

## APPENDIX A

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

Acts of Congress mandate the annual submission of the Country Reports on Human Rights Practices. The Country Reports on Human Rights Practices cover internationally recognized civil and political rights, including those set forth in the Universal Declaration of Human Rights, as well as worker rights. These include the rights not to be subjected to torture or other cruel, inhuman, or degrading treatment or punishment; to prolonged detention without charges; to disappearance or clandestine detention; and to other violations of the right to life, liberty, and the security of person.

Human rights seek to incorporate respect for human dignity into the processes of government and law. All individuals have the right to a nationality and the right to certain freedoms, such as freedoms of expression, association, peaceful assembly, and religion, without any distinction. The right to join a free trade union is a necessary condition of a free society and economy. Thus the reports assess key internationally recognized worker rights, including the right of association; the right to bargain collectively; the prohibition of forced or compulsory labor; the status of child labor practices and the minimum age for employment of children; discrimination with respect to employment; and acceptable work conditions.

The 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. Particularly helpful for citation are NGOs, whether within a single country or those with an international perspective.

The Country Reports cover respect for human rights in foreign countries and territories worldwide. They do not purport to assess the human rights implications of actions taken by the U.S. Government or its representatives.

To comply with the congressional requirement for reporting on human rights practices, the Department provides guidance to U.S. diplomatic missions annually in July for submission of updated texts in September and October. The Department updates these texts 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 U. S. Department of Labor contributes to material in section 7 on worker rights (see Appendix B for more detail).

The Department strives to make the reports comprehensive, objective, and uniform in scope. 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 alleged abuses and follow up in most instances only on the previous year's high-profile unresolved cases. Starting in 2015 and continuing into 2016, the Department's annual instructions changed many requirements to remove reporting if no allegations of abuse were involved. An example is a reduction in information on prison conditions considered adequate, allowing the reports to increase focus on reported abuses while cutting routine descriptive detail.

For the 2017 reports, the Department made a few such changes to sharpen the focus of the reports on violations of internationally recognized human rights and each government's actions in regard to such violations.

For example, in the Executive Summary of each country report we have focused on the most egregious types of violations of internationally recognized human rights, if applicable to the country concerned. These include extrajudicial killing, torture, harsh and life threatening prison conditions, egregious interference in freedoms of expression, assembly, association, and religion, as well as bias-motivated crimes of violence and similar abuses. We have not included in the summary many other issues that are common, such as overcrowding in prisons and societal discrimination, but these continue to be covered in the body of the reports.

While we continue to report on societal conditions, including discrimination, that can affect the enjoyment of internationally recognized human rights, we have sought to reduce the amount of statistical data in each of these subsections of the report illustrating those conditions. In the age of the internet the underlying data is readily available and we have sought to provide links to it rather than repeat it in the text of the reports.

Evaluating the credibility of reports of 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 alleged 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 for whom available

evidence indicates probable involvement in human rights violations or abuses or other problematic conduct.

Many governments that profess to respect human rights in principle may in fact secretly order or tacitly condone violations or abuses. Consequently, 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 investigated, brought to trial, or punished those responsible for any violations or abuses.

The Country Reports describe facts relevant to human rights concerns. Notwithstanding terms that may be used in the reports, the reports do not state or reach conclusions about the application of domestic or international law to those facts.

Occasionally the Country Reports on Human Rights Practices state that a country “generally respected” the rights of individuals. The Department uses 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 and promote human rights in the fullest sense, and it is thus the highest level of respect for human rights assigned by these reports.

Because 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.

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 and Other Unlawful or Politically Motivated Deprivation of Life:

Includes killings ordered by governments or committed by governments without fair trial and final appeal guarantees, including when there is evidence of a political motivation. This section also includes illustrative killings by police or security forces and actions that resulted from excessive use of force or other abuses contrary to human rights obligations and commitments, including equal protection of law.

The section generally excludes combat deaths and killings by non-state actors such as criminals. The reports cover deaths in detention due to adverse conditions in subsection 1.c., under Prison and Detention Center Conditions. Killings by terrorist groups, for example, are covered after government abuses. In optional subsection 1.g., used for countries where there was significant internal conflict, the reports cover unlawful killings and deaths resulting from indiscriminate use of force by government forces, those acting on the government's behalf, or opposition forces.

Disappearance: Covers cases in which the government may be involved in the abduction, disappearance, and refusal to account for the fate of the victims, including cases in which the victims have not been found. Cases eventually classified as political killings after 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 or acquiescence of a public official or other person acting in an official capacity. The subsection discusses reported occurrences without analysis of whether they fit any precise definition, and includes reported uses of physical and other force that may fall short of torture but which may be cruel, inhuman, or degrading. This section also may include reports of ill treatment that may not constitute torture or cruel, inhuman, or degrading treatment or punishment. Furthermore, the section covers prison and detention center conditions and deaths in such facilities due to poor conditions.

Arbitrary Arrest or Detention: Includes cases in which criminal detainees are held arbitrarily in official custody without being charged or, if charged, without being brought promptly before a judicial authority with power to detain or without trial within a reasonable time. The section also includes subsections on the role of the police and security apparatus, arrest and detention practices outside the criminal justice system, and any amnesties that may have occurred during the year.

Denial of Fair Public Trial: Notes whether there is an independent and impartial judiciary free of corruption or political influence and whether trials are fair and public and afford criminal defendants the minimum guarantees recognized internationally as necessary for a criminal defense (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, particularly based on overly broad and sweeping charges intended to stifle the exercise of human rights and fundamental freedoms. The subsection Civil Procedures and Remedies notes whether there is access to an independent and impartial court or other competent authority to seek a remedy, whether 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 or Unlawful Interference with Privacy, Family, Home, or Correspondence: Includes government punishment of family members for alleged offenses committed by other individuals. It includes coercive population control measures, including coerced abortion and involuntary sterilization, but it does not cover certain practices, such as female genital mutilation and early and forced marriage, which are addressed in section 6 under women's and children's issues.

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. This subsection also includes reports of abuses against civilians by members of the armed forces, other groups that may support the government but may also commit abuses, or groups in political opposition to the government. 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 Expression, Including for the Press: Evaluates whether the freedom of expression, including of media, exists and describes any direct or indirect undue restrictions, including intimidation and censorship. A subsection on internet freedom includes discussion of monitoring or restrictions on the exercise of freedom of expression online, including the freedom to seek, receive, or impart information, ideas, and opinions. Another subsection, entitled Academic Freedom and Cultural

Events, includes information on restrictions, intimidation, and censorship in these fields.

Freedoms 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: Provides a hyperlink to the Department of State's *International Religious Freedom Report*. Information on anti-Semitism appears in section 6 under a heading by that name.

Freedom of Movement: Discusses whether and under what circumstances governments exiled citizens; restricted internal and foreign travel, including 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 are unable or unwilling to avail themselves of the protection of that country based on a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion. 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 or other forms of generalized violence. The subsection Protection of Refugees covers abuse and discrimination against refugees and asylum seekers. It also reviews the government's extension of assistance and protection to refugees, including protection against refoulement, the provision of temporary protection, support for voluntary repatriation, longer-term integration opportunities, and third-country resettlement.

“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, or where there are substantial grounds for believing that an individual would be in danger of

being subjected to torture. The deportation of unsuccessful asylum seekers is not necessarily refoulement.

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 whether the law provides citizens the ability to choose their government in genuine free and fair periodic elections based on universal and equal suffrage and whether in practice citizens had the freedom to participate in the conduct of public affairs free of discrimination or unreasonable restriction. 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 also covers whether elected and appointed officials must make financial disclosures.

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 by investigating and allowing the publication of 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, and relations with international human rights organizations.

Discrimination, Societal Abuses, and Trafficking in Persons: Contains subsections on Women; Children; Anti-Semitism; Trafficking in Persons; Persons with

Disabilities; Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity. If applicable, it also includes subsections on National/Racial/Ethnic Minorities, Indigenous People, HIV and AIDS Social Stigma, Other Societal Violence or Discrimination, and Promotion of Acts of Discrimination. The section addresses discrimination and abuses not discussed elsewhere in the report, focusing on laws, regulations, and state practices denying or impeding equal access to employment, education, health care, or other governmental benefits for members of specific groups. Reluctance to report abuse--by women, children, LGBTI persons, and members of other groups--is, of course, a factor in the underreporting of abuses all the time, in all countries. In order to avoid being too repetitive, we do not make this point every time we cover a particular issue, but readers should be aware that it is a significant factor in these kinds of abuses in all countries and cultures. (The Country Reports address abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or freedom of expression targeted against specific groups, under the appropriate preceding sections.)

The subsection Women discusses societal violence against women, such as dowry deaths, "honor killings," domestic violence, rape, and female genital mutilation/cutting. Included is information on any government tolerance of, and efforts to prevent, such practices as well as the extent to which the women have access to equality of economic opportunity and protection from discrimination and sexual harassment. A revised subsection changes the focus from "reproductive rights," which sought to cover the availability of contraceptives and maternal health issues, to cover more directly the requirement of U.S. law that we report on coercive family planning practices, such as coerced abortion and involuntary sterilization. Our focus is on coercive government action, and we therefore do not cover instances in which family members or partners may pressure someone to have an abortion. However, when rebel or terrorist groups impose such policies on persons, we do cover that, just as we cover rebel or terrorist abuses in other sections of the reports, when they equate to government actions.

The subsection Children discusses early and forced marriage and sexual exploitation of children; as applicable, it also addresses access to education and health care, and violence or other abuse against children, as well as other issues.

The subsection on Anti-Semitism discusses anti-Semitic abuses. Section 2.c. on Religious Freedom provides a hyperlink to the most recent *International Religious Freedom Report*, which also contains 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, mental, or intellectual 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 offenses related to homosexual status or conduct and reports on violence and discrimination against gay, lesbian, bisexual, transgender, and intersex persons, as well as those with HIV/AIDS.

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