

APPENDIX A

Notes on Preparation of the Country Reports And Explanatory Notes

The annual Country Reports on Human Rights Practices are based on information available from a wide variety of sources, including U.S. and foreign government officials, victims of human rights abuse, academic and congressional studies, and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights. We find particularly helpful, and make reference in the reports to, the role of NGOs, ranging from groups within a single country to those that concern themselves with human rights worldwide. While much of the information that we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources. This report reflects the Department of State's assessments and concerns with respect to the human rights situation around the world. The Department of States does not use sources or information it believes lack credibility.

By law, the Secretary of State must submit the Country Reports to Congress by February 25. The Country Reports cover respect for human rights in foreign countries and territories worldwide; they do not purport to assess any human rights implications of actions by the United States Government or its representatives, nor do they consider human rights implications of actions by the United States Government or of coalition forces in Iraq or Afghanistan. To comply with the congressional requirement for the reporting of human rights practices, we provide guidance to U.S. diplomatic missions in August for submission of draft reports in September and October, which we update at year's end as necessary. Other offices in the Department of State provide contributions, and the Bureau of Democracy, Human Rights and Labor prepares a final draft. Due to the submission deadline, the report will not reflect developments that became known after the end of the year. However, we make every effort to include references to major events or significant changes in trends.

We have attempted to make the reports as comprehensive, objective, and uniform as possible in both scope and quality of coverage. We have paid particular attention to attaining a high standard of consistency in the reports despite the multiplicity of sources and the problems associated with varying degrees of access to information, structural differences in political, legal, and social systems.

Evaluating the credibility of reports of human rights abuses is often difficult. Most governments and opposition groups deny that they commit human rights abuses and sometimes go to great lengths to conceal any evidence of such acts. There are

often few eyewitnesses to specific abuses, and they frequently are intimidated or otherwise prevented from reporting what they know. On the other hand, individuals and groups opposed to a government sometimes have powerful incentives to exaggerate or fabricate abuses, and some governments similarly distort or exaggerate abuses attributed to opposition groups. We have made every effort to identify those groups (for example, government forces) or individuals who are believed, based on all the evidence available, to have committed human rights or other related abuses. Many governments that profess to oppose human rights abuses in fact secretly order or tacitly condone them or simply lack the will or the ability to control those responsible for them. Consequently, in judging a government's policy, the reports look beyond statements of policy or intent and examine what a government has done to prevent human rights abuses, including the extent to which it investigates, brings to trial, and appropriately punishes those who commit such abuses.

To increase uniformity, each country report begins with a brief overview that includes a description of the country's political structure and the extent to which civilian authorities control security agencies. The overview summarizes human rights developments during the calendar year, identifying abuses and notable specific improvements.

We have continued the effort from previous years to cover in the reports human rights problems affecting women, children, persons with disabilities, and indigenous people. The appropriate section of each country report discusses any abuses that are targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). In Section 6, we discuss socioeconomic discrimination; discrimination against persons with HIV/AIDS; societal violence against women, children, the gay, lesbian and transgender community, persons with disabilities, or ethnic minorities; and the efforts, if any, of governments to combat these problems.

The following notes on specific sections in each country report are not meant to be comprehensive descriptions but rather to provide an overview of the key problems covered and their organization:

Arbitrary or Unlawful Deprivation of Life--Includes killings by governments without due process of law or where there is evidence of a political motive. This section also covers extrajudicial killings (for example, the unlawful and deliberate killing of individuals carried out by order of a government or with its complicity), as well as 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 killings by common criminals if the likelihood of political motivation can be ruled out. Deaths in detention due to adverse conditions are covered in detail in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

Disappearance--Covers cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified. Cases eventually classified as political killings in which the bodies of missing persons are discovered also are covered in the previous section, while those eventually identified as having been arrested or held in detention may be covered under "Arbitrary Arrest or Detention."

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment--Covers torture (an act of intentionally inflicting severe pain, whether physical or mental) and cruel, inhuman, or degrading treatment or punishment committed by or at the instigation of government forces, including paramilitary forces, or opposition groups. The section 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, including judicially sanctioned violent or abusive punishment. 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 detainees, including political detainees, are held arbitrarily in official custody without being charged or, if charged, are denied 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--Describes the court system and evaluates whether there is an independent judiciary free of corruption and whether trials are both 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" inquires 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.

Arbitrary Interference with Privacy, Family, Home, or Correspondence—Includes government punishment of family members for alleged violations of law by individuals and efforts to coerce or forbid membership in a political organization. The reports discuss the right of the individual to noninterference by the state. It includes the right to receive foreign publications, for example, while the right to publish is discussed under "Freedom of Speech and Press." Includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but does not include cultural or traditional practices, such as female genital mutilation, which are addressed under "Discrimination and Societal Abuses."

Use of Excessive Force and Other Abuses in Internal Conflicts--This optional section describes abuses in countries experiencing significant internal conflict. Includes indiscriminate, nonselective killings arising from excessive use of force, or by the shelling of villages (deliberate, targeted killing of civilians is discussed in the section on "Arbitrary or Unlawful Deprivation of Life"). This section also includes abuses against civilian noncombatants. For countries where use of this section would be inappropriate because there is no significant internal or external conflict, killings by security forces are discussed in the section on "Arbitrary or Unlawful Deprivation of Life"; nonlethal abuses are discussed in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

Freedom of Speech and Press--Evaluates whether these freedoms exist and describes any direct or indirect restrictions. A subsection ("Internet Freedom") includes discussion of monitoring or restriction on the expression of opinion 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 and groups (including 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. The right of workers to associate, organize, and bargain collectively is discussed under the section on "Worker Rights" (see Appendix B).

Freedom of Religion—All country reports have a hyperlink to the most current International Religious Freedom Reports published by the Department of State.

Examples of anti-Semitism are moved to Section 6 under its own subsection, appearing after Children and before Trafficking.

Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons--The section discusses whether and under what circumstances governments exiled citizens, restricted foreign travel, especially for women, and revoked passports. It includes subsections "Internally Displaced Persons (IDPs)" (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 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 *nonrefoulement*, 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. 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 effectively implemented laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. The subsection also examines, among other matters, whether there is violence or discrimination against stateless persons in employment, education, housing, health services, marriage or birth registration, access to courts, or the owning of property.

Respect for Political Rights: The Right of Citizens to Change Their Government--Discusses the extent to which citizens have freedom of political choice and the legal right and ability in practice to change the laws and officials that govern them. The subsection "Elections and Political Participation" assesses whether elections were free and fair, including participation by women and minorities on an equal basis.

Official Corruption and Government Transparency--Covers allegations of corruption in the executive, legislative and judicial branches of government and

actions taken to combat it. Also, 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. Reports on national human rights commissions, parliamentary commissions, relations with international war crimes tribunals and truth or similar commissions.

Discrimination, Societal Abuses, and Trafficking in Persons--Contains subheadings on Women; Children; Anti-Semitism, Trafficking in Persons; Persons with Disabilities; Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity; and Other Societal Violence or Discrimination. If applicable, also includes subheadings on National/Racial/Ethnic Minorities, Indigenous People, and Incitement to Acts of Discrimination. The section addresses discrimination and abuses not discussed elsewhere in the report, focusing on laws, regulations, or state practices that are inconsistent with equal access to housing, employment, education, health care, or other governmental benefits for members of specific groups. (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 would be discussed under the appropriate preceding sections.)

The subsection "Women" discusses societal violence against women, e.g., "dowry deaths," "honor killings," wife beating, rape, female genital mutilation, and government tolerance of such practices, as well as the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. 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.

The subsection on "Anti-Semitism" discusses anti-Semitic abuses. The material used to be found under Section 2.c. on Religious Freedom; that section now

contains a hyperlink to the most recent International Religious Freedom Report. Within that report, there is material on anti-Semitism, but such information is also included in the Country Reports.

The "Trafficking in Persons" subsection contains a hyperlink to the most recent Trafficking in Persons report of the Department of State.

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 "Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity" notes laws criminalizing sexual orientation and reports on discrimination against gays, lesbians, bisexual, and transgender persons.

Worker Rights--See Appendix B.

Explanatory Notes

Occasionally the Country Reports on Human Rights Practices state that a country "generally respected" the rights of its citizens. The phrase "generally respected" is used because the protection and promotion of human rights is a dynamic endeavor; it cannot accurately be stated that any government fully respected these rights all the time without qualification in even the best of circumstances. Accordingly, "generally respected" is the standard phrase used to describe all countries that attempt to protect human rights in the fullest sense, and is thus the highest level of respect for human rights assigned by this report.

In some instances, Country Reports use the word "Islamist," which should be interpreted by readers as 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, only those groups on the FTO list dated November 24, 2010 will be described as "terrorists" in the reports.

When describing whether a government provides "protection against *refoulement*," the reports are referring to whether the government refrained from expelling or returning a refugee in any manner whatsoever 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.

Subject headings in these reports are used to introduce general topics, and the report text that follows such headings is intended to describe facts generally relevant to those topics and is not intended to reach conclusions of a legal character.