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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 2022 and were issued on March 20, 2023. The reports provide individual narratives on countries and territories worldwide and are available on the Department of State website. In remarks introducing the reports, Secretary of State Antony Blinken stated that "in 2022, in countries across every region, we continued to see a backsliding in human rights conditions—the closing of civic space, disrespect for fundamental human dignity."

As with prior reports, the 2022 reports do not compare countries or rank them based on the severity of human rights abuses documented. At the same time, in a preface to the 2022 reports, Blinken stated that some of the reports illustrate "violations and abuses that are appalling in their scale and severity." Blinken noted in particular "death and destruction" arising from Russia's war against Ukraine, state violence against protestors and citizens in Iran and Burma, "genocide and crimes against humanity ... against predominantly Muslim Uyghurs and members of other ethnic and religious minority groups" in China's Xinjiang region, and the Taliban's "oppressive and discriminatory measures against women and girls," among other highlighted country situations.

Broad Topics Covered in the 2022 Reports

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

Legislative Mandate

The foundational 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 U.S. foreign policy more broadly 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 that of U.S. allies. The first reports were criticized for lacking objectivity and being 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. At the same time, countries whose human rights conditions are criticized in the reports often publicly defend their record and/or dismiss the reports as biased.

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 or other directives, such as those accompanying State Department appropriations bills. In addition, the reports now reference separate congressionally mandated reports on international religious freedom (IRF) and trafficking in persons (TIP). Most recently, topics that have received new or increased coverage in the 2021 and/or 2022 reports include "transnational repression," threats and violence against human rights defenders, and abuses against lesbian, gay, bisexual, transgender, queer, and intersex individuals. Members of Congress have at times introduced bills that would further amend the FAA to require new or additional coverage related to these or other specific issues (or permanently mandate coverage that is currently included in practice).

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 also contributes to the portions concerning worker rights. 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; according to an appendix to the 2022 reports, the State Department “provides guidance to U.S. diplomatic missions annually in July for submission of updated reports in September and October,” and “updates these texts by year’s end.”

By law, the reports are to be issued by February 25 each year, but in practice the issuance is often delayed until March or April. According to a 2012 report by the Government Accountability Office (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.) An appendix to the 2022 reports states that the reports “do not describe or assess the human rights implications of actions taken by the U.S. Government or its representatives.” 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. In his remarks introducing the 2022 reports, Secretary of State Blinken stated that “while this report looks outward to countries around the world, we know the United States faces its own set of challenges on human rights,” and argued that a “willingness to confront our challenges openly ... not to sweep them under the rug or pretend they don’t exist” is a distinguishing feature of the United States and other democracies.

Relationship to U.S. Foreign Policy

Given that most nations may seek to avoid being identified as a human rights-violating nation by the U.S. government, the human rights reports may help incentivize improvements in human rights practices in some cases. More directly, while the reports have often served as an information source for U.S. policy, findings from the reports appear to have infrequently been used to restrict aid in accordance with Section 116 or Section 502B of the FAA. These provisions do not require that the State Department characterize in the reports which, if any, governments have met the aforementioned 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 for the reports to play 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 provisions requiring the withholding of assistance from consistent gross violators of human rights.

As a general matter, some analysts 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. Supporters of robust human rights and democracy promotion conversely argue that doing so serves U.S. interests over the long term, such as by reducing threats to U.S. security and fostering international peace. In response to a question during a press briefing on the 2022 reports, Secretary of State Blinken stated that “we have a multiplicity of interests that we’re working on, and we always try to determine how we can most effectively advance them. Human rights is a central interest of ours; it’s not the only one.”

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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