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Global Human Rights: The Department of State's Country Reports on Human Rights Practices

Introduction

The State Department's *Country Reports on Human Rights Practices* are an annual U.S. government account of human rights conditions in countries around the globe. The reports characterize countries on the basis of their adherence to "internationally recognized human rights," which generally refer to civil, political, and worker rights set forth in the Universal Declaration of Human Rights and other international human rights agreements.

The most recent reports cover calendar year 2020 and were issued on March 30, 2021. They provide individual narratives on countries and territories worldwide and are available on the Department of State website. As with prior reports, the 2020 reports do not compare countries or rank them based on the severity of human rights abuses documented. Although the reports describe human rights violations in many countries, in remarks introducing the reports and in a written preface, Secretary of State Antony Blinken specifically noted violations in a number of countries, including China, Ethiopia, Russia, Syria, Uganda, Venezuela, and Yemen, among others. Blinken described Coronavirus Disease 2019 (COVID-19) as a negative factor affecting respect for human rights, stating, "autocratic governments have used [the pandemic] as a pretext to target their critics and further repress human rights."

Categories Covered in the 2020 Reports

- Integrity of the Person
- Civil Liberties
- Political Participation
- Corruption and Government Transparency
- Governmental Attitude toward Human Rights Investigations
- Discrimination and Societal Abuses
- Worker Rights

Legislative Mandate

The statutory requirement for the human rights reports is found in Sections 116 and 502B of the Foreign Assistance Act (FAA) of 1961 (P.L. 87-195), as amended. Both of these provisions were first enacted via congressional amendments in the mid-1970s and have been broadened and strengthened over time through additional amendments.

The 1970s was a formative period for human rights-related legislation as Congress sought to enshrine human rights as a priority in U.S. foreign policy. Section 502B of the FAA (22 U.S.C. §2304), added in 1974 and substantially strengthened in 1976, sought to withhold U.S. security assistance from countries the governments of which engage in "a consistent pattern of gross violations of internationally recognized human rights." Section 116 (22 U.S.C. §2151n), added in 1975 and also strengthened in the years following, imposed similar restrictions for recipients of U.S. development assistance. Contained within these provisions

was language requiring that the Secretary of State transmit to Congress each year a report on the human rights conditions of recipient countries; an amendment to Section 116 in 1979 broadened the reporting requirement to cover all other foreign countries. This language thus served as the legislative basis for the State Department's annual human rights reports. Despite the legislative origin of the reports in connection with U.S. foreign assistance, the role that the reports should play with regard to assistance decisions or in U.S. foreign policy generally has been the subject of debate (see "Relationship to U.S. Foreign Policy" below).

Evolution of the Reports

In the early reports, there was concern within the State Department about publicly characterizing the human rights conditions in other countries, particularly U.S. allies. The first reports were criticized for being biased and thin on substance. Over time, with improvements in the breadth, quality, and accuracy of the reports, many observers have come to recognize them as authoritative (countries whose human rights conditions are criticized in the reports, however, often publicly defend their record and/or dismiss the reports as biased). Lawmakers, foreign governments, human rights organizations, scholars, and others cite the modern reports.

The State Department has gradually broadened the scope of the reports to add or expand coverage of certain topics, sometimes due to congressional amendments to the statutory requirements. Topics that now receive increased coverage include, for example, press and internet freedoms, corruption and government transparency, and human rights abuses based on sexual orientation and gender identity. In addition, the reports now reference separate congressionally mandated reports on international religious freedom (IRF) and trafficking in persons (TIP). In introducing the 2020 reports, Secretary Blinken indicated that the State Department would later release addenda with additional information on issues related to reproductive rights, which were removed from the reports during the prior Administration. In November 2021, the department added information for each country "on key issues such as government policy adversely affecting access to contraception, access to skilled healthcare during pregnancy and childbirth, access to emergency healthcare, and discrimination against women in accessing sexual and reproductive health care, including for survivors of gender-based violence."

The joint explanatory statement for the FY2021 State Department, Foreign Operations, and Related Programs Appropriations Act (Division K of P.L. 116-260) directed the Secretary of State to include within the reports "information on the intimidation of, and attacks against,"

civil society activists and journalists, as well as the response of the foreign government. Some bills introduced in the 117th Congress would amend the FAA to mandate coverage of other specific human rights issues.

Drafting and Review Process

The State Department's Bureau of Democracy, Human Rights, and Labor (DRL) coordinates the drafting and issuance of the human rights reports. Embassy officers use reporting guidance, issued annually by DRL, to formulate initial drafts for each country. The reports are then edited by DRL staff and further refined in consultation with other relevant State Department offices and the embassies (see **Figure 1**). The Department of Labor may also contribute to and/or review the portions concerning worker rights. According to a May 2012 report by Government Accountability Office (GAO), near the end of the editing process, the Office of the Secretary of State and National Security Council (NSC) staff may review selected country reports. Information sources for the reports are wide-ranging and may include nongovernmental organizations, press reports, academic and congressional studies, international organizations, governments, and alleged victims of human rights abuses.

Figure 1. Overview of the Report Drafting Process



Source: Created by CRS based on GAO-12-561R (May 2012), p. 8.

Note: Timelines are for illustrative purposes and may vary.

By law, the reports are to be issued by February 25, but in practice the issuance is often delayed until March or April. According to GAO, preparing the reports “involves a significant commitment of State time and resources” within DRL and at embassies. In an October 2018 report, the State Department Office of Inspector General (OIG) found that DRL had “established generally effective processes” for report production.

Human Rights in the United States

The FAA requires that the reports cover foreign countries, and does not mandate coverage of human rights conditions in the United States. (The aforementioned annual report on IRF similarly covers only foreign countries, while the annual report on TIP is required to cover U.S. domestic efforts to combat the practice.) State Department officials

have at times noted that the United States participates in mechanisms that evaluate domestic human rights conditions, such as the United Nations Human Rights Council's Universal Periodic Review (UPR). The United States underwent its third and most recent review in 2020, and the council adopted the United States' UPR report in March 2021. According to the State Department, the U.S. government accepted “in whole or in part” approximately 81% of the recommendations received during the review.

Relationship to U.S. Foreign Policy

Identification as a human rights-violating nation by the U.S. government is likely a stigma most nations seek to avoid. In practice, the human rights reports have more often served as an information source for U.S. policy than as an instrument for restricting U.S. foreign aid. Findings from the reports appear to have rarely been used to restrict aid in accordance with Section 116 or Section 502B of the FAA, and these provisions do not require that the State Department characterize in the reports which, if any, governments have met the statutory standard of “a consistent pattern of gross violations of internationally human rights.” This differs somewhat from other similar annual reports that Congress mandated in later years, such as those on IRF and TIP, which feature mechanisms to publicly designate problematic governments for potential punitive action.

Human rights advocates have at times argued that findings from the reports could serve a more concrete role in influencing U.S. relations with foreign governments, with some pointing to what they view as historically insufficient adherence by the executive branch to the above-discussed provisions for withholding assistance from consistent gross violators of human rights. The State Department has generally contended that the reports serve as a valuable tool in informing U.S. policy on human rights as well as decisions on foreign aid, asylum, and other matters. Some have raised the prospect of potential tensions between more direct policy linkages and the continued actual or perceived objectivity of the reports.

As a general matter, some analysts and policymakers argue that tying U.S. policy too closely to human rights can overly constrain the U.S. government's flexibility to address other challenges affecting U.S. interests. In contrast, supporters of robust human rights and democracy promotion argue that doing so serves U.S. interests over the long term. In his remarks introducing the 2020 reports, Secretary Blinken argued that human rights-respecting countries are more likely to be peaceful, prosperous, stable, and supportive of “the rules-based international order” built by the United States and U.S. allies.

The scope and content of the reports and the role they should serve, as well as the role of human rights in U.S. foreign policy more broadly, have been contested since the reports began in the 1970s. Congress has been a key actor in these debates, often as a source of pressure on the executive branch to place greater emphasis on human rights when formulating foreign policy.

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