD sets the "*right to access to the information in the applicant's file upon the basis of which a decision is or will be made".*46

Therefore, for the purpose of effective realisation of the "*right to access to the information in the applicant's file*" from EU secondary law and for the purpose of effective realisation of the "*right to be heard"* as being a general principle of EU law, the determining authority has a positive obligation to inform the applicant directly or through his/her legal representative about the particular information in the COI document, which decision-maker thinks will be relevant for the applicant's case; if the applicant does not have a legal representative that particular information, the title of the document, the eventual subtitle and the source of a particular information should be translated in a language which the applicant understands or is reasonably supposed to understand;47 the applicant or his/her legal representative should have access to the entire document (in original language) from where that particular COI is taken; the applicant or his/her legal representative should have enough time to prepare a response to the relevant and particular COI disclosed;48 the right to be heard requires the authority *"to pay due attention to the observations thus submitted by the person concerned examining carefully*

*and impartially all the relevant aspects of the individual case and giving detailed statement of reasons for their decision."49*

In the later cases of Mukarubega (C-166/13 from 5 November 2014), Boudjlida (C-249/13 from 11 December 2014) and M (C-560/14 from 9 February 2017) the CJEU has further developed the interpretation of the right to be heard (to defence) as a general principle of EU law, which is essential for the use of COI and due process in cases on international protection. The CJEU states that a right to be heard is inherent in respect for the rights of the defence, which is a general principle of EU law.50The right to be heard guarantees every person the opportunity to make known his views effectively during an administrative procedure and before the adoption of any decision liable to affect his interests adversely.51 This a separate right in administrative procedure and in court proceedings.52 For court proceedings, this right is regulated in Article 47 of the EU Charter of Fundamental Rights.

In administrative procedures, the applicant must be placed in a position to submit his observations before an administrative decision is adopted. Thus, the competent authority is enabled to effectively take into account all relevant information and the applicant is enabled to correct an error or submit such information relating to his or her personal circumstances as will argue in favour of the adoption or non-adoption of the decision, or in favour of its having a specific content. That right also requires the authorities to examine carefully and impartially all the relevant aspects of the individual case and giving a detailed statement of reasons for their decision; the obligation to state reasons for a decision which are sufficiently specific and concrete to allow the person concerned to understand why his application is being rejected is thus a corollary of the principle of respect for the rights of the defence.53 This right is required even where the applicable legislation does not expressly provide for such a procedural requirement.54 A right to be heard must allow that authority to investigate the matter in such a way that it adopts a decision in "full knowledge of the facts", while taking account of all relevant factors, and to state reasons for that decision adequately.55 Where necessary, the competent authority must also take account of the explanation provided regarding a lack of relevant elements, and of the applicant's general credibility.56 Provided that a procedural mechanism of that kind is sufficiently flexible to let the applicant express his views and that he can, if need be, receive appropriate assistance, it is such as to allow him to comment in detail on the elements that must be taken into account by the competent authority and to set out, if he thinks it appropriate, information or assessments different from those already submitted to the competent authority when his asylum application was examined.57
However, respect for the rights of the defence dooes not constitute unfettered prerogatives and may be restricted, provided that the restrictions in fact correspond to objectives of general interest pursued by the measure in question and that they do not involve, with regard to the objectives pursued, a disproportionate and intolerable interference which infringes upon the very substance of the rights guaranteed.58

This means that the duty of the Member State to cooperate with the applicant applies only at the first stage, which concerns the establishment of factual circumstances which may

constitute relevant evidence. If, for any reason whatsoever, the elements provided by an applicant for international protection are not complete, up to date or relevant, it is necessary for the Member State concerned to cooperate actively with the applicant, at that stage of the procedure, so that all the elements needed to substantiate the application may be "assembled." A Member State may also be better placed than an applicant to gain access to certain types of documents.59

While, at the second stage, which relate to the legal appraisal of evidence, there is no cooperation between Member State and the applicant.60 Therefore, a duty of cooperation does not mean that the authority must supply the applicant before adoption of a negative decision with the elements on which it intends to base its decision and to seek the applicant's observations in that regard.61 The authority is not required to warn an illegally staying third-country national, prior to the interview organised with a view to that adoption, that it is contemplating adopting a return decision against him, to disclose to him the evidence on which that authority intends to rely to justify that decision, or again to allow him a period for reflection before admitting his observations.62 However, an exception must be admitted where a third-country national could not reasonably suspect what evidence might be relied on against him or would objectively only be able to respond to it after certain checks or steps were taken with a view, in particular, to obtaining supporting documents.63

These standards under EU law may be compared with the standards from the case law of the ECtHR in relation to Article 3 of the ECHR. The ECtHR has established a standard that when information is presented which gives strong reasons to question the veracity of an asylum-seeker's submissions, the individual must provide a satisfactory explanation for the alleged inaccuracies in those submissions Even if the applicant's account of some details may appear somewhat implausible, the Court has considered that this does not necessarily detract from the overall general credibility of the applicant's claim.64

13.**Exceptions concerning disclosure of COI:**

There are legitimate exceptions from the right to access to information in the applicant's file from Article 23(1) of the RPD, which include COI.65 The exceptions are applicable "*where disclosure of information or sources would jeopardise national security, the security of the organisations or persons) providing the information or the security of the person (s) to whom the information relates or where the investigative interests relating to examination of applications for international protection /.../ or the international relations of the Member States would be compromised.*" Two additional standards derive from EU secondary law in this regard: those information or sources must be available to judges in adjudication process66 and national law procedures must guarantee the applicant's rights to defence at the first instance authority67 and during the realisation of the right to an effective remedy before a court or tribunal. From the standpoint of the general principle of EU law the later means that realisation of the rights conferred by EU law may not be rendered *"practically impossible or excessively difficult"*.68 In the light of the Charter,

this general principle of EU law means that the right to good administration *"includes the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy."69* The right to access to file or the right to asylum from Article 18 of the Charter may be limited if limitation is provided by law and if it respects "*the essence"* of these rights. "*Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet the objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others."70* From the standpoint of ECHR, useful guidance in terms of procedural guarantees for the use of COI in cases of security concerns can be distilled from a judgment of the ECtHR in case of *A and others v . the United Kingdom* from 2009 taking into account that standards of fair trial from Article 6(1) of the ECHR are not applicable in cases of decisions on whether or not to authorise an alien to stay in a country of which he is not a national.71

**14.The benefit of doubt in relation to COI submitted:** Under case law of the ECtHR "*owing to the special situation in which asylum seekers often find themselves, it is frequently necessary to give them the benefit of doubt when it comes to assessing the credibility of their statements and the documents submitted in support thereof. However, when information is presented which gives strong reasons to question the veracity of an asylum seeker's submissions, the individual must provide a satisfactory explanation for the alleged discrepancies."*72

15.**The practice of using COI must respect a right to protection of personal data.73**

16.**Duty to consult in drafting a list of safe third countries:** Where an administration is reaching a conclusion of general application, for example, where a state makes an order designating a country as "safe," there needs to be consultation with inter governmental organizations such as UNHCR and NGOs, perhaps with advocates and researchers so that they can make representations and report the results of their own inquiries.74
Under EU law there is even a general standard - applicable not just in cases of generalised decisions on list of safe countries - that *"Member States shall allow UNHCR to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention, to any competent authorities regarding individual applications for international protection at any stage of the procedure."75*

17.**A general decision on of safe third countries should have as an attachment a list of COI that have been used as factual grounds to adopt that decision.**

18.**Authorities should keep a list of safe third countries under periodic review.76**

19.**An applicant must have an effective opportunity to challenge with counter-indications or valid reasons a presumption that a particular country is safe for him/ her.77**

20. **The obligation to grant a hearing to the applicant in court proceeding** has to be

assessed in the light of its obligation to carry out the full and *ex nunc* examination required under Article 46(3) of the Procedure directive 2013/32/EU, in the interests of effective judicial protection of the rights and interests of the applicant. It is only if that court or tribunal considers that it is in a position to carry out such an examination solely on the basis of the information in the case-file, including, where applicable, the report or transcript of the personal interview with the applicant in the procedure at first instance, that it may decide not to hear the applicant in the appeal before it. In such circumstances, the possibility of not holding a hearing is in the interest of both the Member States and applicants, as referred to in recital 18 of Procedure directive 2013/32, to have a decision made as soon as possible on applications for international protection, without prejudice to an adequate and complete examination being carried out. On the other hand, if the court or tribunal hearing the appeal considers that the applicant must be afforded a hearing in order to carry out the full and *ex nunc* examination required, that hearing, as ordered by that court or tribunal, constitutes an essential procedural requirement, which cannot be dispensed with on grounds of speed, as referred to in recital 20 of the Procedure directive 2013/32.78 For example, in the case of a manifestly unfounded application within the meaning of Article 32(2) of the Procedure Directive 2013/32, such as the application in the main proceedings, the obligation for the court or tribunal to carry out the full and *ex nunc* examination referred to in Article 46(3) of the Procedure directive is, in principle, fulfilled where that court or tribunal takes into consideration the pleadings submitted to the court or tribunal seised of the application and of the objective information contained in the administrative file in the proceedings at first instance, including, where applicable, the report or recording of the personal interview conducted in those proceedings.That conclusion is supported by the case-law of the ECtHR to the effect that there is no need for a hearing where the case does not raise any questions of fact or law that cannot be adequately resolved by referring to the file and the written submissions of the parties (judgment of 4 June 2015, Andechser Molkerei Scheitz v Commission, C-682/13 P, not published, EU:C:2015:356, paragraph 46, which refers to the judgment of the ECtHR of 12 November 2002, *Döryv.Sweden*, CE:ECHR:2002:1112JUD002839495, § 37).79

C.QUALITY STANDARDS FOR ADMINISTRATIVE AND JUDICIAL DECISIONS

21.**Assessment of COI must be done** by properly trained professionals80 acting in the framework of procedure **objectively, impartially and within reasonable time.81**

22.Objectivity and impartiality means that **specific criteria for the assessment of COI should be given due consideration,82** while from the standpoint of the CJEU the requirement for impartiality pertaining to the right to good administration in international protection cases *"encompasses, inter alia, objective impartiality, in so far as* ***there must be sufficient guarantees to exclude any legitimate doubt as to bias on the part of the national authorities concerned".*** **83**

23.Assessment of COI within reasonable time means that assessment must be conducted **without prejudice to an adequate and complete84 examination being carried out85**

**even if application is examined under priority86 or accelerated procedures.87**

24.Decision/judgment must contain **reasons in fact (COI) and in law.88** Reasons must be "*sufficiently specific and concrete to allow the person to understand why his application is being rejected.*"89 **Judicial scrutiny must provide for a "*full and ex nunc examination of both facts and points of law,* and shall ensure, where applicable, an examination of the international protection needs pursuant to Recast Qualification Directive at least in appeals procedures before a court or tribunal of first instance.90 Member States shall provide for reasonable time limits and other necessary rules for the applicant to exercise his or her right to an effective remedy pursuant to paragraph 1. the time limits shall not render such exercise impossible or excessively difficult*".91

25. **Written decision**92**/judgment should be delivered directly to an applicant, but in case that he/she has a legal representative, it should be delivered to legal representative.**93

26. In case that an applicant does not have a legal representative, **a synopsis of a written administrative decision in terms of decisive reasons of facts and law should be translated to the applicant in a language which he/she understands or is reasonably supposed to understand.94**

27. **General quality criteria for judicial decisions:**
General quality criteria for judicial decisions as being guarantees against arbitrariness (not just in asylum disputes) are the following:

- **correctness (lawfulness)**,
- **reasoning** and
- **clarity.**

In general terms the Opinion no. 11 of the Consultative Council of European Judges (CCEJ) defines
a high quality judicial decision in the sense of **"*correctness*"** as one "*which achieves a correct result – so far as the material available to the judge allows – and does so fairly, speedily, clearly and definitely".95* The Rovaniemi project points out that *"decision can be assumed to be just and lawful if, in addition to legislation, the prevailing case-law and other accepted sources of law have been taken into account in its formulation. In addition, the specific characteristics of the case at hand must have been recognised."96*

Judicial decisions must be **reasoned.**97 This serves as a safeguard against arbitrariness, but also means that the reasoning process must be transparent.98*"Reasoning concluded by judges must be comprehensible, detailed and systemic /.../ Reasons for judicial decisions must demonstrate a clear guidance for the parties and legal professionals of the fairness and lawfulness of the decision".99* The CCEJ recommends that the reasons concluded must be consistent, clear, unambiguous and not contradictory. They must allow the reader to follow the chain of reasoning which led the judge to reaching the decision. 100 The statement of reason must respond to the parties' submissions. The reasoning

must be free of any insulting or unflattering remarks about the parties; a proper balance must be found between conciseness and a proper understanding of the decision.101 Reasoning includes an examination of the factual and legal issues at the heart of the dispute. When examining factual issues, the judge may need to address objections to the evidence, especially in terms of its admissibility. The judge will also consider the weight of factual evidence likely to be relevant for the resolution of the dispute.102 The CCJE also recommends using the case-law of higher courts either as a binding or a persuasive authority - depending on the legal tradition.103
The Rovaniemi project adds that the criteria stating that reasons are to be detailed and systematic mean judges should indicate which relevant issues are in dispute, and which are not. Reasons should be drafted in a problem-oriented manner. A systemic approach means that different legal issues are settled separately in a sensible order.104

Although **clarity** as a general criterion is mostly covered by the criterion on reasoning, it is worth mentioning that the Rovaniemi Project defines a clear structure and linguistic and typographical correctness as a special criterion. Clarity in this regard is improved when the structure of the decision makes distinctions between the background of the case, evidence, reasons and the outcome, and when headings and a consistent structure are used. Comprehensibility requires the use of general language so that also the outside reader can easily understand the main thrust of the decision. The decision should also be pronounced so that it can be understood.105

28**.Duty to treat like cases alike:106** if certain country-guidance system is in place in practice, it is recommended that country-guidance system should be properly institutionalised and transparent in procedural terms.