



Updated April 24, 2018

# 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 and political rights set forth in the Universal Declaration of Human Rights (adopted by the United Nations General Assembly in 1948).

The most recent reports cover the calendar year 2017 and were issued on April 20, 2018. They provide individual narratives for nearly 200 countries and are available on the Department of State website. As with prior reports, the 2017 reports do not compare countries or rank them based on the severity of human rights abuses documented. However, the preface to the 2017 reports highlights China, Russia, Iran, and North Korea, stating that the governments of these countries "violate the human rights of those within their borders on a daily basis and are forces of instability as a result." Some other changes in emphasis and terminology in the 2017 reports were noted in U.S. and international media coverage.

### Human Rights Categories Covered in the 2017 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, thereby serving 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.

## 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 reference separate congressionally mandated reports on international religious freedom (IRF) and trafficking in persons (TIP).

### Relevant Legislation in the 115<sup>th</sup> Congress

S. 1177 and H.R. 2643, introduced in May 2017, would amend the FAA to require the human rights reports to cover the institutionalization of children and the subjection of children to cruel, inhuman, or degrading treatment, unnecessary detention, and denial of the right to life, liberty, and the security of persons. S. 1172 and H.R. 2491, also introduced in May 2017, would require that the reports include information on human rights violations based on sexual orientation or gender identity.

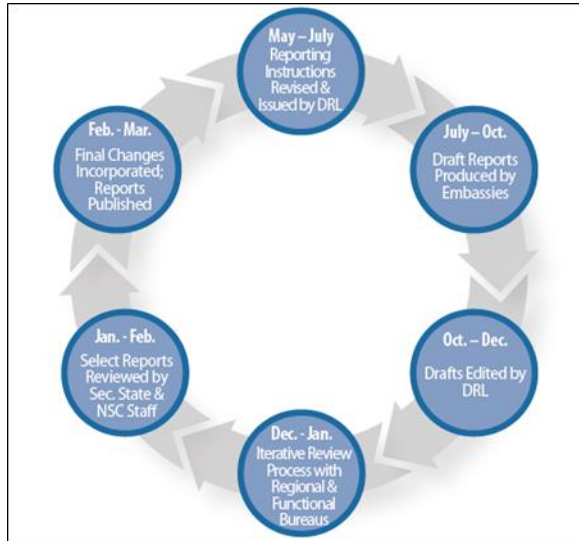
## Drafting Process

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. By law, the reports are to be issued by February 25, but in practice this issuance is often delayed until March or April.

State Department officials describe the extensive review process as aimed at ensuring the reports are both comprehensive and objective. 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.

## 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.

## Considerations for Congress

The human rights reports have become a widely recognized and consistent element of the State Department's approach to human rights. Nevertheless, stakeholders continue to debate the purpose of the reports, as well as issues concerning the resources needed to produce them.

## 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 congressionally required annual reports, such as those on IRF and TIP, which feature mechanisms to identify and 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 model argue that, beyond their role as an information source, the reports also have indirect impacts on policy; the report drafting process itself, for example, helps 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 a stigma most nations seek to avoid. Nonetheless, some NGOs have argued that the reports should have a more concrete role in influencing U.S. relations with foreign governments. Others contend that tying policy too closely to human rights could overly constrain the government's flexibility to address other challenges and would not serve overall U.S. interests. Some have also argued that more directly linking the reports to policy may politicize the reports and thereby erode the goal of objectivity for which they have become known.

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.

## Resource Requirements and the Annual Deadline

In October 2010, the State Department's Office of the Inspector General (OIG) identified the human rights 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.

In the 114<sup>th</sup> Congress, the Human Rights Accountability Act of 2015 (S. 1627) was introduced, which would have withheld a proportion of diplomatic and consular program funding from the State Department for every 30 days the human rights reports were late. Looking ahead, Congress may also consider whether to study the resource burdens associated with these and other congressionally mandated reports and/or encourage the State Department to streamline aspects of the reports or the report drafting process.

*Additional resources and references are available to congressional clients upon request.*

**Michael A. Weber**, Analyst in Foreign Affairs

IF10795

## Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.