

# THEMATIC REVIEW

U.S. Department of State's Country Reports  
on Human Rights Practices (2016–2020)



TORTURE

CHILDREN

WOMEN

REPRODUCTIVE RIGHTS

STATELESSNESS

LGBTI PERSON

PERSONS WITH DISABILITIES

SEPTEMBER 2021

# ACKNOWLEDGEMENTS

This report was researched and written by Stephanie Huber with input provided by Mike Kaye. Design by Iris Teichmann.



**We are extremely grateful to the Joseph Rowntree Charitable Trust for their support of this project.**

## FEEDBACK AND COMMENTS

Please help us to improve and to measure the impact of our publications. We'd be extremely grateful for any comments and feedback on this report or on how they have been used in refugee status determination processes, or beyond. You can leave comments at: [asylumresearchcentre.org/feedback](https://asylumresearchcentre.org/feedback). Thank you. Please direct any questions to: [info@asylumresearchcentre.org](mailto:info@asylumresearchcentre.org)

## ASYLUM RESEARCH CENTRE

[Asylum Research Centre](#) (ARC) was set up in 2010 and together with its charitable arm, ARC Foundation, works to improve the quality of the asylum process by ensuring that decision-makers have access to high quality Country of Origin Information (COI). ARC is an internationally recognised source of expertise on the production and use of COI and the promotion of COI research standards and methodologies. Its work includes:

- Providing a case-specific research service for asylum and human rights applicants, including in a number of factual-precedent setting Country Guidance (CG) cases;
- Producing country of origin information reports for UNHCR since 2012;
- Undertaking reviews of country reports for the UK Independent Chief Inspector of Borders and Immigration;
- Reviewing the content of UK Home Office Country Policy and Information Notes for the past eleven years;
- Reviewing country reports published by the European Asylum Support Office (EASO) for the past seven years;
- Producing a series of five reports with our project partner Asylos, to fill gaps in information by combining desk-based research and interviews with a wide range of interlocutors;
- Developing and delivering COI training.

ARC is an active member of EASO's Consultative Forum providing technical expertise related to COI. ARC also provides a bi-monthly COI Update for subscribers and moderates the international [COI Forum](#). Further information about ARC's activities are available in its [2020 Annual Report](#) and on its [website](#).

ARC Foundation publications are covered by the Create Commons License BY-NC 4.0 allowing for limited use of ARC publications provided the work is properly credited to ARC and it is for non-commercial use.



Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

# INTRODUCTION



The U.S. Department of State's *Country Reports on Human Rights Practices* have been issued annually since 1976 and now cover nearly 200 countries. The reports are relied upon to inform foreign aid, foreign policy and diplomatic engagements, as well as being used as a tool for human rights defenders and governments to highlight human rights abuses and to hold regimes to account.<sup>1</sup> These reports are also widely used in the refugee status determination process and relied upon and frequently cited by asylum policy makers, state refugee decision-makers, the UN Refugee Agency (UNHCR), the European Asylum Support Office (EASO), as well as people claiming asylum and their legal representatives.

When the 2017 edition was published in March 2018 by President Trump's administration, it became immediately clear that there were structural amendments to the 2017 reports, compared to the 2016 edition, which covered events in the last year of President Obama's administration. The 2017 reports had in general become shorter and certain sections were removed or renamed, significantly altering the content of the reports.

In light of these developments and the importance of the U.S. Department of State reports to the refugee status determination process, ARC decided to undertake a detailed review of selected country reports to assess the way human rights issues were being recorded or omitted by the U.S. Department of State under the Trump administration.

This research involved a line by line comparative analysis of the full content of five U.S. Department of State *Country Reports on Human Rights Practices*, namely Eritrea, Iran, Iraq, Pakistan and Sudan, covering events in 2016, the last year of President Obama's administration, and subsequent annual editions produced by President Trump's administration, i.e. covering events in 2017, 2018, 2019 and 2020. Our analysis focused on changes in the way that human rights issues had been documented across the respective reports. It did not attempt to identify all gaps in how the U.S. Department of State reports had documented human rights abuses or all inconsistencies between the U.S. Department of State reports and other sources.

The *Summary* of ARC's review, together with the five *country chapters* and the full *Introduction and Methodology* were first published as separate reports in October 2020 covering findings from reviewing the 2017, 2018 and 2019 U.S. Department of State *Country Reports on Human Rights Practices* reports. An updated version of ARC's reports incorporating findings from the review of the 2020 U.S. Department of State reports has been published in September 2021 and can be found on [ARC's website](#):

- **Summary**
- **Introduction and Methodology**
- **Eritrea**
- **Iran**
- **Iraq**
- **Pakistan**
- **Sudan**

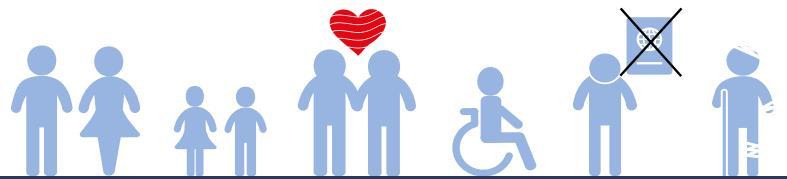
---

<sup>1</sup> Council on Foreign Relations, [Human Rights Reporting and U.S. Foreign Policy](#), 25 March 2009; Foreign Policy, [The Trump Administration Is Erasing Reproductive Rights at Home and Abroad](#), 23 October 2018

# INTRODUCTION

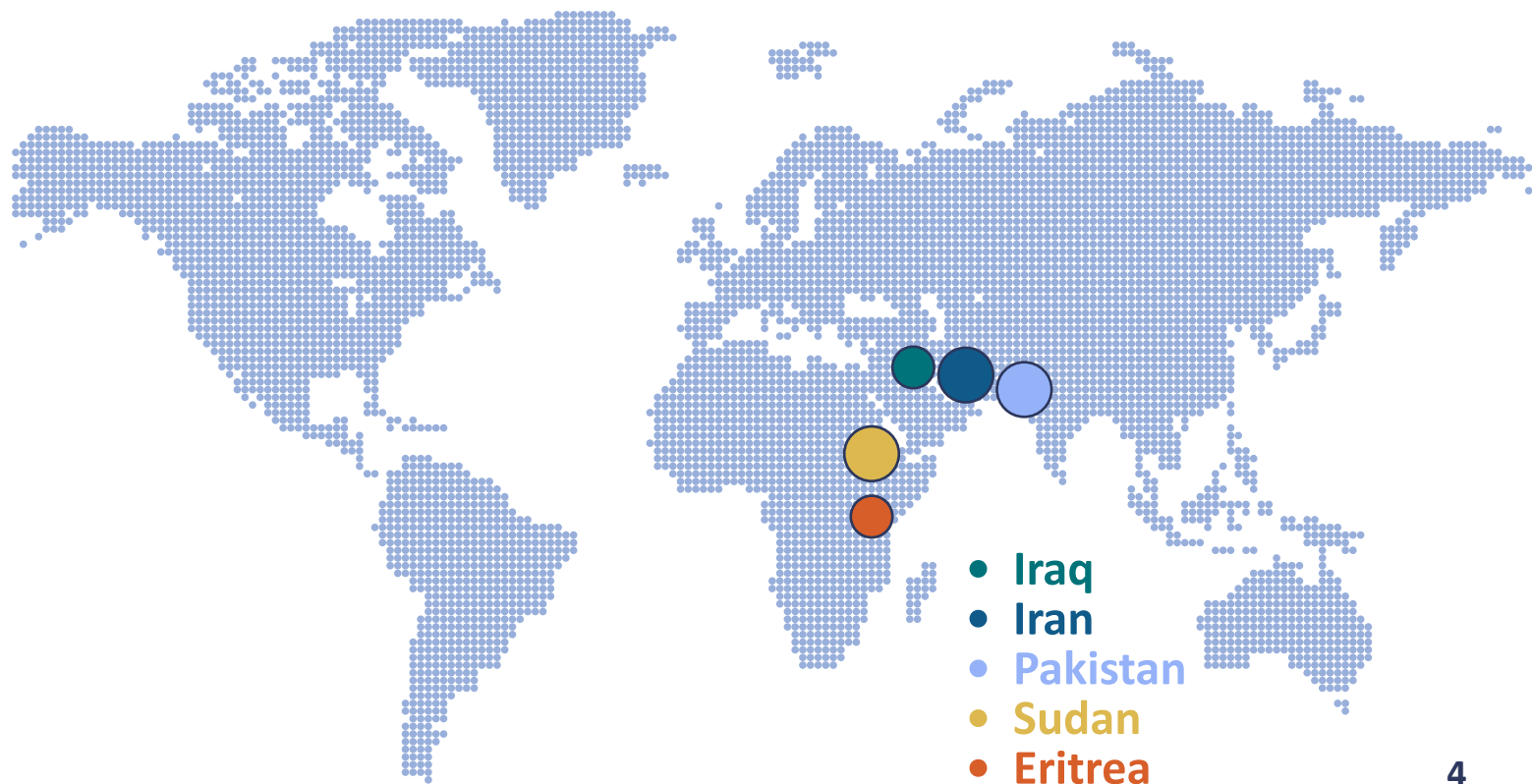


As common themes were observed across the years and across the reports in relation to how the U.S. Department of State addressed specific human rights violations and how it dealt with human rights abuses affecting particular profiles the usefulness of compiling a *Thematic Review* emerged. This *Thematic Review* is intended to benefit the wider human rights community, as well as those working within the asylum sector, covering the following issues and profiles:



- TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT
- WOMEN, INCLUDING THEIR REPRODUCTIVE RIGHTS
- CHILDREN
- PERSONS WITH DISABILITIES
- LGBTI PERSONS
- STATELESSNESS

For more detailed information on these key thematic and profile specific observations consult the respective country chapters.



# KEY THEMATIC OBSERVATIONS



## TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

### MAIN OBSERVATIONS

All reports across all five years and five countries included subsection *c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* as part of section 1. *Respect for the Integrity of the Person, Including Freedom from: [...]*. Within this subsection information was presented under the headings *Prison and Detention Center Conditions* and then further subdivided under *Physical Conditions, Administration, and Independent Monitoring*.

Several notable changes to language were observed impacting on the way human rights violations have been reported over the years:

**i) Source attributions** were introduced, which may be read to imply reduced veracity of the issues in that only isolated sources reported on their occurrence, when in fact a range of sources had highlighted these issues. This was the case with regards to the use of torture (Eritrea and Iran) and beatings (Eritrea), physical conditions in prisons (Iran), holding juveniles in Justice Ministry prisons (Iraq);

**ii) Distancing language** was added such as ‘reportedly’ or ‘allegedly’, which could potentially be read to undermine the veracity of information. This was observed with regards to prison conditions (Eritrea, Iran and Pakistan), incommunicado detention in metal shipping containers and underground cells (Eritrea), provision of basic or emergency medical care in prisons and detention centres (Eritrea), abuse and torture during arrest,

pre-trial detention and after conviction (Iraq and Sudan), individuals dying in police custody due to torture (Pakistan), impunity for torture perpetrated by police, military, and intelligence agency members (Pakistan);

**iii) Softening of language or toning down** of previous statements, potentially implying an improvement of the situation, were introduced. This was observed in the descriptions of prison conditions (Iran and Iraq), torture and other ill-treatment causing death in detention (Iran and Pakistan), poor treatment of detainees (Iraq), and the delayed release of exonerated detainees (Iraq). It was also noted in the way torture was described as “physical abuse” (Iraq, Pakistan and Sudan), forced labour in prisons was referred to as “prison labour” (Pakistan), and the use of ‘incommunicado detention’ was amended to “being held in isolation cells” (Sudan);

**iv) General pattern vs. specific incidences:** On occasion some reports no longer described general patterns, but instead presented isolated incidents. This was observed with regards to the torture of detainees to death (Iraq) and the use of incommunicado detention (Sudan).

As for significant omissions observed across the reports and across the years, it was noted that reported methods of torture were no longer mentioned consistently, and neither were the occurrence of torture in prisons and the continued use of secret detention facilities. For example solitary confinement and sexual humiliation in Iran were no longer listed as methods of torture as well as removing ‘torture’ as a form of domestic violence experienced by women in Pakistan.



# KEY THEMATIC OBSERVATIONS



## COUNTRY SPECIFIC NOTABLE EXAMPLES

Whilst the 2016 **Eritrea** report stated that “Security forces tortured and beat army deserters, national service and militia evaders, persons attempting to flee the country without travel documents, and members of certain religious groups”, the 2017 and 2018 reports introduced the same issue with [underline indicates added text] “According to NGO and UN reports, security forces tortured and beat army deserters, national service evaders, persons attempting to flee the country without travel documents, and members of certain religious groups”. The 2019 and 2020 reports amended the sentence further by specifically naming the original source, Human Rights Watch [underline indicates added text]:

“In August, Human Rights Watch (HRW) published a report documenting that security forces tortured and beat prisoners, army deserters, national service evaders, persons attempting to flee the country without travel documents, and members of certain religious groups”.

The 2016 **Eritrea** report also included an example of distancing language. Whilst the 2016 report noted that “prison conditions remained harsh and life threatening”, all subsequent editions amended it to [underline indicates added text]: “Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death”, which could be read to undermine its veracity.

In the 2019 **Iran** report a previously included specific statement was replaced with a more general one, compared to the 2016, 2017 and 2018 editions. This was repeated in the 2020 report. Thus, whilst the 2016 report noted that the Iranian authorities made “few attempts to investigate allegations of deaths” specifically caused by “torture or other physical abuse or

after denying detainees medical treatment”, the 2019 and 2020 reports limited this to the authorities not initiating “credible investigations” into “suspicious deaths in custody”, thus neglecting to mention that these may have been caused by torture and other ill-treatment or the denial of medical treatment.

Whilst prison conditions were described in the 2016 **Iran** report as “often harsh and life threatening”, this description was amended in 2017 and 2018 to “potentially life threatening”. The 2019 report changed the way it described prison conditions again suggesting a worsening of the situation, which was repeated in the 2020 report. Interestingly, all these descriptive changes occurred despite the content on prison conditions not having changed substantially in that section across all five reports.

The **Iraq** 2018 report stated that detainees were tortured to death, but the 2019 and 2020 editions did not. Instead they included only specific examples documenting two cases where torture led to death in custody in the 2019 edition and one case in the 2020 edition.

The 2017, 2018, 2019 and 2020 **Iraq** reports all omitted information on the use of torture by the Asayish (Kurdish intelligence service) and in detention and prisons operated by the Kurdish Regional government, as well as the use of secret detention facilities operated by the Iraqi government and the Kurdistan Regional Government despite publicly available sources documenting their continued existence.

# KEY THEMATIC OBSERVATIONS



In the **Iraq** report it was observed that whilst the 2016 report referred to “torture” as being one of the reasons why conditions in prison and detention facilities were described as “harsh and life threatening”, this was reduced in the 2017, 2018, 2019 and 2020 editions to “physical abuse”, potentially undermining the level of violence and abuse that did take place [however torture in detention was noted elsewhere in the reports].

The same was observed in the **Sudan** report. Whilst the violence political opponents experienced in 2016 was described as “torture”, in the subsequent editions this was reduced to “suffered physical abuse” despite all four reports continuing to document the occurrence of torture in other sections of the report.

Similarly, the 2018 **Pakistan** report downgraded the nature of abuse from “torture” to “police excesses”. Whilst this mirrors the original language from the Human Rights Commission of Pakistan, an organisation cited on this point, it is unclear that the “multiple sources” documenting such practices would describe torture in this way. Moreover, when the Human Rights Commission of Pakistan’s language is cited, it is done so in inverted commas, presumably to indicate the organisation’s use of language. It is considered that the 2018 edition should have described the practice using the correct terminology i.e. torture, given the specific legal connotation. Moreover, any use of the Human Rights Commission of Pakistan’s language of “police excesses” should have been kept in inverted commas to indicate it as such.

Moreover, the 2019 and 2020 **Pakistan** reports no longer mentioned that abuse by the police regularly led to serious injury or death, but did change the language back from “police excesses” to “torture”.

However, the 2019 and 2020 editions added some distancing language, adding that individuals “allegedly” died due to torture, thereby casting doubt on the practice, which had been documented more affirmatively as occurring in the 2016, 2017 and 2018 editions. The 2019 and 2020 reports also attributed this point to “media and civil society organizations”, and not “multiple sources” as had been observed in the 2016, 2017 and 2018 reports, which may be read to imply fewer types of sources and potentially reduced veracity of information. Moreover, the general pattern of deaths in detention due to torture was no longer mentioned, but reduced in reach to only Punjab Province in the 2019 report.

The 2018 and 2019 **Sudan** reports on occasion no longer described general patterns but instead presented isolated incidents. For example, whilst the 2017 report described that peaceful protesters were being held “incommunicado”, the 2018 and 2019 editions did not, but included an isolated example documenting the prolonged detention of 150 human rights defenders in “unknown NISS facilities” and “without access to family visits or legal counsel”. By only including one such incident, this might imply that the practice is not widespread. The 2020 report did not mention ‘incommunicado detention’ at all or include specific examples of such incidences.

In the case of **Sudan** it was further noted in 2020 that there were no reports of political prisoners or detainees despite publicly available information documenting the opposite.

# KEY THEMATIC OBSERVATIONS



## WOMEN, INCLUDING THEIR REPRODUCTIVE RIGHTS

### MAIN OBSERVATIONS

For most countries under review, except Iraq, the majority of issues omitted from the U.S. Department of State's annual reports related to those addressed in section 6. *Discrimination, Societal Abuses, and Trafficking in Persons*, in particular the subsections under Women. These are usually presented under the following sub-categories: *Rape and Domestic Violence, Female Genital Mutilation/Cutting (FGM/C), Sexual Harassment, Coercion in Population Control* (pre 2017 known as *Reproductive Rights*; see further discussion on this below), and *Discrimination*.

Strikingly, the subsection on *Reproductive Rights* included in the 2016 report was replaced with the title, *Coercion in Population Control*, in the 2017 and subsequent editions, dramatically changing the range of issues addressed in the respective reports. This omitted information related to access to:

- reproductive rights
- contraception
- pre- and post-natal healthcare
- skilled health-care attendance during childbirth
- essential obstetric care.

Information was also omitted on:

- how the above access issues vary by age and location (e.g. urban vs. rural)
- maternal mortality rates
- Coercion in accessing these rights, coerced abortions or involuntary sterilisations – perpetrated both by state and non-state actors.

In March 2021 the U.S. Department of State noted that it “will release an addendum to each 2020 country report that expands the subsection on women in Section 6, entitled “Discrimination, Societal Abuses, and Trafficking in Persons,” to include a broader range of issues related to reproductive rights”.<sup>2</sup> At the time of finalising the review of the 2020 U.S. Department of State country reports, these addendum had not been published yet.

When analysing the observed omissions in relation to human rights violations targeting women, it becomes apparent that they mainly relate to those perpetrated by non-state actors, usually family members or the immediate community. These omissions are interlinked with the absence of or incomplete information presented on state protection in relation to these societal violations, especially factors impeding women from seeking protection - including social factors such as social stigma, fear of societal retribution and cultural norms - reporting crimes to the police, filing criminal complaints, and trusting the judicial system.

<sup>2</sup> U.S. Department of State, [2020 Country Reports on Human Rights Practices](#), 30 March 2021, Preface, Announcement, Upcoming Addendum



# KEY THEMATIC OBSERVATIONS



## COUNTRY SPECIFIC NOTABLE EXAMPLES

As outlined in the updated *Summary* report published in September 2021, notable omissions noted amongst the five country reports with regards to *Women* included:

### Eritrea:

- Lack of information on the prevalence of rape and its underreporting;
- Incidence of domestic violence and lack of reporting as well as cases being rarely brought to trial;
- The reasons for lack of state intervention in domestic violence cases;
- The continued practice of FGM in rural areas; and
- Widespread sexual violence against women in military training camps that amounted to torture (only omitted from the 2019 and 2020 editions).

### Iran:

- Legal restrictions on women's economic, social, political, academic, and cultural rights;
- Continued limits placed on women's ability to seek divorce; and
- Social and legal constraints limiting women's professional opportunities.

### Iraq:

- Information on the continued violence inflicted on women by ISIS (only omitted from the 2018, 2019 and 2020 editions) and the harassment and sexual abuse faced by female relatives of ISIS members (only omitted from the 2020 editions);
- Information on the underreporting of sexual and gender-based violence due to social stigma, societal retribution, cultural norms, distrust in the legal system, and lack of punishment of perpetrators;

- Continued practice of detaining sexual harassment victims in the absence of shelters (only omitted from the 2020 editions);
- Economic pressures faced by IDPs resulting in an increase in early marriages; and
- Continued practice of fasliya, where family members, including women, are traded to settle disputes (only omitted from the 2019 edition).

### Pakistan:

- Challenges in changing the cultural assumptions of male police and in training female police;
- Women's lack of awareness of legal protections and inability to access legal representation (only omitted from the 2017, 2018 and 2019 editions);
- Situation of divorced women (only omitted from the 2017, 2018 and 2019 editions); and
- NGOs reporting that police were at times implicated in rape cases (only omitted from the 2018, 2019 and 2020 editions).

### Sudan:

- Omission of UNAMID figures on female victims of conflict-related sexual violence;
- Difficulties for women to initiate legal divorce proceedings; and
- Women's experience of economic discrimination (only omitted from the 2017 and 2018 editions).

# KEY THEMATIC OBSERVATIONS



## CHILDREN

### MAIN OBSERVATIONS

All reports across all five years and five countries included a sub-section on *Children* as part of section 6. *Discrimination, Societal Abuses, and Trafficking in Persons*, which in turn listed relevant information under more or less standardised subheadings such as *Birth Registration, Education, Child Abuse, Child, Early, and Forced Marriage, Sexual Exploitation of Children, Displaced Children, Institutionalised Children, and International Child Abductions*. However, comparing the 2016 reports with subsequent editions across the five countries under review the following notable omissions were observed:

- Relevant subsections and their content were removed, for example the subsection *Child Soldiers* from the 2019 and 2020 Eritrea reports (see further below) and the Iraq 2020 report. Removing such subsections, even if some of its contents are included elsewhere within the annual reports, suggests that the issue is less prevalent and the relevant information pertaining to it may easily be overlooked than if presented all in one place
- Less information on specific violations such as:
  - ▶ The extent of the recruitment and use of children by ISIS/state proxies and the continued violence and abuse against children by ISIS (Iraq); the coercive element of child soldier recruitment (Pakistan)
  - ▶ The extent of child marriage (Eritrea, Iran, Iraq and Sudan), and the desperate attempts by girls to avoid it (Iran)
  - ▶ The extent of street children (Pakistan and Sudan)
  - ▶ The widespread use of child labour (Eritrea, Iraq, Pakistan, and Sudan)

- ▶ Enforcement of laws criminalising the sexual exploitation of children (Eritrea, Iran)
- ▶ The barriers to girl's education (Pakistan) and for IDP children accessing education (Sudan)

### COUNTRY SPECIFIC NOTABLE EXAMPLES

The 2019 and 2020 **Eritrea** reports omitted the subsection *Child Soldiers*. While most of the content previously contained within this section was moved into section 7.c. *Prohibition of Child Labor and Minimum Age for Employment*, the following issues included in the 2018 edition were omitted: “living conditions are spartan and health care very basic [at Sawa]” and “those who refused to attend and participate in military training were often unable to get a job”.

With the 2018 and 2019 **Iraq** reports, one notable alleged improvement suggested that “little information was available” on ISIS’s recruitment and use of children compared to 2016 and 2017 where it was reported that “In previous years ISIS was known to recruit and use children”. Similarly, violence and abuse against children, including against Yezidi children, committed by ISIS were omitted from the 2017, 2018, 2018 and 2020 editions. However, sources located in the public domain continued to document these practices.

Surprisingly, the 2020 **Pakistan** report omitted to mention the trafficking of Pakistani women and girls to China, some as child brides, despite such information being readily available in one of its other annual reports, namely the U.S. Department of State’s annual trafficking report.

# KEY THEMATIC OBSERVATIONS



With regards to the subsection on child labour, the 2017, 2018, 2019 and 2020 **Sudan** reports provided reduced specificity, compared to 2016 by no longer including information in relation to the minimum age children can be engaged in 'light work', the prohibition of children in hazardous industries and jobs, and exemptions in place for children to engage in work, as stipulated in the Child Act.

## PERSONS WITH DISABILITIES<sup>3</sup>

### MAIN OBSERVATIONS

All reports across all five years and five countries included a sub-section on *Persons with Disabilities* as part of section 6. *Discrimination, Societal Abuses, and Trafficking in Persons*. However, comparing the 2016 reports with subsequent editions across the five countries under review it was observed that generally less contextual information was included with regards to legal provisions and all, apart from some of the Iran and Iraq reports, did not mention the treatment experienced by persons with disabilities by state officials, family members and wider society (e.g. discrimination, harassment, physical/mental violence and abuse).

Additional issues pertinent to persons with disabilities which were either not addressed or only briefly touched upon in the reports related to:

- The implementation and enforcement of relevant legal provisions
- Access to services (e.g. community activities, rehabilitation programmes), buildings, school and employment opportunities
- Situation (and treatment) of inmates with disabilities (only some of the Iraq and Pakistan reports included limited information)
- Information on whether the government offered financial initiatives, rehabilitation services and support programmes
- Information on the institutionalisation of persons with disabilities, especially children
- Availability and affordability of specialised and necessary equipment (e.g. wheelchairs)
- Lack of any information on the situation and treatment of people with a mental illness.

<sup>3</sup> Through consultations with legal representatives in the UK, ARC Foundation and Asylos have become aware of the stark absence of relevant country-of-origin information about persons with disabilities and the simultaneous prevalence of widespread misconceptions about disability issues in the asylum legal sector. This contributes to the rejection of meritorious claims of persons with disabilities. As a consequence the two organisations have embarked on a joint project aimed to fill information gaps about asylum seekers with disabilities by:

- i) Producing a country report on the situation of persons with disabilities in Nigeria, combining interviews with local, regional and international individuals with authoritative knowledge on the topic alongside excerpts from country information available in the public domain;
- ii) Developing a handbook and training module on how best to research relevant country information and presenting a range of relevant disability-related sources; and
- iii) Developing a Country of Origin Information (COI) Principles document to advocate for better understanding and procedures on researching disability-related information.

# KEY THEMATIC OBSERVATIONS



## COUNTRY SPECIFIC NOTABLE EXAMPLES

The **Eritrea** 2016 report mentioned that the state “did not effectively enforce” legal provisions to prohibit discrimination against persons with disabilities. However, the subsequent editions removed this statement and provided little or no information on this issue, thereby leaving it open as to whether legal provisions were indeed enforced in practice or not.

The 2019 **Iran** report, compared to the 2016, 2017, 2018 and 2020 editions, was the only one which did not include any information with regards to the existence of legal provisions for the rights and against discrimination of persons with disabilities.

The 2016 and 2017 **Iraq** reports specifically mentioned that “there were reports that persons with disabilities experienced discrimination due to social stigma”. This was removed from all subsequent editions despite other publicly available sources continuing to document societal discrimination. Only the latest report, the 2020 edition, included specific information on the Kurdistan Region of Iraq with regards to legal provisions and their lack of implementation, government financial initiatives, lack of public-service employment and lack of access to educational opportunities.

The **Pakistan** annual reports inconsistently reported on legal provisions and their implementation in specific provinces, despite highlighting throughout the reports that responsibility for protecting the rights of persons with disabilities was devolved to the special education and social welfare offices in the provinces.

Whilst the 2016 **Sudan** report mentioned that “Persons with disabilities reported it was difficult to access or afford necessary equipment, such as wheelchairs”, all subsequent editions omitted this information although publicly available information was found relating to this problem in subsequent years.

## LGBTI PERSONS

### MAIN OBSERVATIONS

Following a review of section 6.’s subsection *Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity*, it was observed that the reports lacked a consistent approach across the five countries and across the years under review with regards to covering the issues pertinent to the situation and treatment of LGBTI persons, including in relation to:

- Legal provisions and their enforcement regarding anti-discrimination protections and criminalisation of same-sex activities or any other ‘indecent acts’
- State (Eritrea 2016-2020, Iraq 2020 and Sudan 2018-2020) and societal treatment (Eritrea 2017-2020, Iran 2017-2020, Iraq 2018-2020, Pakistan 2017-2020 and Sudan 2017-2020) by family members, religious authorities, local community and wider society including discrimination, ostracising, stigma, harassment, abuse, forced marriage, and violence against LGBTI persons
- General lack of information on the situation and treatment of activists and members of LGBTI organisations by state and non-state actors
- Availability of any form of effective state protection.

# KEY THEMATIC OBSERVATIONS



## COUNTRY SPECIFIC NOTABLE EXAMPLES

The 2016 **Eritrea** report noted that there were no laws or mechanisms in place to “investigate bias-motivated crimes against LGBTI persons”, that state officials did not investigate and prosecute those accused of abuse and violence against LGBTI persons, and that “society stigmatised discussion of LGBTI matters”. Subsequent editions all omitted such statements despite publicly available information, though limited, continuing to report on these for almost all years.

The 2018 and 2019 **Iran** reports noted that [emphasis added] “forced anal or sodomy examinations--which the United Nations and World Health Organization stated can constitute torture--and other degrading treatment and sexual insults”. The 2020 report amended this it to [emphasis added] “forced anal or sodomy examinations--which the United Nations and World Health Organization stated may constitute torture--and other degrading treatment and sexual insults”. In contrast, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment unequivocally stated in January 2016 that [emphasis added]:

In States where homosexuality is criminalized, men suspected of same-sex conduct are subject to non-consensual anal examinations intended to obtain physical evidence of homosexuality, a practice that is medically worthless **and amounts to torture or ill-treatment**.<sup>4</sup>

Similarly, in the 2019 and 2020 reports, the assessment by the U.S. Department of State in the 2018 edition that “corrective treatment” of LGBTI persons “may constitute torture or other cruel, inhuman, or degrading treatment under international law” was no longer included. By omitting such a statement, no specific attention is being raised to the severity of ‘corrective’ treatment of LGBTI persons. This is despite the International Rehabilitation Council for Torture Victims Global Overview of Conversion Therapy report finding that:

We found a wide-ranging set of practices that are used separately or together in conversion attempts. Many bear similarity to acts that are internationally acknowledged to constitute torture or ill-treatment. On a domestic level, these acts may constitute battery and assault, among other crimes, as well as child abuse and neglect if performed on a minor.<sup>5</sup>

Moreover, the Independent Forensic Expert Group clearly found in 2020 that “Conversion therapy constitutes cruel, inhuman, or degrading treatment and torture” in its medico-legal statement.<sup>6</sup>

The 2020 **Iraq** report omitted contextual legal information pertaining to the availability of antidiscrimination protections and also omitted information that other laws were relied upon by the Iraqi authorities to prosecute same-sex sexual activity. The Iraq annual reports further omitted information on the violence and fear experienced by LGBTI organisations and activists (2017, 2018, 2019 and 2020), societal discrimination affecting LGBTI persons (2018, 2019 and 2020), as well as violence and abuse faced by family members and non-state actors (2018, 2019 and 2020) in central and southern Iraq.

<sup>4</sup> UN Human Rights Council, [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#), 5 January 2016, para. 36; World Health Organization (WHO), [Eliminating Virginity Testing: An Interagency Statement](#), 2018, pages 7 and 9

<sup>5</sup> International Rehabilitation Council for Torture Victims (irct), [It's Torture Not Therapy, A Global Overview of Conversion Therapy: Practices, Perpetrators, and the role of states](#), 2020, p. 6



# KEY THEMATIC OBSERVATIONS



The 2018, 2019 and 2020 **Pakistan** reports all noted that when police do receive reports of violence and discrimination against LGBTI persons they took “little action”, compared to the 2016 and 2017 reports, which noted that the police “generally refused to take action”. This might be read to imply an improvement in the situation and at least implies that some cases are brought to the attention of the police and that there is some action on some of them, despite publicly available sources continuing to report the police’s refusal to register and investigate cases of violence against LGBTI persons. Surprisingly, the 2018 and 2019 reports noted in addition that “outreach by NGOs in KP [Khyber Pakhtunkhwa] improved interactions between police and the transgender community there” despite publicly available sources indicating police involvement in abuses against the transgender community, that most of the assaults, rape and murders of transgender people took place in Khyber Pakhtunkhwa, as well reporting on the police’s failure to hold perpetrators accountable.

All of the **Sudan** reports failed to identify the perpetrators of reported intimidation, harassment and ‘persecution’ of LGBTI persons. Instead, with the exception of the 2020 report, they simply stated “Several LGBTI persons felt compelled to leave the country due to fear of abuse, intimidation, or harassment”. The 2019 report added the words “under the Bashir regime” at the beginning of the sentence which indicated that under the current Civilian-Led Transitional Government such fear and abuse no longer occurred, which was not supported by other publicly available information.

## STATELESSNESS

### MAIN OBSERVATIONS

Most of the country reports across the years contained a separate subsection entitled Stateless Persons as part of section 2. *Respect for Civil Liberties* or integrated within another subsection in section 2, named, *d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*.

It was notable that with the exception of the Iran and the Iraq reports, the other reports on Eritrea, Pakistan and Sudan lacked a consistent approach with regards to issues pertinent to statelessness. Depending on the year or the country, omissions or incomplete information was observed pertaining to the following issues:

- The relevant laws and legal obligations these entail
- Law and policy in practice, including registering of births
- Profiling who the people most at risk of statelessness are
- The situation and treatment of stateless persons by the state and non-state actors
- The livelihood possibilities as well as access to basic services (e.g. documentation, health care, education, housing etc.) for those considered or classified as stateless.

<sup>6</sup> Independent Forensic Expert Group, [Statement on conversion therapy](#), 19 February 2020, Journal of Forensic and Legal medicine, Volume 72, May 2020.

# KEY THEMATIC OBSERVATIONS



## COUNTRY SPECIFIC NOTABLE EXAMPLES

The **Eritrea** reports included 'Stateless' in some section titles and the 2019 report even included a section title G. Stateless Persons. However, no information was included on the situation and treatment of Stateless persons nor who they may be. However, information included elsewhere in the 2016, 2017, 2018 and 2019 reports highlighted that "(Most) Members of Jehovah's Witnesses who did not perform military service continued to be unable to obtain official identification documents" potentially leading to statelessness. As the 2016 report further explained: "In 1994 the government revoked the citizenship of members of Jehovah's Witnesses due to their refusal to take part in the referendum on independence or participate in the military portion of national service". By not explicitly highlighting the issue of statelessness under relevant headings, information is likely to be overlooked. All of this information was omitted from the 2020 report despite publicly available sources continuing to document this problem.

Notwithstanding mentioning the relevant laws and implications for stateless persons, the 2017 **Iraq** report and subsequent editions omitted the risk of statelessness for the Baha'i despite publicly available sources continuing to document this as an issue. The 2017, 2018, 2019 and 2020 reports also all omitted to mention that the Iraqi government "failed to provide travel documents"

to those citizens facing deportations from the United States, "essentially rendering these individuals stateless", as was previously included in the 2016 report. Publicly available information was found that continued to report on this practice in 2017 and 2018.

**Sudan's** 2016 report only provided information on who might be at risk of statelessness and the reason for it, and this was completely removed from all subsequent reports apart from one sentence indicating that unregistered South Sudanese may be at risk of statelessness. The 2019 report even noted under the newly inserted subtitle "G. Stateless Persons" that this was "not applicable".

As to the **Pakistan** reports, they all mentioned the relevant laws, profiles and numbers of stateless persons, but failed to mention the implication of this for their day-to-day lives.

# CONCLUSION



This *Thematic Review* highlights several areas in which information has been omitted and nuanced language changes have been introduced in relation to ongoing human rights risks for particular groups of people.<sup>7</sup>

When taken together these changes have the effect of suggesting improvements in the human rights situation which are not consistent with the situation on the ground as documented by other publicly available and respected sources. The changes in the U.S. Department of State reports identified above may result in certain types of claims for refugee status being dismissed if these reports are relied upon in isolation. This is particularly likely to affect people who are marginalised, exposed to multiple forms of discrimination and/or are victims of persecution or abuse from non-state actors (e.g. non-state armed groups, militias, family members, and the wider community).

---

---

<sup>7</sup> It should be noted that the U.S. Department of State explains in [Appendix B of its Preface](#) [2020 example] that “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”, thus emphasising its focus on state abuses of human rights.