



Updated April 16, 2021

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 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 as a negative factor affecting respect for human rights globally, stating that "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. 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 internationally recognized 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 foreign country U.N. member states. Despite the legislative origin of the reports in connection with U.S. foreign assistance, the role that the reports should play with regard to foreign 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). The modern reports are cited by lawmakers, foreign governments, human rights organizations, scholars, and others. 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 release an addendum to the reports later in the year with additional information on issues related to reproductive rights, which he stated had been removed from the reports during the prior Administration.

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 so far 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 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 (NGOs), 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.

A May 2012 GAO report found that preparing the reports “involves a significant commitment of State time and resources” within DRL and at embassies. 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, the State Department has informed Congress of the challenges of meeting the deadline. 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” 280 of the 347 recommendations received during the review.

Relationship to U.S. Foreign Policy

Identification as a human rights-abusing 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 a direct instrument for restricting U.S. foreign aid. Findings from the reports appear to have rarely been used to restrict aid in accordance with Section 502B or Section 116 of the FAA, and the FAA does 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 congressionally required annual reports, such as those on IRF and TIP, which feature mechanisms to publicly designate problematic governments for potential punitive action. The IRF report, for example, is a primary basis for the executive branch's designation of “countries of particular concern” due to particularly severe violations of religious freedom, while the TIP report categorizes countries into tiers based on their efforts to curb human trafficking.

Human rights advocates have sometimes argued that the reports should serve a more concrete role in influencing U.S. relations with foreign governments that are found to have failed to protect the rights of their citizens. 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, while supporters of robust human rights and democracy promotion generally 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.

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.

Michael A. Weber, Analyst in Foreign Affairs

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.