

**THE CINGRANELLI-RICHARDS
(CIRI)
HUMAN RIGHTS DATABASE
CODER MANUAL**

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INTRODUCTION

This manual will be your guide for coding government respect for human rights for the Cingranelli-Richards (CIRI) Human Rights Database. In this manual, you will find all of the information necessary to accurately code the level of government respect for a variety of internationally recognized human rights. For each of the variables you will be coding, you will find the following information in this manual. Some variable explanations may have additional specific information pertinent to the coding of those indicators.

- Variable Name
- Definition
- Coding Scheme
- What Does Not Qualify (where applicable)
- Examples
- Where To Find Information About This Variable
- Grounding In International Law

FREQUENTLY ASKED QUESTIONS

(1) WHAT SOURCES DO I USE?

Your primary source will be the *US State Department Country Reports on Human Rights Practices*. You will use this source for all variables. These reports can be found online.

Reports covering the years from 1993 to 1999 (issued from 1994 to 2000) can be found at:
http://www.state.gov/www/global/human_rights/hrp_reports_mainhp.html

Reports covering the years 2000 to the present (released from 2001 on) can be found at:
<http://www.state.gov/g/drl/hr/c1470.htm>

For a group of four rights known as "Personal Integrity Rights" (the rights to freedom from extrajudicial killing, disappearance, torture, and political imprisonment) you will ALSO use a second source, Amnesty International's *Annual Report*.

Amnesty's Annual Reports can be found online at:

www.amnesty.org/ailib/aireport/index.html

(2) WHAT DO I DO WHEN THE US STATE DEPARTMENT REPORTS AND THE AMNESTY INTERNATIONAL REPORTS DISAGREE?

Read the *US State Department Country Reports on Human Rights Practices* first to determine whether particular personal integrity rights violations occurred and how often in a particular year. Then read the Amnesty International Report.

If there is an explicit difference between the two reports, code based on the Amnesty International evaluation. Usually, however, the State Department will be more explicit about the frequency of occurrence of particular violations, while Amnesty International will be more vague. In these cases, always choose the most explicit estimates as the basis of your coding.

Amnesty International Reports are consistent in their coverage of torture and political imprisonment, but sometimes they do not mention whether or not disappearances or extrajudicial killing occurred. If the *US State Department Country Reports on Human Rights Practices* mention that personal integrity rights violations occurred, but the Amnesty International Reports is silent, code based on the more explicit US State Department evaluation.

(3) WHAT ARE THE "UNITS" I WILL BE CODING?

The basic unit you are coding is something called a "country-year." A country-year is a particular country in a particular year. For instance, "United States 1998" is a particular country-year. It is a single snapshot of space and time -- one country in a particular year. "Ghana 1995" would be another example. You will be given a list of country-years for which you will code the level of government respect for the human rights contained in this manual.

(3) WHY CAN THE YEARS OF THESE REPORTS BE CONFUSING?

US STATE DEPARTMENT

Choosing the correct US State Department Report to code from may initially be slightly confusing. This confusion can be easily cleared up once you learn to make the distinction between two dates: the date in the title of the report, and the date the report was released. You will primarily be interested in the *date in the title of the report*. From the early 1990s on, the year in the *title* of the report (not the date it was released) is the calendar year of events a report actually covers.

For illustration, imagine you have been asked to code the "Ghana 1999" country-year. First, you need to find the correct US State Department Report that *covers events that happened in 1999*. You will need to use the US State Department's *Country Reports on Human Rights Practices for 1999*. This report was issued in February 2000.

US State Department Reports are issued in February / March following the calendar year they cover. For instance the report covering the 2000 calendar year was issued in February 2001. Don't let the publication date throw you off -- stick with the date in the title.

AMNESTY INTERNATIONAL

Choosing the wrong Amnesty International *Annual Report* can be easy if one is not very careful. The date in the *title* is always the year *following* the calendar year discussed in the report. For instance, to code the Ghana 1999 country-year, you need to look at Amnesty International's *Annual Report 2000*. To code a country for 1997, you need to look at the *Annual Report 1998*. BE CAREFUL!

(4) WHAT DO I HAVE TO KNOW ABOUT HUMAN RIGHTS PRACTICES VERSUS HUMAN RIGHTS POLICIES AND HUMAN RIGHTS CONDITIONS?

When coding for the Cingranelli-Richards Human Rights database, you will ONLY be concerned with the *human rights practices* of governments. Human rights practices are the human rights-related actions of a government and any and all of its agents, such as police or paramilitary forces. You will not be examining or noting anything other than governmental practices that may affect human rights conditions.

A country's *human rights policies* are what a government says it is going to do to ensure the protection of the human rights of its citizens. The US State Department Reports often refer to constitutional provisions or legislation protecting human rights, but this is irrelevant to our evaluation of actual government human rights practices which often diverge from policies. Do not give a government a good score for its human rights practices just because a report discusses statutory or constitutional prohibitions of the kind of activity you are coding. You may see reports where governments have made constitutional provisions to protect citizens from torture, but have not enforced these provisions. For example, in Sri Lanka (1983):

...the constitution guarantees that “no person shall be subjected to torture or cruel, inhumane, or degrading treatment or punishment.” Nonetheless, there have been persistent reports of torture or ill-treatment by the military and police of persons detained under the Prevention of Terrorism Act (US State Department [Sri Lanka-1984] 1398).

Sri Lanka, then, would be coded as having frequent instances of torture -- despite constitutional guarantees.

A country's *human rights conditions* constitute the whole universe of human rights-related events happening in a country. The state of a country's human rights conditions can be caused by all kinds of things aside from that country's government: nature, foreign companies, domestic non-state actors, and so forth.

(5) WHAT DO I DO WHEN THE REPORT MENTIONS THINGS THAT HAPPENED IN MORE YEARS THAN THE CALENDAR YEAR THE REPORT IS SUPPOSED TO COVER

You are **ONLY** to code things that actually happened during the calendar year you are coding. For instance, if you were assigned the Egypt 1996 country-year, you are **ONLY** to code things that the Egyptian government did in 1996 -- not any other year, even though the report may mention things that happened in the past. This is very important!!

NOTE: If your report mentions new information about *past* abuses, note these abuses in the margin of your coding sheet and bring it to our attention --- but do not include the information into the coding for that country-year you are working on.

(6) HOW DO I TREAT A CASE WHERE ONE PERSON EXPERIENCES MULTIPLE HUMAN RIGHTS VIOLATIONS SUCH AS TORTURE AND POLITICAL IMPRISONMENT?

Treat each violation as a separate human rights violation even when there was only one victim.

(7) HOW DO I TREAT HUMAN RIGHTS VIOLATIONS WHEN THE VICTIMS ARE FOREIGN NATIONALS, REFUGEES, OR UNDOCUMENTED IMMIGRANTS?

Ignore them. Code based on violations of the human rights of citizens only.

(8) WHAT DO I DO WHEN THERE ARE ONLY ONE OR TWO VIOLATIONS OF A PARTICULAR HUMAN RIGHT IN A YEAR, THE PERPETRATORS ARE PROSECUTED BY THE GOVERNMENT, AND AMNESTY INTERNATIONAL IS SATISFIED WITH THE GOVERNMENT'S RESPONSE?

Ignore violations of this type.

(9) HOW DO I TREAT GOVERNMENT HUMAN RIGHTS VIOLATIONS BEYOND ITS TERRITORIAL BORDERS?

Only violations that occur within a country's internationally-recognized borders should be considered when coding.

(10) WHAT DO I DO IF THERE WERE HUMAN RIGHTS VIOLATIONS IN ONE PLACE WITHIN A COUNTRY, BUT, ELSEWHERE THERE WERE NO PROBLEMS?

The geographic concentration or dispersion of human rights violations in a country is irrelevant for coding purposes.

(11) CONTACT / HELP!!

If you have a question about *anything*, please feel free to contact David Richards at drichards@ets.org or David Cingranelli at davidc@binghamton.edu. No question is too small or unimportant!

POLITICAL and OTHER EXTRAJUDICIAL KILLINGS / ARBITRARY or UNLAWFUL DEPRIVATION of LIFE ¹

Definition:

Extrajudicial killings are killings by government officials without due process of law. These killings may result from the deliberate, illegal, and excessive use of lethal force by the police, security forces, or other agents of the state whether against criminal suspects, detainees, prisoners, or others. Death resulting from torture should be counted, as death occurred while the prisoners were in the custody of government or its agents.² This category includes murders by private groups *if* instigated by government.

In most cases, the US State Department [USSD] and Amnesty International [AI] indicate cases of political killings by explicitly referring to these killings as "political." A victim of politically-motivated killing is someone who was killed by a government or its agents as a result of his or her involvement in political activities or for supporting (implicitly or explicitly) the political actions of opposition movements against the existing government.

While they may be the result of different motives, both extrajudicial killings and political killings are to be treated identically for the purposes of coding.

Coding Scheme:

Political or Extrajudicial Killings are:

- (0) Practiced frequently
- (1) Practiced occasionally
- (2) Have not occurred
- (-999) Not mentioned

The coding scores above are based on the number of killings that occurred in a country during the year you are coding (and *only* in that year alone). These numbers and their corresponding coding score are:

<u>Coding Score</u>	<u>Number of Killings</u>
0	50 or more
1	From 1 to 49
2	Zero
-999	Not Mentioned

Instances where violations are described by adjectives such as "gross," "widespread," "systematic," "epidemic," "extensive," "wholesale," "routine," "regularly," or likewise, are to be coded as a *zero* (have occurred frequently). In instances where violations are described by adjectives such as "numerous," "many," "various," or likewise, you will have to use your best

¹ "Arbitrary or Unlawful Deprivation of Life" replaced "Political and Other Extrajudicial Killings" as the title of this section beginning in the 2001 U.S. State Department Human Rights Reports (released March 2002).

² In order to prevent "double-dipping," if a death results from torture the case is counted only as an instance of extrajudicial killing, not as an incident of both extrajudicial killing and torture.

judgment from reading through both AI and USSD as to whether to assign that country a *ONE* (have occurred occasionally) or a *ZERO* (have occurred frequently). Where the USSD notes that it has no information available about the level of respect for a particular human right and there is also no mention of it in the AI report code it -999. Below, you are provided with examples of each score point.

When AI and the USSD Disagree:

There may be cases where AI will report killings as being of a political nature, but the USSD will not. In these cases, AI's account should be used for the purposes of coding. For instance, if the USSD reported that there were no reported cases of political killings for a particular year. Yet AI reported cases of killings. Then AI's report should be used for coding.

What Does Not Qualify As Extrajudicial or Political Killing:

Extrajudicial and political killings *exclude* combat deaths and death as the result of legally-sanctioned capital punishment (e.g., the death penalty). Deaths that were discovered as a result of "clandestine" graves should also be counted among the political dead IF AND ONLY IF it is determined that the dead were killed during the year for which one is coding. These types of mass graves are always found after the fact, so they do not figure into a country's score for the year in which they were discovered. For example, if in 1990 AI reports that a mass grave of persons killed in 1983 had been found, the *only* thing affected is the "killing" score for that country in 1983. The 1990 information is unaffected because the violations did not actually occur during that year. They were merely discovered then. If you come upon such information, make a note of the number of dead and the year they are assumed to have died in the margin of your coding sheet so that adjustments to scores for past years can be made by the principal investigators.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports and in most AI reports. In the USSD reports, you will find information in Section One (Respect for the Physical Integrity of the Person, Including Freedom From:), Subsection A (Arbitrary or Unlawful Deprivation of Life / Political and Other Extrajudicial Killing). Also read Subsection C (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment). AI's information about this indicator will vary from country to country and report to report. Sometimes you may see a section telling you that this indicator is of special interest. Other times, you may have to read the country's full report to determine whether AI has discussed this topic or not.

Grounding in International Law

International Covenant on Civil and Political Rights, Part III, Article 6

DISAPPEARANCE

Definition:

Disappearances are cases in which people have disappeared, political motivation appears likely, and the victims (the disappeared) have not been found. In most instances, disappearances occur because of a victim's ethnicity, religion, or race or because of the victim's political involvement or knowledge of information sensitive to authorities. Often, victims are referred to by governments as "terrorists," and labeled a threat to national security. Knowledge of the whereabouts of the disappeared is, by definition, not public knowledge. However, while there is typically no way of knowing where victims are, it is typically known by whom they were taken and under what circumstances. Cases where people disappear for a period of time and then later re-appear are also to be counted.

In many instances, victims are taken under false pretense, such as having been taken away for questioning due to suspicion of some political action that is in opposition of the government. There are some cases of persons that are held under the circumstance of "clandestine detention." These are prisoners that are known to be in custody but their whereabouts are not known. Since the whereabouts of clandestine detainee are not known, they should be counted among the disappeared.

The Coding Scheme:

Disappearances:

- (0) Have occurred frequently
- (1) Have occurred occasionally
- (2) Have not occurred
- (-999) Not mentioned

The coding scores above are based on the number of disappearances that occurred in a country during the year that you are coding (and *only* in that year alone). These numbers and their corresponding coding score are:

<u>Coding Score</u>	<u>Number of Disappearances</u>
0	50 or more
1	From 1 to 49
2	Zero

Instances where violations are described by adjectives such as "gross," "widespread," "systematic," "epidemic," "extensive," "wholesale," "routine," "regularly," or likewise, are to be coded as a *zero* (have occurred frequently). In instances where violations are described by adjectives such as "numerous," "many," "various," or likewise, you will have to use your best judgment from reading through both AI and USSD as to whether to assign that country a *ONE* (have occurred occasionally) or a *ZERO* (have occurred frequently). Where the USSD notes that it has no information available about the level of respect for a particular human right and there is also no mention of it in the AI report code it -99. Below, you are provided with examples of each score point.

When AI and the USSD Disagree:

There may be cases where AI will report disappearances, but the USSD will not. In these cases, AI's account should be used for the purposes of coding. For instance, if the USSD reported that

there were no reported cases of disappearances for a particular year, yet AI reported cases of disappearances, then AI's report should be used for coding.

What Does Not Qualify As A Disappearance:

Generally, we assume disappearances reported in the AI or USSD reports to have happened during the year covered by the report. This is not always the case, however. For example, there may be instances where a report refers to "clandestine" graves. These are most often the graves of persons who were disappeared at some previous time. These types of mass graves are always found after the fact, so they do not figure into a country's score for the year in which they were discovered. To maintain the data's accuracy, we must ensure that each disappeared can only be counted once, and only for the year in which he or she was disappeared.

So, for example, if in 1990 AI reports that a mass grave of persons disappeared in 1983 had been found, the *only* thing affected is the "political killing" score for that country in 1983 -- NOT the 1990 score. If you come upon such information, make a note of the number of dead and the year they are assumed to have died in the margin of your coding sheet so that adjustments to scores for past years can be made by the principal investigators.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports and in most AI reports. In the USSD reports, you will find information in Section One (Respect for the Physical Integrity of the Person, Including Freedom From:), Subsection B (Disappearance). AI's information about this indicator will vary from country to country and report to report. Sometimes you may see a section telling you that this indicator is of special interest. Other times, you may have to read the country's full report to determine whether AI has discussed this topic or not.

Grounding in International Law

International Covenant on Civil and Political Rights, Part III, Articles 9, 10, 14, 16, 17

TORTURE and OTHER CRUEL, INHUMANE, or DEGRADING TREATMENT or PUNISHMENT

Definition:

Torture refers to the purposeful inflicting of extreme pain, whether mental or physical, by government officials or by private individuals at the instigation of government officials. Torture includes the use of physical and other force by police and prison guards that is cruel, inhuman, or degrading. Torture can be anything from simple beatings, to other practices such as rape or administering shock or electrocution as a means of getting information, or a forced confession.

The Coding Scheme:

Torture is:

- (0) Practiced frequently
- (1) Practiced occasionally
- (2) Not practiced
- (-999) Not mentioned

The coding scores above are based on the number of instances of torture (persons tortured) that occurred in a country during the year that you are coding (and *only* in that year alone). These numbers and their corresponding coding score are:

<u>Coding Score</u>	<u>Number of Instances</u>
0	50 or more
1	From 1 to 49
2	Zero
-999	Not Mentioned

Instances where violations are described by adjectives such as "gross," "widespread," "systematic," "epidemic," "extensive," "wholesale," "routine," "regularly," or likewise, are to be coded as a *zero* (have occurred frequently). In instances where violations are described by adjectives such as "numerous," "many," "various," or likewise, you will have to use your best judgment from reading through both AI and USSD as to whether to assign that country a *ONE* (have occurred occasionally) or a *ZERO* (have occurred frequently). Where the USSD notes that it has no information available about the level of respect for a particular human right and there is also no mention of it in the AI report code it -999. Below, you are provided with examples of each score point.

When AI and the USSD Disagree

There may be cases where AI will report disappearances, but the USSD will not. In these cases, AI's account should be used for the purposes of coding. For instance, if the USSD reported that there were no reported cases of torture for a particular year, yet AI reported cases of torture, then AI's report should be used for coding.

There are cases where AI may be a useful tool in resolving issues resulting from a USSD report not being direct. In its report on Sri Lanka in 1981, the USSD reported that: "There have been no documented accusations of torture by force of law and order in the year under review (US State Department [Sri Lanka-1981] 1094)." The qualifications "no documented accusations" and "by

force of law and order" do not necessarily mean that there were no cases of torture. When looking at our second source, we see that indeed, AI reported in its parallel report on Sri Lanka that:

Amnesty International subsequently received allegations that all detainees had been tortured.... . Amnesty International cabled the president welcoming the news that four detainees had been brought to court but *expressed its concern at reports of torture and ill-treatment in the habeas corpus petitions*. (Amnesty International [Sri Lanka-1982] 241-242) [emphasis added].

Thus, Sri Lanka for this year may be coded as a *ONE* (practiced occasionally), since the USSD hinted that there may have been instances of torture (although officially undocumented) and AI noted reports of torture. Because *both* sources noted this, we can infer that some torture took place.

What Does Not Qualify As Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment:

The death penalty does not qualify as torture or other cruel, inhuman, or degrading treatment or punishment. Practices such as flogging, mandated by courts as a form of legal punishment rather than to extract information, do not qualify as torture, inhuman or degrading treatment or punishment.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports and in most AI reports. In the USSD reports, you will find information in Section One (Respect for the Physical Integrity of the Person, Including Freedom From:), Subsection C (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment). AI's information about this indicator will vary from country to country and report to report. Sometimes you may see a section telling you that this indicator is of special interest. Other times, you may have to read the country's full report to determine whether AI has discussed this topic or not.

Grounding in International Law

International Covenant on Civil and Political Rights, Part III, Articles 7, 8, 14

POLITICAL IMPRISONMENT

Definition:

Political imprisonment refers to the incarceration of people (including placing them under “house arrest”) by government officials because of: their speech; their non-violent opposition to government policies or leaders; their religious beliefs; their non-violent religious practices including proselytizing; or their membership in a group, including an ethnic or racial group. AI in many instances refers to "prisoners of conscience." A "prisoner of conscience" is someone that was imprisoned because of his or her beliefs. A political prisoner is a prisoner of conscience. Prisoners of conscience also include prisoners that are imprisoned as a result of their religious beliefs, or practices. AI sometimes makes distinctions between political prisoners and prisoners of conscience, but for our purposes they are the same. Be aware that in many instances political prisoners are classified as terrorists and threats to national security. Many governments routinely apply the label "terrorist" to all opposition movements.

The Coding Scheme:

Are there any people imprisoned because of their political, religious, or other beliefs?

- (0) Yes and many
- (1) Yes, but few
- (2) None
- (-999) Not mentioned

The coding scores above are based on the number of political prisoners held by the government ruling the country one is coding. Again, this indicator is not merely based on the number of political prisoners *taken* in a given year, but rather the number of political prisoners *held* in a given year. Thus, conceptually:

Total Prisoners = New prisoners taken + Old prisoners still being held - Old prisoners no longer in custody

<u>Coding Score</u>	<u>Number of Political Prisoners Held</u>
0	50 or more
1	From 1 to 49
2	Zero

Instances where violations are described by adjectives such as "gross," "widespread," "systematic," "epidemic," "extensive," "wholesale," "routine," "regularly," or likewise, are to be coded as a *zero* (have occurred frequently). In instances where violations are described by adjectives such as "numerous," "many," "various," or likewise, you will have to use your best judgment from reading through both AI and USSD as to whether to assign that country a *ONE* (have occurred occasionally) or a *ZERO* (have occurred frequently). Where the USSD notes that it has no information available about the level of respect for a particular human right and there is also no mention of it in the AI report code it -999. Below, you are provided with examples of each score point.

When AI and the USSD Disagree: A Change From The Other Physical Integrity Variables

In cases where AI reports cases of political prisoners or prisoners of conscience, but the USSD does not, the AI's report should be used for coding. HOWEVER, AI will not count as a prisoner of conscience any prisoner that belongs to a group that uses or advocates the use of violence, even if that particular prisoner neither advocated nor used these tactics him or herself. For example, AI did not adopt Nelson Mandela as a prisoner of conscience because the African National Congress used violent tactics. Because of this, AI's estimates of political prisoners may sometimes be lower than the USSD estimates. Our standards for coding purposes are not as strict. Thus, *if the USSD report contains a higher estimate of political prisoners than does the AI report, use the USSD report estimate.*

Thus, where a discrepancy between AI and USSD will affect a country-year's score on the Political Imprisonment indicator:

Rule 1: If AI > USSD, Use AI

Rule 2: If USSD > AI, Use USSD

What Does Not Qualify As A Political Prisoner:

Individuals who are imprisoned because *they themselves* have committed violent acts, regardless of the reasons why they committed those acts, are not considered political prisoners.

Individuals who are imprisoned for less than seven days and then released should not be treated as political prisoners.

Individuals who are imprisoned because they refuse to fulfill a compulsory military service obligations (sometimes referred to as “conscientious objectors”) should not be considered political prisoners.

Individuals who use violence to overthrow or attempt to overthrow the government should not be considered political prisoners. However, if non-violent sympathizers with the attempted overthrow are imprisoned simply because of their political sympathies, they should be considered political prisoners.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports and in most AI reports. In the USSD reports, you will find information in Section One (Respect for the Physical Integrity of the Person, Including Freedom From:), Subsections D (Arbitrary Arrest, Detention, or Exile) & E (Denial of Fair Public Trial). AI's information about this indicator will vary from country to country and report to report. Sometimes you may see a section telling you that this indicator is of special interest. Other times, you may have to read the country's full report to determine whether AI has discussed this topic or not.

Grounding in International Law

International Covenant on Civil and Political Rights, Part III, Articles 18, 19, 21, 22

FREEDOM OF SPEECH AND PRESS

Definition:

This variable indicates the extent to which freedoms of speech and press are affected by government censorship, including ownership of media outlets. Censorship is any form of restriction that is placed on freedom of the press, speech or expression. Expression may be in the form of art or music. There are different degrees of censorship. Complete censorship denies citizens freedom of speech, and does not allow the printing or broadcasting media to express opposing views that challenge the policies of the existing government. In many instances the government owns and operates all forms of press and media.

Coding Scheme:

Government censorship and/or ownership of the media (including radio, TV, Internet, and domestic news agencies) is:

- (0) Complete
- (1) Some
- (2) None
- (9) Not mentioned

"Some" censorship means the government places some restrictions yet does allow limited rights to freedom of speech and the press. "No" censorship means the freedom to speak freely and to print opposing opinions without the fear of prosecution. It must be noted that "none" in no way implies *absolute* freedom, as there exists in all countries some restrictions on information and/or communication. Even in democracies there are restrictions placed on freedoms of speech and the press if these rights infringe on the rights of others or in anyway endangers the welfare of others.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports. In the USSD reports, you will find information in Section Two (Respect for Civil Liberties, Including:), Subsection A (Freedom of Speech and Press).

Grounding in International Law

International Covenant on Civil and Political Rights, Part III, Article 19

FREEDOM OF RELIGION

Definition:

This variable indicates the extent to which the freedom of citizens to exercise and practice their religious beliefs is subject to actual government restrictions. Citizens of whatever religious belief should be able to worship free from government interference.

Citizens should be able to freely practice their religion and proselytize (attempt to convert) other citizens to their religion as long as such attempts are done in a non-coercive, peaceful manner. Members of the clergy should be able to freely advocate partisan political views, oppose government laws, support political candidates, and otherwise freely participate in politics.

Does the government respect rights including the freedom to publish religious documents in foreign languages? Does religious belief affects membership in a ruling party or a career in government? Does the government prohibit promotion of one religion over another and discrimination on the grounds of religion or belief? Does the government restrict the teaching or practice of any faith? Does the government discriminate against minority religious groups?

Coding Scheme:

There are restrictions on some religious practices by the government:

- (0) Yes
- (1) No
- (9) Not mentioned

What counts as a restriction:

Instances where citizens are prohibited from proselytizing should be counted as a restriction on religion and coded as a '0'.

Instances where members of the clergy are prohibited from freely advocating partisan political views, supporting political candidates of their choice, and otherwise freely participating in politics, should be counted as a restriction on religion and coded as a '0'.

Arrest, detention, physical violence, or official government harassment of religious authorities or officials should be counted as a restriction on religion and coded as a '0'.

Forced conversions or restrictions on conversion to minority religions by government officials should be counted as a restriction on religion and coded as a '0'.

Instances where citizens are arrested, harassed, or physically assaulted/intimidated for their religious activities should be counted as a restriction on religion and coded as a '0'.

Restrictions on access to places of worship and on building permits, especially by minority religions, should be counted as a restriction on religion and coded as a '0'.

Instances where stringent laws apply only to religious minorities (as opposed to all other religions) is religious discrimination and should be counted as a restriction on religion and coded as a '0'. Examples include burdensome or unfair registration requirements for minority religions only; restrictions on proselytizing and on forced conversions to minority religions; restrictions on access to places of worship; and denial for the permission of construction of churches and places of worship.

Instances of government restrictions on the types of religious education offered in public schools should be counted as a restriction on religion and coded as a '0'. An example is a student who adheres to a minority religion and is forced to receive religious education in the dominant religion.

What does not constitute as a restriction:

Instances where a religious association must register and fill out an application with the government does not count as a restriction on religion *so long as* the government *does not* use the registration process to discriminate against a religion on ideological/political grounds or to restrict the right to worship. Oftentimes, religious associations must be registered with the state to receive tax exemptions, to apply for official building permits, and to practice their religious beliefs outside of their places of worship. If permits are routinely granted to religious associations and not withheld for political reasons, this does not constitute a restriction on religion.

Restrictions on Jehovah's Witnesses should not be counted as a restriction on religion.

Restrictions on the activities of foreign missionaries should not be considered restrictions on freedom of religion.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports. In the USSD reports, you will find information in Section Two (Respect for Civil Liberties, Including:), Subsection C (Freedom of Religion).

Grounding in International Law

International Covenant on Civil and Political Rights, Part III, Article 18

FREEDOM OF MOVEMENT

Definition:

The freedom to travel within one's country and to leave and return to one's country is a right. There are governments that do not allow citizens to travel within their own country of birth or that restrict the movement of certain groups based on political or religious grounds. There are countries that do not allow citizens to leave. There are countries where even if one is allowed to leave there are restrictions on the duration of stay abroad. Citizens can lose their property and other assets if they leave for a very long time; some citizens have to get permission to leave; and others, when they leave, are not allowed to return or if they are allowed to return the government makes this very difficult.

Coding Scheme:

Domestic and foreign travel is:

- (0) Restricted
- (1) Generally unrestricted
- (9) Not mentioned

Coding Scheme Explication

ZERO:

A government receiving a *ZERO* restricts all citizens' freedom of movement or restricts the movement of a significant number of citizens based on their ethnicity, gender, race, religion, political convictions, or membership in a group. For example, there are countries that restrict religious leaders, ethnic minorities, women, and political dissidents from traveling into, within, and out of the country. Measures used by governments to restrict freedom of movement include the withholding of passports, "exit control" lists to prevent emigration, revocation of citizenship, and various others.

Instances where government respect for these rights is described as "restricted," "significantly curtailed," "significantly limited," "routinely denied," or likewise, should be coded as a *ZERO*. Instances where the number of citizens' targeted for government restrictions on movement is described as "significant," "many," "several", "numerous," "a large number," or likewise, should also be coded as a *ZERO*. Governments which prevent people with high levels of education or specialized skills from leaving the country ("brain drain") should be coded as *ZERO*. Governments that prevent people from leaving the country with large sums of money should be coded as *ZERO*.

ONE:

A country receiving a *ONE* provides for freedom of movement for most or all of its citizens. It must be noted that "generally unrestricted" does not mean the absence of all restrictions and complete freedom of movement. In many countries, there are minor prohibitions or restrictions imposed on this right. For example, the government may restrict movement in security zones

and areas of conflict, may suspend travel in emergency zones, and may impose curfews due to credible threats to public safety and national security.

In some countries, there are restrictions on foreign travel of criminal suspects, suspected terrorists, students who have not repaid state education scholarships, and others. Unless certain groups are frequently targeted for government prohibitions on movement, these types of restrictions should be considered minor and a country should receive a *ONE*.

Some countries, predominantly Middle Eastern ones, do not allow citizens to travel to Israel for security and political reasons. Unless citizens' right to travel to other countries outside of Israel is restricted, this restriction should be considered minor and a country should receive a *ONE*. In general, if travel to one country is restricted for security reasons, but otherwise foreign travel is not restricted, the country should be coded as *ONE*.

Restrictions on the movement of minors should not be treated as restrictions of freedom of movement.

Restrictions on the movement of refugees or other non-citizens should not be treated as restrictions of freedom of movement.

Instances where government respect for freedom of movement is described as “generally unrestricted,” “unimpeded,” “free” “unhindered,” or likewise, should be coded as a *ONE*. Instances where the number of citizens’ targeted for government restrictions on movement are described as “insignificant,” “few,” “minor”, “negligible,” or likewise, should be coded as a *ONE*.

Use your best judgment in arriving at a coding decision. If the USSD report states that most citizens are allowed freedom of movement with only minor or few restrictions imposed on some citizens’ movement, the country should receive a *ONE*.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports. In the USSD reports, you will find information in Section Two (Respect for Civil Liberties, Including:), Subsection D: (Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation).

Grounding in International Law

International Covenant on Civil and Political Rights, Part III, Article 12

FREEDOM OF ASSEMBLY AND ASSOCIATION

Definition:

It is an internationally recognized right of citizens to assembly freely and to associate with other persons in political parties, trade unions, cultural organizations, or other special-interest groups. This variable evaluates the extent to which the freedoms of assembly and association are subject to actual governmental limitations or restrictions (as opposed to strictly legal protections).

Despite the international recognition of the right to assembly and association, in some states, citizens are prohibited by government from joining, forming, and participating in political parties of their choice. Citizens in many states are prohibited from protesting or publicly criticizing government decisions and actions. In more than a few states, organizations critical of a government or those that are perceived to have political agendas are not allowed to hold demonstrations, and their activities are severely curtailed and closely monitored by the state.

Coding Scheme:

Citizens' rights to freedom of assembly and association are:

- 0 Severely restricted or denied completely to all citizens
- 1 Limited for all citizens or severely restricted or denied for select groups
- 2 Virtually unrestricted and freely enjoyed by practically all citizens
- 999 Not mentioned

“In Law” versus “In Practice”:

It is important to remember when coding Freedom of Assembly and Association that it is the *actual practices of governments*, and not what legal protections that exist, that is being coded.

The Issue of Self-Censorship:

For the purposes of coding this variable, self-censorship is defined as a situation where a citizen or group of citizens (e.g., political party, trade union, minority group, the media as a whole) censors their own activities or speech *a priori* because of fear of government reprisal for these public expressions or activities. Any such reported self-censorship cases count towards government restrictions on freedom of assembly and association.

There are many other types of self-censorship, several of which one may encounter in the State Department reports. These include, but are not limited to, self-censorship in exchange for bribes by public officials, and self-censorship as a means to guarantee continued employment (where a self-censoring individual's superiors are not under government orders to engage in this practice).

Such cases do not count as restrictive, as they are self-invoked for reasons not related to government activity.

Coding Scheme Explication

TWO:

A country receiving a *TWO* provides for freedom of assembly and association of virtually all its citizens. Instances where government respect for these rights is described as “full,” “unimpeded,” “unrestricted,” or likewise, should be coded as a *TWO*.

It must be noted that this in no way implies *absolute* freedom to assemble and associate. Even in the freest democracies there are minor prohibitions or restrictions imposed on these rights, particularly if they credibly threaten national security, public safety and/or order, or if the exercise of these rights infringes unduly on the rights of others.

An example of a minor prohibition in a country receiving a *TWO* would be the requirement that a permit be obtained for public demonstrations and assemblies. For example, in the United States, permits are required for public demonstrations, as groups cannot block traffic. The government can also restrict demonstrations according to time, place, and manner. Organizers of large demonstrations are often required to inform government officials of the time and place of their demonstration and their planned route.

A country should be coded a *TWO* if the following conditions are met:

- 1) There is government respect for the rights of peaceful assembly and association for virtually all citizens. Government respect for these rights entails that public meetings, including those of political parties and opposition groups, are generally held unimpeded. Professional, academic, trade, and political associations are also allowed to operate without government interference unless the activities of these associations threaten public safety or public order. Citizens are allowed to freely protest government decisions and actions. Permits to demonstrate are routinely granted to both opponents and supporters of the government.
- 2) The government uses *transparent* and *non-discriminatory* criteria in evaluating requests for permits to associate and/or assemble. That is, the requirements for obtaining a permit or organizing a public gathering/meeting are usually published in an ordinance, statute, or other legally binding document. Citizens are permitted knowledge of these requirements and these requirements are applied consistently to everyone on a non-discriminatory basis. If the process for approving or denying the registration of an assembly or association is non-transparent, but there are no reports that a government has discriminated unfairly against certain groups or individuals, a government receives a score of *TWO*.

Note that Albania receives a *TWO* in the following “Examples” section, as despite the fact that there are constitutional limitations of assembly and association, these limitations were not employed by the government in 2002.

ONE:

A government receiving a *ONE* typically places some restrictions on assembly and association for all citizens, or severely restricts or denies these rights to particular groups. Instances where government respect for the right of assembly and association is described as “limited,” “restricted,” “partial,” or likewise, should be coded as a *ONE*.

An example of a moderate restriction is the denial of permits to outlawed groups. For instance, the German government generally respects all citizens’ rights to free assembly and association, but also routinely bans rallies and marches by neo-Nazi groups, rightwing radical groups, terrorist organizations, or other groups that advocate the violent overthrow of government. In this instance, Germany would be coded a *ONE*, as some groups are targeted for prohibition of enjoyment of these rights.

Another example of a score of *ONE* would be government denial of permits to even non-violent political opposition groups or requiring certain groups to go through burdensome registration procedures in order to be allowed to legally exist or gather. Some restrictions may be backed by law stating vague justifications such as the potential undermining of democratic order or necessity to maintain the integrity of the state.

ZERO:

A government receiving a *ZERO* routinely denies or severely restricts all citizens’ freedom of assembly and association or restricts this right for a *significant number* of citizens based on their gender, race, religion, or other criteria. For example, there are countries that legally bar women from participating in public assemblies or from freely associating with other persons in political associations, trade unions, cultural organizations, and other groups. In this instance, a country should receive a *ZERO* because half the population cannot freely exercise their right to freedom of assembly and association.

Instances where political associations or political parties are not allowed to exist under law or members of political associations or political parties are banned from exercising their right to assembly and association should be counted as a severe restriction and coded as a *ZERO*. A country should receive a score of *ZERO* in this instance even if civic associations and government-sanctioned political associations are allowed to exist and to assemble and associate.

Instances where government respect for the right to assembly and association is described as “severely restricted,” “severely curtailed,” “significantly limited,” “frequently denied,” or likewise, should be coded as a *ZERO*.

Examples of severe restrictions / denials of freedom of assembly and association include:

- Using official intimidation, harassment, or threats of retaliation to prevent citizens from exercising the right to assembly and association. Examples include arbitrarily arresting, detaining, and imprisoning peaceful demonstrators; using excessive or unnecessary force (severely beating, maiming, or killing demonstrators); firing or threatening to fire supporters of opposition movements from their jobs; intimidating or threatening protestors' family members; and various other retaliatory measures.
- Prohibiting the right of citizens to join political parties, trade unions, professional associations, human rights organizations, religious associations, and similar types of groups.
- Prohibiting the existence of political associations or political parties and/or prohibiting members of political associations or political parties from exercising the right to assembly and association.
- Permitting only government-sanctioned or official party organizations to exist and/or assemble.
- Compelling citizens to join government-backed organizations or official political parties as a *formal* requirement for access to influential positions. In some instances, the government stipulates that access to positions of authority in government, academia, the media, and similar institutions are contingent upon citizens' membership in the official party organization.

Where to Find Information About this Variable:

Information about this indicator will be obtained in the State Department reports, Section Two (Respect for Civil Liberties), Subsection B (Freedom of Peaceful Assembly and Association).

Grounding in International Law:

International Covenant on Civil and Political Rights, Part III, Article 22

POLITICAL PARTICIPATION

Definition:

The right of citizens to freely determine their own political system and leadership is known as the right to self-determination. Enjoyment of this right means that citizens have both the legal right and the ability in practice to change the laws and officials that govern them through periodic, free, and fair elections held on the basis of universal adult suffrage.

To what extent do citizens have freedom of political choice and have the legal right and ability in practice to change the laws and officials that govern them? This right is sometimes known as the right to self-determination, and "by virtue of this right [citizens] freely determine their own political status..." (UN International Covenant on Economic, Social and Cultural Rights, Part I, Article 1).

Coding Scheme:

Political Participation is:

- (0) Very limited
- (1) Moderately free and open
- (2) Very free and open
- (-999) Not mentioned

Countries Receiving a *TWO*

In a country receiving a score of *TWO*, citizens have the right to self-determination under the law, and exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The electoral process is transparent and fair. There are no allegations of vote tampering, electoral fraud, and official intimidation of citizens/opposition political parties that can be corroborated by independent election observers. Elections are generally described as free, fair, and open.

Countries Receiving a *ONE*

In a country receiving a score of *ONE*, citizens have the legal right to self-determination. However, in practice there are some limitations that inhibit citizens from fully exercising this right fully. One such limitation (among many possibilities) is a lack of transparency in the electoral process. Lack of transparency in the electoral process includes voter fraud and electoral irregularities (e.g. biased vote counting and tabulation; use of defective polling machines; government manipulation of voter registration lists). Other electorally-based limitations include official intimidation, harassment, physical violence, bribery, or other coercive tactics to prevent citizens from voting in elections or to influence their votes, including government manipulation or control of the media prior to and during elections.

Instances where government respect for citizens' right to self-determination is described as "somewhat limited," "partial," "not fully guaranteed," or likewise, should be coded as a *ONE*. If the USSD report states that limitations on political participation are not severe or that they do not significantly impinge on citizens' right to self-determination, the country should receive a *ONE*.

Countries Receiving A ZERO

In a country receiving a score of *ZERO*, the right to self-determination through political participation does not exist either in law or in practice. The government systematically retaliates against citizens who seek to possess this right through intimidation, threats of (or actual) violence, arrest, detention, and other coercive methods of control. In practice, the government severely restricts all or a significant number of citizens' ability to exercise this right.

Instances where government respect for the right of self-determination is described as "severely restricted," "routinely denied," "systematically repressed," "significantly curtailed," or likewise, should be coded as a *ZERO*. Instances where the number of citizens' targeted for government restrictions on this right is described as "significant," "many," "numerous," "a large number," or likewise, should also be coded as a *ZERO*.

Some examples of restrictions constituting a *ZERO*:

- Intimidation, harassment, threats of (or actual) physical violence, and other coercive tactics by the government or its affiliates (police, security forces, political party leaders, etc...), resulting in significant restrictions on citizens' ability to exercise their right to self-determination.
- Opposition political parties are legally banned OR the activities of opposition political parties are severely curtailed and closely monitored by the state.
- The official ruling party does not allow elections to be held or elections have been indefinitely postponed.
- The Executive and/or military and security forces exercise broad constitutional powers and routinely and unilaterally use their power to negate valid election results or decisions made by a popularly elected legislature.
- Limits on the right of citizens to vote and participate in politics based on their gender, ethnicity, race, religion, membership in a group, or other criteria. For example, some countries do not permit women to vote or run for elective office. In this instance, a country should receive a score of *ZERO* because half the population is effectively disenfranchised and cannot freely exercise their right to self-determination. Another example is a country where the government or its affiliates (police, military, local officials, etc...) deprive a significant number of ethnic or racial minorities or indigenous groups of the right to vote in elections by refusing to register them or by refusing to let them enter polling stations. In this instance, a country should also receive a score of *ZERO*.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports. In the USSD reports, you will find information in Section 3 (Respect for Political Rights: The Right of Citizens to Change Their Government).

Grounding in International Law

International Covenant on Civil and Political Rights: Part I, Article 1; Part III Article 25

International Covenant on Economic, Social and Cultural Rights: Part I, Article 1

WORKER RIGHTS

Definition:

Workers should have freedom of association at their workplaces and the right to bargain collectively with their employers. In addition, they should have other rights at work. The 1984 Generalized System of Preferences (GSP) agreement of the World Trade Organization requires reporting on worker rights in GSP beneficiary countries. It states that internationally recognized worker rights include: (A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Coding Scheme:

Workers' rights are:

- (0) Severely restricted
- (1) Somewhat restricted
- (2) Fully protected
- (-999) Not mentioned

The guiding principle behind the coding scheme described in detail below is that you should give greatest weight to government respect for (A) the right of association and (B) the right to organize and bargain collectively. Unless both of these rights are satisfactorily protected, a government should receive a score of ZERO. A score of TWO is provided to governments that protect the exercise of these rights AND have no other significant violations of worker rights. A score of ONE is given to governments that protect the rights to association and collective bargaining but have other significant violations of worker rights.

The description of government protection of workers' rights in the US State Department Reports (USSD) is fairly brief from 1981-1995, but is much more extensive thereafter. These coding guidelines are designed to allow the coder to make decisions even during that period when little information was available. Some examples are provided from that earlier period to illustrate the brevity of the descriptions available. Beginning in 1996, extensive information is made available on government protections of almost all of the worker rights listed above.

TWO

A country-year should be coded as TWO if it meets ALL of the following conditions:

- The government protected the rights of the vast majority of workers in the private sector to freedom of association at the workplace. "The right of association" has been defined by the International Labor Organization (ILO) to include the right of workers and employers to establish and join organizations of their own choosing without previous

authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority. Requirements to register a trade union with the government is not necessarily a problem unless it is used to selectively deny the formation of unions. In some countries, trade unions may be formed, but the government carefully controls their activities. In such cases, the “right to association” is not fully protected and should be coded as a 0.

AND

- The government protected the right to bargain collectively for the vast majority of workers in the private sector and includes private sectors workers right to strike. A country will still receive a score of 2 if police, military, firefighters or emergency workers are not allowed to strike. The right to bargain collectively also includes the right of private workers to be represented in negotiating the prevention and settlement of disputes with employers, the right to protection against interference, and the right to protection against acts of antiunion discrimination. Governments should promote mechanisms for voluntary negotiations between employers and private workers and their organizations. Collective bargaining should be a common practice and trade unions, both in law and practice, effectively should be protected against antiunion discrimination. If the language in the report criticizing the government is weak AND the number of workers affected by the anti-union practice is small (for example, “allegations that a few workers have been fired for pro-union activities”) the government should be given the benefit of the doubt.

AND

- No other significant problems regarding protections of workers’ rights were mentioned.

ONE

Evidence of ONE OR MORE of the following significant problems should result in coding the country year as a ONE.

- Many public employees (not just police, military, firefighters or emergency workers) are not allowed freedom of association at the workplace or are not allowed collective bargaining rights (including the right to strike).
- Teachers or doctors are not allowed freedom of association at the workplace or are not allowed collective bargaining rights (including the right to strike).
- There is forced or compulsory labor (defined as work or service exacted under the menace of penalty and for which a person has not volunteered). "Work or service" does not apply where obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service, normal civic obligations, certain forms of prison labor, emergencies, and minor communal services. Forced labor should not be used as a means of: (1) mobilizing and using labor for purposes of economic development; (2) racial, social, national, or religious discrimination; (3) political coercion or education, or as a punishment for

holding or expressing political or ideological views opposed to the established political, social, or economic system; (4) labor discipline; or (5) as a punishment for having participated in strikes. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."

- Minimum age for the employment of children concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. ILO Convention 182 on the "worst forms of child labor," which had been ratified by 113 countries by the end of the year, identifies anyone under the age of 18 as a child and specifies certain types of employment as "the worst forms of child labor." These worst forms of labor include slavery, debt bondage, forced labor, forced recruitment into armed conflict, child prostitution and pornography, involvement in illicit activity such as drug production or trafficking, and "work which, by its nature, or the circumstances in which it is carried out, is likely to harm the health, safety or morals or children." ILO Convention 182 permits the employment of children between the ages of 16 and 18 in what the convention describes as an "unhealthy environment," if adequate protective measures have been taken. Countries where the minimum age of employment is 14 can still receive a score of 2 if there are no other significant problems. If children under the age of 14 are working on family farms this is not considered a problem. However, if children under the age of 14 are found working in the formal or informal sector, including the agricultural sector or in the cities, this is a problem.
- Discrimination in hiring or treatment at work: The government should prohibit all discrimination in employment based on race, national origin, or religion. Ignore discrimination based on gender. It is measured elsewhere.
- There is no minimum wage.
- Sympathy strikes are not allowed.
- Strikes for political reasons are not allowed.
- There is only one union allowed per industrial sector, territorial jurisdiction, or occupational classification, but that union operates independently from government authority.

ZERO

A Country-year should be coded as ZERO if:

- The government did not protect the rights of almost all private workers of worker rights to freedom of association at the workplace. Governments that restrict unions from political activity should be coded 0. Governments that also fail to act in the face of employer discrimination of workers trying to organize or specific attacks on unions by other groups should also be coded 0.

OR

- The government did not protect the right to bargain collectively of almost all private workers, which includes the right of private workers to strike.

What Does Not Qualify As a Significant Restriction Problem with Government Protection of Worker Rights:

- The practice of trafficking in women, girls, or human trafficking (because it is rarely, if ever, mentioned in the “Worker Rights” section of the Reports prior to 1996) After 1996, it is mentioned as a problem in most countries of the world.
- A minimum wage that is described as inadequate. Many countries have established minimum wages that are described in USSD reports as inadequate.
- Laws requiring advance warning before a strike of 14 days or less.
- A relatively small formal economy (sometimes referred to as a “modern wage economy”). This is true for most less developed economies.
- Discrimination in hiring and treatment at work based on gender.
- If the government has to approve labor contracts for them to come into force.
- If tripartite frameworks which include the government, unions, and employers exist to negotiate collective bargaining agreements.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports. In the USSD reports, you will find information in Section 2 (1981-1985), Section 5 (1986-1987) Section 6 (1988-Present Worker Rights).

Grounding in International Law

International Covenant on Civil and Political Rights: Part III Article 22

International Covenant on Economic, Social and Cultural Rights: Part III, Articles 7, 8

International Labor Organization: Many Conventions.

WOMEN'S POLITICAL RIGHTS

Definition:

Women's political rights include a number of internationally recognized rights. These rights include:

- The right to vote
- The right to run for political office
- The right to hold elected and appointed government positions
- The right to join political parties
- The right to petition government officials

Coding Scheme:

Regarding the political equality of women:

- (0) None of women's political rights are guaranteed by law. There are laws that completely restrict the participation of women in the political process.
 - (1) Political equality is guaranteed by law. However, there are significant limitations in practice. Women hold *less than* five percent of seats in the national legislature and in other high-ranking government positions.
 - (2) Political equality is guaranteed by law. Women hold *more than* five percent but *less than* thirty percent of seats in the national legislature and/or in other high-ranking government positions
 - (3) Political equality is guaranteed by law and in practice. Women hold *more than* thirty percent of seats in the national legislature and/or in other high-ranking government positions.
- (-999) Not mentioned.

Decision Rules for Coding Women's Rights Using the US State Department Reports:

ZERO:

- a) A country should receive a ZERO if women have no political rights under law. There are laws that specifically prohibit women from participating in government, the political process, or other areas of public life. As a result, women cannot vote, cannot run for and hold elective office, cannot join political parties, and otherwise participate in politics.
- b) A country should receive a ZERO in instances where women's political rights are not mentioned, but it is clear from other statements that both men and women lack political rights.
- c) A country should receive a ZERO in instances where only men have political rights under law.

ONE:

- a) A country should receive a ONE if there are no laws prohibiting women from participating in politics, but women hold *less than* five percent of seats in the national legislature and in high-ranking government positions. (Examples of high-ranking government positions include that of President, Prime Minister, Cabinet Minister, Member of Parliament, and Supreme Court Justice).
- b) A country should receive a ONE in instances where women live under non-democratic rule and they hold *less than* five percent of seats in the national legislature and in other high-ranking government positions. It should NOT be assumed that women lack political rights because there are no formal democratic institutions.
- c) A country should receive a ONE in instances where women's numerical representation in the legislature and in other high-ranking government positions is not mentioned in the reports, but it is clear from other statements that women have a little representation in government and politics. If women's representation is described as "few," "low," "minor," "restricted," "inconsequential," or likewise, a country should receive a ONE.

TWO:

- a) A country should receive a TWO if political equality is guaranteed by law, and women hold *more than* five percent but *less than* thirty percent of seats in the national legislature and in other high-ranking government positions. (Examples of high-ranking government positions include that of President, Prime Minister, Cabinet Minister, Member of Parliament, and Supreme Court Justice).
- b) A country should receive a TWO in instances where women live under non-democratic rule, and hold *more than* five percent but *less than* thirty percent of seats in the national legislature and in other high-ranking government positions. It should NOT be assumed that women lack political rights because there are no formal democratic institutions.
- c) A country should receive a TWO in instances where women's numerical representation is not mentioned in the reports, but it is clear from other statements that women are moderately to well-represented in the legislature and in other high-ranking government positions. In instances where women's representation is described as "moderate," "a fair amount," "relatively unrestricted," "several," or likewise, a country should receive a TWO.

THREE:

- a) A country should receive a THREE if women hold *more than* thirty percent of seats in the national legislature and in other high-ranking government positions. (Examples of high-ranking government positions include that of President, Prime Minister, Cabinet Minister, Member of Parliament, and Supreme Court Justice).
- b) A country should receive a THREE in instances where women live under non-democratic political rule, and hold *more than* thirty percent of seats in the national legislature and in other high-ranking government positions. It should NOT be assumed that women lack political rights because there are no formal democratic institutions.

- c) A country should receive a THREE in instances where women's numerical representation is not mentioned in the reports, but it is clear from other statements that women are well-represented to very well-represented in the legislature and in other high-ranking government positions. In instances where women's representation is described as "full," "unimpeded," "unrestricted," "significant," "proportionate," or likewise, a country should receive a THREE.

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports under Section 3 (Respect for Political Rights: The Right of Citizens to Change Their Government).

Grounding in International Law:

International Covenant on Civil and Political Rights: Part II, Articles 2 and 3.

Convention on the Elimination of All Forms of Discrimination Against Women: Part I, Articles 1 and 3; Part II, Articles 7 and 8.

WOMEN'S ECONOMIC RIGHTS:

Definition:

Women's economic rights include a number of internationally recognized rights. These rights include:

- Equal pay for equal work
- Free choice of profession or employment without the need to obtain a husband or male relative's consent
- The right to gainful employment without the need to obtain a husband or male relative's consent
- Equality in hiring and promotion practices
- Job security (maternity leave, unemployment benefits, no arbitrary firing or layoffs, etc...)
- Non-discrimination by employers
- The right to be free from sexual harassment in the workplace
- The right to work at night
- The right to work in occupations classified as dangerous
- The right to work in the military and the police force

Coding Scheme:

In measuring women's economic rights we are primarily interested in two things: one, the extensiveness of laws pertaining to women's economic rights; and two, *government practices* towards women or how effectively the government enforces the laws.

Regarding the economic equality of women:

- (0) There are no economic rights for women under law and systematic discrimination based on sex may be built into the law. The government tolerates a high level of discrimination against women.
- (1) There are some economic rights for women under law. However, in practice, the government DOES NOT enforce the laws effectively or enforcement of laws is weak. The government tolerates a *moderate level* of discrimination against women.
- (2) There are some economic rights for women under law. In practice, the government DOES enforce these laws effectively. However, the government still tolerates a *low level* of discrimination against women.
- (3) All or nearly all of women's economic rights are guaranteed by law. In practice, the government fully and vigorously enforces these laws. The government tolerates none or almost no discrimination against women.
- (-999) Not mentioned.

Decision Rules & Three-Stage Process for Coding Women's Rights Using the USSD Reports:

Decision Rules:

Where the USSD reports specifically mention that a government elevates statutory laws, penal codes, customary laws, and other laws over the Constitution, base your coding decision solely upon these laws and NOT on the Constitution. Or if it is reasonable to infer from the reports that these laws take precedence over constitutional provisions, base your coding decision solely upon these laws. The rationale for this rule is that in most countries statutory and other laws often contain discriminatory regulations that contradict national constitutional provisions. Examples include Ethiopia and Cameroon where the Constitution prohibits gender-based discrimination in employment and other areas. Yet the Civil and Penal Codes contain discriminatory regulations against women, such as a law allowing the husband to oppose his wife's right to work or to own a business. However, where there is no mention of statutory (and other laws) in the reports, you should base your coding decision upon the types of constitutional provisions related to women's economic rights.

Three-Stage Coding Process:

Coders may need to follow a three-stage process in arriving at a coding decision. During the *first stage*, you must base your coding decision on both laws for women's economic rights and government enforcement of these laws.

Where information on these criteria is missing or is insufficient to make a judgment, you will need to follow a *second stage* procedure to arrive at a coding decision. In this stage, you should base your coding decision on both laws for women's economic rights and the level of societal discrimination against women.

Rarely, you will need to follow a *third stage* to arrive at a coding decision. Where information is insufficient in the reports on laws and government practices (stage 1) and on laws and societal discrimination (stage 2), base your decision *solely* upon the level of societal discrimination (stage 3).

Rule on Benefit of the Doubt: The general rule that coders should follow is that a country's government should not receive the benefit of the doubt and be assigned the higher score where information required for coding decisions at stage one is absent. For example, in instances where law guarantees all or nearly all of women's economic rights, but we lack information on government practices, the country should be coded as a TWO. In instances where there is none or almost no societal discrimination, but we lack other information (laws and government practices), the country should also be coded as a TWO.

In instances where you cannot make a judgment due to insufficient information or where there is no mention in the reports of laws, government enforcement, and societal discrimination, the country is to be coded as missing (-999).

STAGE 1: The table below summarizes stage one.

<u>LAWS</u>	<u>ENFORCEMENT</u>	<u>SCORE</u>
None	None	0
Some	Weak	1
Some	Strong	2
All or Nearly All	Strong	3

According to the table, a score of ZERO means that women have *no* economic rights under law. Employers often openly discriminate against women (e.g. pregnancy and marriage bars, discriminatory hiring practices, pay differentials, etc...) and the government tolerates these practices. The Civil and Penal Codes contain discriminatory regulations against women, such as a law allowing the husband to oppose his wife's right to work or to own a business. In such an instance A country should also receive a score of ZERO if women have *some* economic rights under law (i.e. free choice of employment and equal pay for equal work), yet discriminatory legal provisions allow husbands to prevent wives from working outside the home. Even though women have some economic rights, they are only able experience these rights through the goodwill of a male relative.

An *important exception* to this rule is instances where women's economic rights are 'not, a country should receive a score of ZERO. guaranteed by law, but are practiced'. In such instances, the USSD reports may state that despite discriminatory laws or no laws, to some extent women participated in economic life or are fairly well-represented in the workforce. In this instance, a country should be coded a ONE.

A score of ONE means that women have *some* economic rights under law, but the government does NOT effectively enforce the laws for a number of reasons such as an ineffective judicial system and concessions to societal discrimination against women. As a result, women rarely are compensated equally with men, are more likely than men to be laid off, and frequently hold lower paying, low-status jobs.

A score of TWO means that women have *some* economic rights under law, but the government does effectively enforce the laws. In a country that receives a score of TWO, women tend to experience equality in hiring and promotion, job security, and career advancement. In practice, however, a few inequalities persist in pay and other areas.

A score of THREE means that *all or nearly all* of women's economic rights are guaranteed under law and the government *fully* and *vigorously* enforces these laws in practice. Government policy actively encourages and supports women's participation in economic life. It must be noted, however, that a score of THREE does not imply the complete absence of discrimination or

perfect conditions. Even in the most egalitarian societies women still encompass problems such as gender inequity in pay.

STAGE 2:

In stage two, you should base your coding decision on both laws for women's economic rights and the level of societal discrimination against women.

This stage is summarized in table below.

<u>LAWS</u>	<u>SOCIETAL DISCRIMINATION</u>	<u>SCORE</u>
None	High	0
Some	Moderate	1
Some	Low	2
All or Nearly All	None to Almost None	3

According to the table, a score of ZERO means that women have *no* economic rights under law and the level of societal discrimination is high. A score of ONE means that women have *some* economic rights under law and the level of societal discrimination is moderate, and so forth.

In determining the level of societal discrimination, pay particular attention to key terms mentioned in the USSD reports. Terms such as “pervasive,” “endemic,” “extensive,” “widespread,” or likewise, best describe a high level of societal discrimination (ZERO). Terms such as “some,” “a fair amount”, “limited”, or likewise, best describe a moderate level of discrimination (ONE). Terms such as “little,” “minor,” “a small amount,” or likewise, best describe a low level of discrimination (TWO). Terms such as “non-existent,” “negligible”, “inconsequential,” or likewise, best describe none or almost no discrimination (THREE).

Stage 3:

Where there is insufficient information to make a judgment following stages one and two, you will need to follow a third stage to arrive at a coding decision. In this stage, base your coding decision *solely* upon the level of societal discrimination. Follow the same *benefit of the doubt rule* described on the previous page.

Stage three is summarized in table below.

<u>SOCIETAL DISCRIMINATION</u>	<u>SCORE</u>
High	0
Moderate	1
Low	2
None - Almost None	3

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports. In the USSD reports, you will find information in both Section 5 (Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status) and Section 6 (Worker's Rights). Sometimes, there is a "Women" subheading to Section 5.

Grounding in International Law:

International Covenant on Civil and Political Rights: Part I, Article 1; Part III Article 22
 International Covenant on Economic, Social and Cultural Rights: Part III, Article 7, 8
 Convention on the Elimination of All Forms of Discrimination Against Women (particularly Part II, Articles 10, 11).

WOMEN'S SOCIAL RIGHTS

Definition:

Women's social rights include a number of internationally recognized rights. These rights include:

- The right to equal inheritance
- The right to enter into marriage on a basis of equality with men
- The right to travel abroad
- The right to obtain a passport
- The right to confer citizenship to children or a husband
- The right to initiate a divorce
- The right to own, acquire, manage, and retain property brought into marriage
- The right to participate in social, cultural, and community activities
- The right to an education
- The freedom to choose a residence/domicile
- Freedom from female genital mutilation (FGM) of children and of adults without their consent
- Freedom from forced sterilization

Ignore any mention in the USSD reports of domestic violence, trafficking and prostitution, sexual harassment, honor killings, dowry deaths, and rape.

Definition of Unfamiliar Terms:

Female genital mutilation (FGM):

FGM is a term used to refer to any practice that includes the removal or the alteration of part, or all, of the female genitalia. There are three main types of FGM that are practiced through the world: Type I or Sunna circumcision, Type II or excision, and Type III or infibulation. These three operation range in intensity, from the "mildness" of Type I, to the extreme Type III (<http://www.amnesty.org/ailib/intcam/femgen/fgm1.htm>).

Honor killings:

Honor killings occur when men kill their female relatives for activities in which the female dishonors the family reputation for perceived misuse of her sexuality. (<http://womensissues.about.com/cs/honorkillings/a/honorkillings.htm>)

Dowry Deaths & Bride Burnings:

A dowry death occurs when a husband engineers an “accident” (frequently the bursting of a kitchen stove) that results in the death of his wife. The main motive is monetary as the husband and his family often feel the obligatory marriage dowry (gifts from the wife's in-laws) is not enough.

Coding Scheme:

In measuring women’s social rights we are primarily interested in two things: one, the extensiveness of laws pertaining to women’s social rights; and two, *government practices* towards women or how effectively the government enforces the laws.

Regarding the social equality of women:

- (0) There are no social rights for women under law and systematic discrimination based on sex may be built into the law. The government tolerates a high level of discrimination against women.
 - (1) There are some social rights for women under law. However, in practice, the government DOES NOT enforce these laws effectively or enforcement of laws is weak. The government tolerates a *moderate level* of discrimination against women.
 - (2) There are some social rights for women under law. In practice, the government DOES enforce these laws effectively. However, the government still tolerates a *low level* of discrimination against women.
 - (3) All or nearly all of women's social rights are guaranteed by law. In practice, the government fully and vigorously enforces these laws. The government tolerates none of almost no discrimination against women.
- (-999) Not mentioned.

Decision Rules & Three-Stage Process for Coding Women’s Rights Using the USSD Reports:

Decision Rules:

RULE 1: Where the USSD reports specifically mention that a government elevates statutory laws, penal codes, customary laws, and other laws over the Constitution, base your coding decision solely upon these laws and NOT on the Constitution. Or if it is reasonable to infer from the reports that these laws take precedence over constitutional provisions, base your coding decision solely upon these laws. The rationale for this rule is that in most countries statutory and other laws often contain discriminatory regulations that contradict national constitutional provisions. Examples include Ethiopia and Mozambique where the Constitution prohibits gender-based discrimination in marriage and inheritance. Yet civil and commercial legal codes contradict the constitution and contain discriminatory regulations, such as a law treating women as legal minors in marriage.

However, where there is no mention of statutory (and other laws) in the reports, you should base your coding decision upon the types of constitutional provisions related to women's social rights.

Three-Stage Coding Process:

Coders may need to follow a three-stage process in arriving at a coding decision. During the *first stage*, you must base your coding decision on both laws protecting women's social rights and government enforcement of these laws.

Where information on these criteria is missing or is insufficient to make a judgment, you will need to follow a *second stage* to arrive at a coding decision. In this stage, you should base your coding decision on both laws for women's social rights and the level of societal discrimination against women.

Rarely, you will need to follow a *third stage* to arrive at a coding decision. Where information is insufficient in the reports on laws and government practices (stage 1) and on laws and societal discrimination (stage 2), base your decision *solely* upon the level of societal discrimination (stage 3).

Rule on Benefit of the Doubt: The general rule that coders should follow is that a country's government should not receive the benefit of the doubt and be assigned the higher score where information required for coding decisions at stage one is absent. For example, in instances where law guarantees all or nearly all of women social rights, but we lack information on government practices, the country should be coded as a TWO. In instances where there is none or almost no societal discrimination, but we lack other information (laws and government practices), the country should also be coded as a TWO.

In instances where you cannot make a judgment due to insufficient information or where there is no mention in the reports of laws, government enforcement, and societal discrimination, the country is to be coded as missing (-999).

STAGE 1: The table below summarizes stage one.

<u>LAWS</u>	<u>ENFORCEMENT</u>	<u>SCORE</u>
None	None	0
Some	Weak	1
Some	Strong	2
All or Nearly All	Strong	3

According to the above table, a score of ZERO means that women have no social rights under law and systematic discrimination based on sex may be built into law. As a result, women are not able to freely enter a relationship of choice with a partner, to initiate a divorce, to acquire and manage property, to confer citizenship on children, to travel abroad, or to pursue an education.

An *important exception* to this above coding rule is instances where ‘women’s social rights are not guaranteed by law, but are practiced’. In such instances, the USSD reports may state that despite discriminatory laws or no laws, women participate in social activities, have a fairly high literacy rate, and can manage property. In this instance, a country should be coded a ONE.

A score of ONE means that women have *some* social rights under law, but the government does NOT effectively enforce the laws for a number of reasons such as financial constraints and government concessions to discriminatory social practices.

A score of TWO means that women have some social rights under law, but the government does not effectively enforce the laws. In a country that receives a score of TWO, women have some social rights such as the right to equal inheritance, the right to enter into marriage on a basis of equality with men, and the right to initiate a divorce. In practice, however, a few inequalities persist in certain areas.

A score of THREE means that *all or nearly all* of women’s social rights are legally guaranteed and the government *fully and vigorously* enforces these laws in practice. Women have for all intents and purposes obtained equality with men in law and in practice. It must be noted, however, that a score of THREE does not imply the complete absence of discrimination or perfect conditions. Even in the most egalitarian societies women still encompass problems such as gender inequity in access to education.

STAGE 2:

In stage two, you should base your coding decision on both laws for women's social rights and the level of societal discrimination against women.

This second stage is summarized in table format below.

<u>LAWS</u>	<u>SOCIETAL DISCRIMINATION</u>	<u>SCORE</u>
None	High	0
Some	Moderate	1
Some	Low	2
All or Nearly All	None to Almost None	3

According to this table, a score of ZERO means that women have *no* social rights under law and the level of societal discrimination is high. A score of ONE means that women have *some* social rights under law and the level of societal discrimination is moderate, and so forth.

In determining the level of societal discrimination, pay particular attention to key terms mentioned in the USSD reports. Terms such as “pervasive,” “endemic,” “extensive,” “widespread,” or likewise, best describe a high level of societal discrimination (ZERO). Terms such as “some,” “a fair amount”, “limited”, or likewise, best describe a moderate level of discrimination (ONE). Terms such as “little,” “minor,” “a small amount,” or likewise, best describe a low level of discrimination (TWO). Terms such as “non-existent,” “negligible”, “inconsequential,” or likewise, best describe none or almost no discrimination (THREE).

Stage 3:

Where there is insufficient information to make a judgment following stages one and two, you will need to follow a third stage to arrive at a coding decision. In this stage, base your coding decision solely upon the level of societal discrimination. Follow the same benefit of the doubt rule described on the previous page.

Stage three is summarized in table format below.

<u>SOCIETAL DISCRIMINATION</u>	<u>SCORE</u>
High	0
Moderate	1
Low	2
None - Almost None	3

Where to Find Information About this Variable:

Information about this indicator will be contained in the USSD reports. In the USSD reports, you will find information in Section 5 (Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status).

Grounding in International Law:

International Covenant on Civil and Political Rights: Part I, Article 1; Part III Article 23, 24

International Covenant on Economic, Social and Cultural Rights: Part III, Articles 10, 12, 13, 15.
Convention on the Elimination of All Forms of Discrimination Against Women (particularly Part II, Article 9, Part III Articles 10, 12, 13, 14, 15, 16).

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