

## **APPENDIX A**

### **Notes on Preparation of the Country Reports and Explanatory Material**

The annual Country Reports on Human Rights Practices are prepared by reviewing information available from a wide variety of sources, including U.S. and foreign government officials; victims of alleged human rights violations and abuses; academic and congressional studies; and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights. The Department finds particularly helpful the role of NGOs, whether within a single country or those that have an international perspective. We cite NGO findings frequently within the Country Reports, using those sources or information it considers credible.

The Country Reports cover respect for human rights in foreign countries and territories worldwide. They do not purport to assess human rights implications of actions taken by the U.S. Government or its representatives. Moreover, any allegations or reports of Coalition operations in Iraq and Syria resulting in civilian casualties, including allegations directed at specific countries, are not addressed in the Country Reports but are instead addressed elsewhere, such as in public statements by the U.S. Government and investigations by the U.S. military or other authorities when appropriate.

To comply with the congressional requirement for the reporting on human rights practices, the Department provides guidance to U.S. diplomatic missions annually in August for submission in September and October of draft reports, which the Department updates to the extent possible by year's end. A wide spectrum of concerned offices in the Department of State provides contributions, and the Bureau of Democracy, Human Rights, and Labor prepares a final draft of each Country Report.

The Department strives to make the reports comprehensive, objective, and uniform in scope and quality. We seek a high standard of consistency in the reports despite the multiplicity of sources and the diversity of countries. For purposes of focus and streamlining, the reports select a few illustrative examples of abuse and adopt follow-up in most instances only on the previous year's high-profile unresolved abuse cases. For the 2015 reports, the Department's annual instructions changed many reporting requirements to remove reporting if no abuses were involved. An example is a reduction in information on prison conditions that are adequate, allowing the reports to focus more on abuses while cutting routine descriptive detail.

Evaluating the credibility of reports on human rights violations and abuses remains difficult. Most governments and opposition groups deny they commit human rights violations or abuses and occasionally go to great lengths to conceal any wrongdoing. There may be few eyewitnesses to specific violations or abuses. Frequently, eyewitnesses are intimidated or prevented from reporting what they know. On the other hand, individuals and groups opposed to a government may have incentive to exaggerate or fabricate abuses. In similar fashion, some governments may distort or exaggerate abuses attributed to opposition groups. The Department seeks to identify those groups (for example, government forces) or individuals who all the evidence available indicates have committed human rights violations or abuses or other problematic conduct.

Many governments that profess to ensure respect for human rights in principle may in fact secretly order or tacitly condone violations. Consequently, in judging a government's policy, the reports look beyond statements of policy or intent to examine what a government actually did to protect human rights and promote accountability, including the extent to which it investigates, brings to trial, and punishes those responsible for any violations or abuses.

Section 6 of each country report discusses abuses targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). That section also has information regarding socioeconomic discrimination, such as that against persons with HIV/AIDS; societal violence against children, members of the gay, lesbian, bisexual, transgender, and intersex (LGBTI) community, persons with disabilities, or ethnic minorities; and the efforts, if any, of governments to combat these problems. Starting in 2014 reporting also includes, when known, abuses by private-sector entities.

The following notes on specific sections in each country report provide an overview of the key problems covered, but they are not intended to be comprehensive descriptions:

Arbitrary or Unlawful Deprivation of Life: Includes killings ordered by governments or committed by governments without due process of law, including when there is evidence of a political motive. This section also includes illustrative killings by police or security forces and actions that resulted in the unintended death of persons without due process of law.

The section generally excludes combat deaths and criminal killings. The reports cover deaths in detention due to adverse conditions in subsection 1.c., under Prison

and Detention Center Conditions. In optional subsection 1.g., the reports cover summary deaths where there was significant internal conflict.

Disappearance: Covers cases in which the government may be involved in a disappearance and in which the victims have not been found. Cases eventually classified as political killings because the bodies of missing persons are discovered would be covered in the previous section, while those eventually identified as having been arrested or held in detention may be covered in subsection 1.d., under Arbitrary Arrest or Detention.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment: Covers torture, defined in the Convention Against Torture, Article 1, as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind,” and cruel, inhuman, or degrading treatment or punishment committed by or at the instigation of or with the consent of a public official or other person acting in an official capacity. The subsection discusses actual occurrences, not whether they fit any precise definition, and includes use of physical and other force that may fall short of torture but which is cruel, inhuman, or degrading. There also may be discussion of poor treatment that may not constitute torture or cruel, inhuman, or degrading treatment. The section also covers prison conditions and deaths in prison due to adverse conditions.

Arbitrary Arrest or Detention: Includes cases in which criminal detainees, including political detainees, are held arbitrarily in official custody without being charged or, if charged, without a public preliminary judicial hearing within a reasonable period. The section also includes subsections on the role of the police and security apparatus, arrest and detention practices, and any amnesties that may have occurred during the year.

Denial of Fair Public Trial: Notes whether there is an independent judiciary free of corruption and whether trials are fair and public (failure to hold any trial is noted in the section above). The subsection Political Prisoners and Detainees covers persons convicted, imprisoned, or detained essentially for political beliefs or nonviolent acts of dissent or expression, regardless of the actual legal charge. The subsection Civil Judicial Procedures and Remedies notes whether there is access to an independent and impartial court to seek damages for or cessation of an alleged human rights violation. The optional subsection Property Restitution is included if there is a systemic failure of a government to enforce court orders with respect to

restitution or compensation for the taking of private property under domestic law. This subsection is not intended to discuss or evaluate individual claims.

Arbitrary Interference with Privacy, Family, Home, or Correspondence: Includes government punishment of family members for alleged offenses committed by other individuals and efforts to coerce or forbid membership in a political organization. It includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but it does not cover certain practices, such as female genital mutilation, which are addressed in section 6 under women's and children's issues.

Use of Excessive Force and Other Abuses in Internal Conflicts: This subsection applies only to countries experiencing significant internal conflict and describes reported abuses in such situations. It includes reports of unlawful killings in situations of significant internal conflict (reports of extrajudicial killing of specific individuals in situations that do not involve significant internal conflict are discussed in the subsection on Arbitrary or Unlawful Deprivation of Life). This subsection also includes reports of abuses against civilians. For countries where use of this subsection would be inappropriate because there is no significant internal conflict, reports of unlawful killings by security forces are discussed in the subsection on Arbitrary or Unlawful Deprivation of Life. Additionally, reports of nonlethal abuses, including in situations of significant internal conflict, are discussed in the subsection on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Any reports of the unlawful use of child soldiers by either government forces or by other organized armed groups are discussed in this subsection. Also covered are reports of attacks on health-care facilities, workers, ambulances, or patients. This subsection also includes reports concerning any restriction on medical facilities or services in a situation of significant internal conflict.

Freedom of Speech and Press: Evaluates whether these freedoms exist and describes any direct or indirect restrictions, including intimidation and censorship. A subsection on internet freedom includes discussion of monitoring or restrictions on the freedom of expression, the freedom to seek, receive, or impart information, ideas, and opinions via the internet. Another subsection, entitled Academic Freedom and Cultural Events, includes information on restrictions, intimidation, and censorship in these fields.

Freedom of Peaceful Assembly and Association: Evaluates the ability of individuals, including with others (through political parties) to exercise these freedoms. It considers instances of government failure to provide permits or licenses for meetings and demonstrations, as well as information on the ability of

trade associations, professional bodies, NGOs, and similar groups to maintain relations or affiliate with recognized international bodies in their fields. Section 7, Worker Rights, discusses the right of workers to associate, organize, and bargain collectively.

Freedom of Religion: Notes that all Country Reports have a hyperlink to the Department of State's *International Religious Freedom Report*. Information on anti-Semitism are located in section 6 under a separate heading by that name.

Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons: Discusses whether and under what circumstances governments exiled citizens; restricted foreign travel, especially for women or members of minority populations; and revoked passports. It includes subsections on Internally Displaced Persons (if applicable), Protection of Refugees, and Stateless Persons (if applicable). As defined in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, refugees are persons outside their country of origin or, if stateless, outside their country of habitual residence who have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and who are unable or unwilling to avail themselves of the protection of that country. Under certain regional instruments, such as the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, the term refugee may also refer to persons displaced by civil strife, widespread violence, or natural disaster. The subsection Protection of Refugees reviews the government's extension of assistance and protection to refugees, including *refoulement*, the provision of temporary protection, support for voluntary repatriation, longer-term integration opportunities, and third-country resettlement. It also covers abuse and discrimination against refugees and asylum seekers.

The affected Country Reports discuss the large number of persons from Syria, Iraq, Afghanistan, and sub-Saharan Africa who sought refuge outside their homelands. In some cases economic migrants joined the flow, arriving in Europe by various routes. In countries where they first arrived, their numbers overwhelmed the administrative abilities to process and adjudicate their applications and to provide them with shelter and care. Many individuals sought to reach Germany and Sweden and successively overwhelmed the resources of those countries as well. The European Union tried to formulate a plan to relocate the migrants and asylum seekers among its 28 member states. At year's end the plan's political and administrative viability was still to be determined.

The subsection on stateless persons examines whether a country has habitual residents who are legally stateless (not recognized as nationals under the laws of

any state) or de facto stateless (not recognized as nationals by any state even if these individuals have a claim to nationality under the laws of a particular state). The report reviews whether the government has implemented effectively laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. The subsection examines, among other matters, whether there is violence or discrimination against members of resident stateless populations in employment, education, housing, health services, marriage or birth registration, access to courts, or the owning of property.

Freedom to Participate in the Political Process: Discusses the extent to which citizens have freedom of political choice and the right recognized in law, as well as the ability in practice to take part in the conduct of public affairs and choose their government, including through the right to vote. The subsection Elections and Political Participation assesses whether elections were free and fair, including participation by women and minorities on an equal basis.

Corruption and Lack of Transparency in Government: Covers allegations of corruption in the executive, legislative, and judicial branches of government and actions taken to combat it. The section covers whether the public has access in law and practice to government information.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights: Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses), whether these groups are subject to reprisal by government or other forces, and whether government officials are cooperative and responsive to their views. The section also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country. It reports on national human rights commissions, parliamentary commissions, relations with international tribunals, international investigative mechanisms, and transitional justice mechanisms.

Discrimination, Societal Abuses, and Trafficking in Persons: Contains subheadings on Women; Children; Anti-Semitism; Trafficking in Persons; Persons with Disabilities; Societal Abuses, Discrimination, Acts of Violence, Discrimination, and other Abuses Based on Sexual Orientation and Gender Identity; HIV and AIDS Social Stigma; and Other Societal Violence or Discrimination. If applicable, it also includes subheadings on National/Racial/Ethnic Minorities, Indigenous People, and Promotion of Acts of Discrimination. The section addresses discrimination and abuses not discussed

elsewhere in the report, focusing on laws, regulations, or state practices denying or impeding equal access to employment, education, health care, or other governmental benefits for members of specific groups. (The Country Reports address Abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or free speech targeted against specific groups, under the appropriate preceding sections.)

The subsection Women discusses societal violence against women, such as dowry deaths, “honor killings,” wife beating, rape, and female genital mutilation on those both over age 18 and those under 18 years. Included is information on any government tolerance of such practices, as well as the extent to which the women have access to equality of economic opportunity. A paragraph on reproductive rights reports on the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children.

The subsection Children discusses violence or other abuse against children, and, as applicable, access to education and health care, as well as other issues.

The subsection on Anti-Semitism discusses anti-Semitic abuses. The material was formerly under section 2.c. on Religious Freedom, which now contains only a hyperlink to the most recent *International Religious Freedom Report*. Within that report, there is also material on anti-Semitism.

The Trafficking in Persons subsection contains a hyperlink to the Department of State’s most recent *Trafficking in Persons Report*.

The subsection Persons with Disabilities covers discrimination against persons with physical or mental disabilities in, among other things, employment, education, and the provision of other government services. The subsection on Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity notes laws criminalizing sexual orientation and reports on discrimination against gay, lesbian, bisexual, transgender, and intersex persons.

Notes on the preparation of section 7, Worker Rights, are contained in Appendix B.

### **Explanatory Material**

Occasionally the Country Reports on Human Rights Practices state that a country “generally respected” the rights of its citizens. We used the phrase “generally respected” because the protection and promotion of human rights is a dynamic endeavor. It cannot be stated with absolute accuracy that any government fully respects these rights at all times without qualification, even in the best of

circumstances. Accordingly, the reports use “generally respected” as a standard phrase to describe countries that attempt to protect human rights in the fullest sense, and it is thus the highest level of respect for human rights assigned by these reports.

In some instances, Country Reports use the word “Islamist,” which refers to a Muslim who supports Islamic values and beliefs as the basis for political and social life.

Since the Secretary of State designates foreign groups or organizations as foreign terrorist organizations (FTOs) on the FTO list, the reports describe as “terrorists” only those groups on the current Department of State FTO list.

“Protection against *refoulement*” refers to whether the government refrained from expelling or returning a refugee in any manner to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, political opinion, or membership in a particular social group. The deportation of unsuccessful asylum seekers is not necessarily *refoulement*.

While the Country Reports describe facts relevant to human rights concerns, the reports do not reach legal conclusions.