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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 the civil, political, and worker rights set forth in the Universal Declaration of Human Rights (adopted by the United Nations General Assembly in 1948) and other international human rights agreements.

The most recent reports cover calendar year 2018 and were issued on March 13, 2019. They provide individual narratives for nearly 200 countries and are available on the Department of State website. As with prior reports, the 2018 reports do not compare countries or rank them based on the severity of human rights abuses documented. In his remarks introducing the reports, Secretary of State Michael Pompeo specifically noted human rights violations in Iran, South Sudan, Nicaragua, and China, and stated that China in particular "is in a league of its own when it comes to human rights violations." Pompeo also noted that the report documents human rights violations in U.S. allied and partner countries as well, but did not name any of these specifically. Similar to prior years, some countries whose human rights practices were criticized in the reports publicly defended their record and accused the United States of human rights challenges of its own. Some changes in emphasis and terminology in the 2018 reports were also noted in U.S. and international media coverage.

Human Rights Categories Covered in the 2018 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. In 1974, Section 502B of the FAA (22 U.S.C. 2304) was enacted to withhold U.S.

security assistance from governments that engage in "a consistent pattern of gross violations of international human rights." The following year, Section 116 (22 U.S.C. 2151n) was added, introducing similar restrictions for recipients of U.S. development assistance. Accompanying these provisions was language requiring that the Secretary of State transmit to Congress each year a "full and complete report" concerning the human rights conditions of recipient countries; this language thus served as the legislative basis for the annual human rights reports. An amendment in 1979 further broadened the reporting requirement to cover all U.N. member states.

Despite their legislative origin in connection with U.S. foreign assistance, the reports have generally served as an information source for U.S. policy rather than as a direct instrument for restricting aid. The precise role that the reports should play in U.S. policy has been the subject of continued 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, experts have generally come to recognize them as authoritative. The modern reports are cited by lawmakers, foreign governments, human rights organizations, scholars, and others. The scope of the reports has also broadened as Congress has amended legislation to add or expand human rights topics in response to evolving situations and contexts. Topics that now receive increased coverage include worker rights, the rights of sexual minorities and persons with disabilities, and corruption, among others. In addition, the reports now reference separate congressionally mandated reports on international religious freedom (IRF) and trafficking in persons (TIP).

Relevant Legislation in the 116th Congress

S. 707 and H.R. 1581, introduced in March 2019, would amend the FAA to require that the human rights reports cover respect for reproductive rights in each country, including issues such as access to maternal health services, statistics on maternal deaths, and discrimination against women and girls in health care settings. The bills would also require that State Department officials consult organizations with expertise and experience in sexual and reproductive health and rights in preparing the annual report.

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 reviewed and edited by DRL staff, cleared by relevant bureaus within the State Department, and further refined in consultation with the embassies and regional bureaus. Near the end of the process, country reports of particular public interest or scrutiny may be reviewed by the Secretary of State's office and the National Security Council staff. Information sources for the reports are wide-ranging and include press reports, nongovernmental organizations (NGOs), intergovernmental and international organizations, academics, and activists.

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 this issuance is often delayed until March or April. In October 2010, the State Department's Office of the Inspector General (OIG) identified the reports as among the most personnel-resource intensive of the department's congressionally mandated reports. According to the OIG, the breadth of the reports and the extensive consultative drafting and review process has contributed to the State Department failing to meet the annual statutory deadline for issuing the reports. State Department officials have described the extensive review process as aimed at ensuring the reports are both comprehensive and objective.

Human Rights in the United States

The State Department human rights reports do not cover human rights conditions in the United States, a fact that has sometimes been a point of criticism. State Department officials have pointed out that the United States actively participates in other mechanisms that evaluate domestic human rights conditions, such as the U.N. Human Rights Council's Universal Periodic Review (UPR). The U.S. government submitted its most recent report on human rights conditions in the United States through the UPR process in 2015.

Relationship to U.S. Foreign Policy

Findings from the human rights reports have rarely been used to restrict U.S. foreign aid in accordance with Section 502B or Section 116 of the FAA. The reports differ from other similar congressionally required annual reports, such as those on IRF and TIP, which feature mechanisms to identify and potentially penalize problematic governments. The IRF report, for example, is the basis for the President's annual designation of countries with particularly severe violations of religious freedom, while the TIP report categorizes countries based on their effort to curb human trafficking; the worst-ranked are subject to potential foreign assistance restrictions.

The State Department's view is that the reports are not policy documents, but are a valuable tool in informing U.S. policy on human rights as well as decisions on foreign aid, asylum, and other matters. Proponents of this approach argue that, beyond their role as an information source, the reports also have indirect impacts on policy. The report drafting process itself, for example, may help educate and inculcate concern for human rights within the U.S. Foreign Service. Furthermore, being identified as a human rights-abusing nation by the U.S. government is likely a stigma most nations seek to avoid. Some NGOs have argued that the reports should have a more concrete role in influencing U.S. relations with foreign governments that the reports demonstrate as having failed to protect the rights of their citizens. State Department officials have contended that directly linking the reports to policy may politicize the reports and thereby lead to an erosion in their objectivity.

More generally, some analysts argue that tying U.S. policy too closely to human rights could overly constrain the U.S. government's flexibility to address other challenges affecting U.S. interests; others contend that human rights promotion serves U.S. interests over the long term. In the preface to the most recent reports, Secretary Pompeo stated that the Trump Administration's policy is to "engage with other governments, regardless of their record, if doing so will further U.S. interests," but also that U.S. interests in "enduring stability, prosperity, and security ... will only be served if governments respect human rights and fundamental freedoms." The Administration's December 2017 National Security Strategy described a desire to "champion American values" such as religious freedom and the rule of law, but did not articulate an overarching policy of active human rights promotion as a national security priority.

What role the reports should serve, and the role of human rights in U.S. foreign policy more broadly, have been contested since the reports began in the 1970s. Congress has played a key role 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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