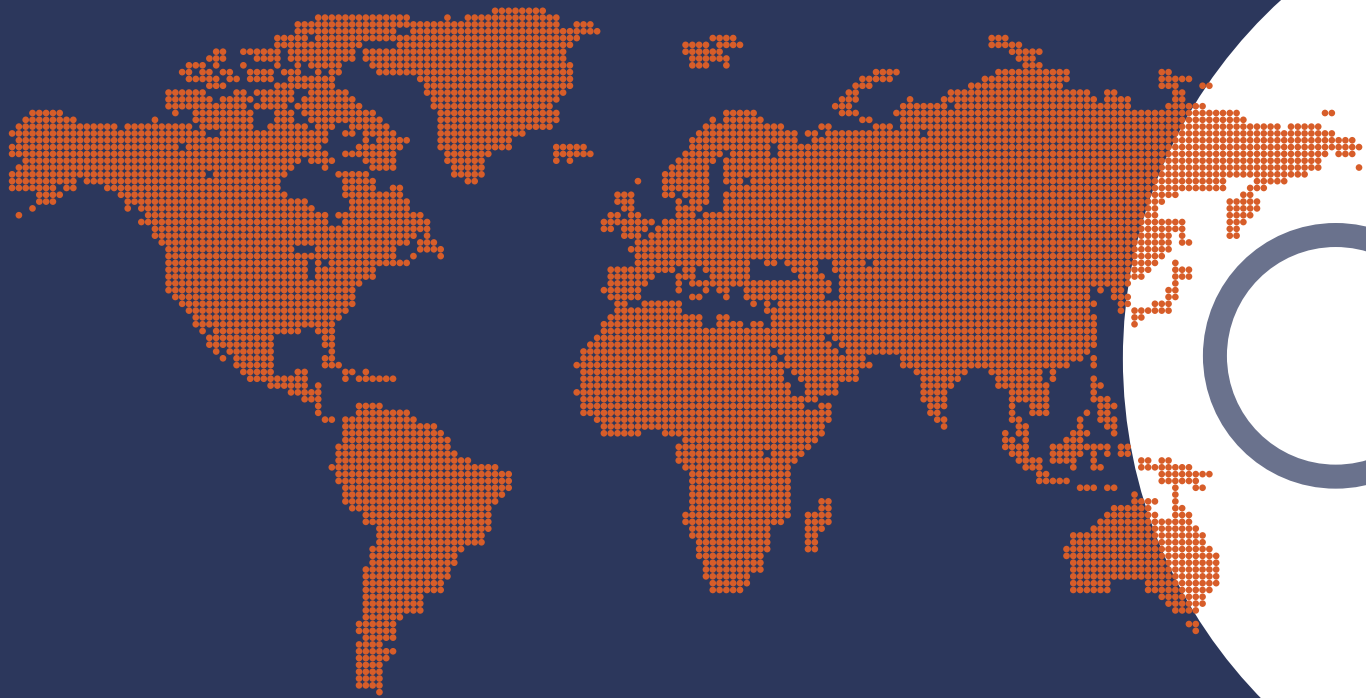


COMPARATIVE ANALYSIS

U.S. Department of State's Country Reports
on Human Rights Practices (2016–2019)



INTRODUCTION & METHODOLOGY

OCTOBER 2020

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- Providing a case-specific research service for asylum and human rights applicants, including in a number of factual-precedent setting Country Guidance (CG) cases;
- Producing country of origin information reports for UNHCR since 2012;
- Undertaking reviews of country reports for the UK Independent Chief Inspector of Borders and Immigration;
- Reviewing the content of UK Home Office Country Policy and Information Notes for the past ten years;
- Reviewing country reports published by the European Asylum Support Office (EASO) for the past six years;
- Producing a series of five reports with our project partner Asylos, to fill gaps in information by combining desk-based research and interviews with a wide range of interlocutors;
- Developing and delivering COI training;
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Introduction

The U.S. Department of State's Congressionally mandated *Country Reports on Human Rights Practices* have been issued annually since 1976. They are now issued on nearly 200 countries and are relied upon to inform foreign aid, foreign policy and diplomatic engagements. They are also used as a tool for human rights defenders and governments to highlight human rights abuses and to hold regimes to account.¹

According to the preface of the reports, they cover:

*internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights and other international agreements. The U.S. Department of State submits reports on all countries receiving assistance and all United Nations member states to the U.S. Congress in accordance with the Foreign Assistance Act of 1961 and the Trade Act of 1974.*²

It is not clear if one of the designated purposes of the *Country Reports on Human Rights Practices* is to inform refugee decision-making. Of the last four such reports published, only the 2017 edition expressly mentions this:

*These reports are required by U.S. law and are used by a variety of actors, including the U.S. Congress, the Executive branch, and the Judicial branch as a factual resource for decision making in matters ranging from assistance to asylum.*³

What is certain is that the topics addressed and the user-friendliness of *Country Reports on Human Rights Practices*, mean they are widely used in refugee decision-making, not just in the U.S. but also throughout the world and tend to carry a lot of weight.

They are relied upon across the world by asylum policy makers, state refugee decision-makers, the UN Refugee Agency (UNHCR), the European Asylum Support Office (EASO), persons claiming asylum and their legal representatives. In the UK they are often heavily cited in [UK Home Office Country Policy and Information Notes](#), which are the key document relied upon by Home Office caseworkers when deciding whether to grant an individual protection (especially when applicants are unrepresented) and by legal representatives in their preparation of cases. Similarly, the Australian Department of Foreign Affairs and Trade produces [Country Information Reports](#) for the sole purpose of determining asylum applications. These reports explicitly mention the U.S. Department of State as producing "relevant and credible open source reports".⁴

The quality standards for researching and using country of origin information in refugee decision-making are relevance, reliability and balance, accuracy and currency, as well as transparency and

¹ Council on Foreign Relations, [Human Rights Reporting and U.S. Foreign Policy](#), 25 March 2009; Foreign Policy, [The Trump Administration Is Erasing Reproductive Rights at Home and Abroad](#), 23 October 2018

² See for example:

U.S. Department of State, [2016 Country Reports on Human Rights Practices](#), 3 March 2017 Preface

U.S. Department of State, [2017 Country Reports on Human Rights Practices](#), 20 April 2018 Preface

U.S. Department of State, [2018 Country Reports on Human Rights Practices](#), 13 March 2019, Preface

U.S. Department of State, [2019 Country Reports on Human Rights Practices](#), 11 March 2020 Preface

³ U.S. Department of State, [2017 Country Reports on Human Rights Practices](#), 20 April 2018 Preface

⁴ See for example: Australian Department of Foreign Affairs and Trade (DFAT), [DFAT Country Information Report: Sri Lanka](#), 4 November 2019, 1. Purpose and Scope, para 1.4 and see ARC, [A Commentary on the Australian Government Department of Foreign Affairs and Trade's Country Report on Sri Lanka, July 2019](#)

traceability.⁵ In order to assess the reliability of a source, a source assessment should be undertaken which entails asking who, what, why, how and when the information in question was provided.⁶ No source should be immune from such an assessment. Government products are often perceived to be shaped by national interests and foreign policy concerns and the U.S. Department of State is no exception.⁷

Historically, the U.S. Department of State *Country Reports on Human Rights Practices* have also been criticised for a lack of transparency as the information they contain is rarely sourced. The reports include the following note on how they are prepared:

*The Department of State prepared this report using information from U.S. embassies and consulates abroad, foreign government officials, nongovernmental and international organizations, jurists and legal experts, journalists, academics, labor activists, and published reports. U.S. diplomatic missions abroad prepared the initial drafts of the individual country reports.*⁸

However, whilst on occasion the reports do directly refer to published reports, the information provided in the reports is rarely attributed to particular sources and no further details on the sources consulted for each country are provided.

As both a producer and user of country of origin information reports, ARC is very familiar with the U.S. Department of State's *Country Reports on Human Rights Practices*, especially as they relate to the countries that produce the largest number of asylum seeking applicants in the UK. The reports are produced annually, in the spring following the year under review.

In March 2018, the 2017 edition of *Country Reports on Human Rights Practices* was published, the first year covering events occurring during President Trump's administration. It became immediately clear that there were structural amendments to the 2017 reports, compared to the 2016 edition; the last year of President Obama's administration. The 2017 reports had in general become shorter and certain sections were removed or renamed, significantly altering the content of the reports.

Most notably the 2016 subsection on *Reproductive rights* was renamed *Coercion in Population Control* in the 2017 report. This was in line with the "global gag rule"^{9,10}, reports of the department's directives to scale back U.S. support for international sexual and reproductive health programmes¹¹

⁵ Austrian Red Cross/Austrian Centre for Country of Origin Information and Asylum Documentation (ACCORD) [Researching COI Training Manual](#), 2013 Edition, 2. *COI quality standards and principles*

⁶ For an assessment of the 2012 USDOS Country Report on Human Rights Practices, see: Austrian Red Cross/Austrian Centre for Country of Origin Information and Asylum Documentation (ACCORD) [Researching COI Training Manual](#), 2013 Edition, p. 95

⁷ See for example, Mark Henderson and Rowena Moffatt of Doughty Street Chambers and Alison Pickup of the Public Law Project, [Best Practice Guide to Asylum and Human Rights Appeals](#), 2020 updated edition, Other documentary evidence, para 17.40-17.41

⁸ See for example:

U.S. Department of State, [2016 Country Reports on Human Rights Practices](#), 3 March 2017 Preface

U.S. Department of State, [2017 Country Reports on Human Rights Practices](#), 20 April 2018 Preface

U.S. Department of State, [2018 Country Reports on Human Rights Practices](#), 13 March 2019, Preface

U.S. Department of State, [2019 Country Reports on Human Rights Practices](#), 11 March 2020 Preface

⁸ U.S. Department of State, [2017 Country Reports on Human Rights Practices](#), 20 April 2018 Preface

⁹ This is the U.S. policy that restricts federal funding for non-governmental organizations that provide abortion counselling or referrals, advocate to decriminalize abortion, or expand abortion services.

¹⁰ Foreign Policy, [The Trump Administration Is Erasing Reproductive Rights at Home and Abroad](#), 23 October 2018

¹¹ Business Insider, [The State Department has ordered diplomats to scale back support for women's sexual and reproductive health programs and education around the world](#), 4 November 2018

as well as directives for U.S. diplomats at the UN to remove the word “gender” from UN human rights documents, to be replaced with “woman”.¹² Moreover, in February 2018 it was reported that according to five former and current State department officials, staff had been ordered to “pare back” the section entitled “discrimination, societal abuses and trafficking in person”, including the subsection on reproductive rights.¹³ State Department spokeswoman Heather Nauert responded that the department was not “downgrading coverage of LGBT or women's issues”.¹⁴ However, in a November 2018 report which analysed the reporting of “Women” and “LGBTI” in the 2015 and 2016 reports (the last two years of the Obama administration), compared to those produced covering events in 2017 (under the Trump administration), Oxfam found that:

- Reporting on women’s rights and issues outside the United States is down 32 percent under President Trump.
- Reporting on LGBTI rights and issues abroad is down 21 percent under President Trump.
- Countries of origin of asylum seekers to the United States have seen their reporting on women’s rights and issues decline even more.
- Estimates show that countries with greater gender inequality have seen their reporting decline more.
- The section of the reports that formally addresses reproductive rights has been cut and renamed “Coercion in Population Control” under President Trump; critical data on maternal mortality and access to contraception have been eliminated.¹⁵

Human rights organisations have observed other patterns in the 2017 reports. For example Amnesty International USA described that they “have been overshadowed by an unprecedented and alarming level of politicized editing by the Trump administration that undermines the credibility of the reports — and worse, undermines the human rights they are intended to promote and support”.¹⁶ It further noted that the 2017 reports “dramatically changed the way it reported on discrimination in general, particularly in its reporting on women’s rights and sexual and reproductive rights”, “omitted crucial details about human rights abuses, particularly abuses by non-state actors” and scaling back “much reporting on women’s rights, LGBTI rights, and other rights to non-discrimination”.¹⁷ Human Rights Watch also provided a critique of the 2017 chapters covering Israel and Palestine¹⁸ and highlighted additional notable gaps in a Twitter thread.¹⁹

It was further observed that in 2018 the mission statement of the U.S. Department of State had shifted away from shaping peace and democracy around the world to more narrowly advancing ‘the interests of the American people’²⁰, which continues to be the mission statement to date²¹:

¹² The Guardian, [Trump administration wants to remove 'gender' from UN human rights documents](#), 25 October 2018

¹³ Politico, [State Department report will trim language on women's rights, discrimination](#), 21 February 2018

¹⁴ Politico, [State Department report will trim language on women's rights, discrimination](#), 21 February 2018

¹⁵ Oxfam, [Sins of Omission: Women's and LGBTI rights reporting under the Trump administration](#), 1 November 2018

¹⁶ Amnesty International, [A Critique of the US Department of State 2017 Country Reports on Human Rights Practices](#), 8 May 2018

¹⁷ Amnesty International, [A Critique of the US Department of State 2017 Country Reports on Human Rights Practices](#), 8 May 2018

¹⁸ Human Rights Watch, [US Human Rights Report Whitewashes Israel's Abuses Against Palestinians](#), 24 April 2018

¹⁹ Human Rights Watch (Twitter), [The @StateDept's annual Human Rights Report published today contains massive omissions](#), 20 April 2018

²⁰ Washington Post, [The rewritten mission statements of Trump's federal agencies, annotated](#), 16 March 2018

²¹ A ‘Vision’ of the Department has been introduced that currently states, “On behalf of the American people we promote and demonstrate democratic values and advance a free, peaceful, and prosperous world”.

2016 Mission	2018 Mission	2020 Mission
The Department’s mission is to shape and sustain a peaceful, prosperous, just, and democratic world and foster conditions for stability and progress for the benefit of the American people and people everywhere .	The U.S. Department of State advances the interests of the American people, their safety and economic prosperity , by leading America’s foreign policy through diplomacy, advocacy, and assistance.	The U.S. Department of State leads America’s foreign policy through diplomacy, advocacy, and assistance by advancing the interests of the American people, their safety and economic prosperity .

Following the publication of the 2018 *Country Reports on Human Rights Practices* in March 2019, several organisations drew attention to the continued absence of the section on *Reproductive Rights*.²² Stephanie L. Schmid, U.S. Foreign Policy Counsel for the Center for Reproductive Rights stated, “This erasure is a blatant and unapologetic rejection of the basic principle that reproductive rights are human rights”.²³ The Center for Reproductive Rights further explained that in December 2018 the Reproductive Rights Are Human Rights Act (H.R. 1581/S. 707), which would require the State Department to include reproductive rights in all future country reports, was introduced in the House and Senate with support from more than 150 Members of Congress and 92 partner organizations.²⁴

Subsequently, in July 2019 Secretary of State Michael R. Pompeo announced the formation of a Commission on Unalienable Rights “composed of human rights experts, philosophers, and activists, Republicans, Democrats, and Independents of varied background and beliefs” with the aim to advise him “on human rights grounded in our nation’s founding principles and the principles of the 1948 Universal Declaration of Human Rights”.²⁵ He further stated the importance of being “vigilant that human rights discourse not be corrupted or hijacked or used for dubious or malignant purposes” and that the “time is right for informed review of the role of human rights in American foreign policy”.²⁶ The announcement reportedly “raised worries among human rights advocates and Democratic lawmakers that Mr. Pompeo is moving to curtail State Department advocacy for some rights, particularly ones related to women’s health and reproduction and gay and transgender issues”.²⁷

In light of these developments and the importance of the U.S. Department of State reports to the asylum determination process, ARC decided to undertake a detailed review of the selected country reports to assess whether they included further and more subtle changes to the way human rights issues were being recorded or omitted by the U.S. Department of State under the current administration.

²² For example Human Rights Watch, [US Again Cuts Women from State Department’s Human Rights Reports](#), 13 March 2019

²³ Centre for Reproductive Rights, [State Department Fails to Report on Reproductive Rights in Over 200 Countries for the Second Year in a Row](#), 13 March 2019

²⁴ Centre for Reproductive Rights, [State Department Fails to Report on Reproductive Rights in Over 200 Countries for the Second Year in a Row](#), 13 March 2019

²⁵ U.S. Department of State, [Secretary of State Michael R. Pompeo Remarks to the Press](#), 8 July 2019

²⁶ U.S. Department of State, [Secretary of State Michael R. Pompeo Remarks to the Press](#), 8 July 2019

²⁷ New York Times, [New Human Rights Panel Raises Fears of a Narrowing U.S. Advocacy](#), 8 July 2019

Methodology

This project comprises a comparative analysis of the full content of five U.S. Department of State *Country Reports on Human Rights Practices* covering events in 2016, the last year of President Obama's administration, and subsequent annual editions produced by the current administration, i.e. covering events in 2017, 2018, 2019 and 2020.

Our analysis focuses on **changes** in the way that human rights issues have been documented across the respective reports. This report does not attempt to identify **all gaps** in how the U.S. Department of State reports document human rights abuses or all inconsistencies between the U.S. Department of State reports and other sources.

It is not a quantitative study and does not aim to be exhaustive in logging and analysing all changes in the reports reviewed.

The five countries were selected on the basis of being on average the top five nationalities of asylum applicants in the UK in the five-year period 2014-2018²⁸. These were (in descending order): Iran, Pakistan, Eritrea, Iraq and Sudan.²⁹

In this report we have compared the content of the 2016 annual report to the 2017, 2018 and 2019 editions. All changes in the content were recorded with a colour-coding system. We then analysed these changes with respect to:

- Structure of the report: Whether sections were omitted, renamed, condensed, or new sections proposed;
- Language used: Whether any changes in terminology or semantics were observed when describing human rights issues, including changes in specificity, description of general patterns or number of incidents documented;
- Improvements: What improvements in human rights situations were observed;
- Omissions: Which human rights issues were omitted compared to the previous report.

Deteriorations in human rights situations were not further investigated and have not been addressed in this report nor have we investigated whether additional human rights issues should have been included. Observed omissions of contextual information e.g. no longer mentioning the existence or content of a specific legal provision, has not been quantified.

Whilst reported changes may fall into more than one category, observations have only been counted once. For this reason the report aims to identify general trends and is not to be considered as an exhaustive analysis.

Where significant changes in the content were observed from one year to the next we investigated whether these were reflective of the situation as documented by illustrative publicly available English-language sources (including government, inter-governmental, NGO, academic, think tanks or media).

Where changes in the U.S. State Department reports from one year to the next were not reflective of the situation on the ground as reported by other sources that we were able to access, these have been presented.

²⁸ The years for which statistics were available at the outset of the project

²⁹ Home Office, [How many people do we grant asylum or protection to?](#) 28 November 2019, *Asylum and resettlement summary tables, Asy_01c*

A list of sources consulted on each country has been provided in the respective country chapter. Such sources were identified according to established quality criteria³⁰ and with reference to ARC Foundation's databases of sources.³¹ To promote transparency, a direct hyperlink for each source has been provided along with the report chapter or section heading within which an excerpt is located, and any footnotes that were included in the original source. Relevant, non-exhaustive, illustrative sources were included that were either published in the year under review or annual reports that covered the year under review and were published in advance of the respective *Country Reports on Human Rights Practices*. For example, annual reports covering the situation in 2016 that were published before 3 March 2017 (the publication date of the 2016 *Country Reports on Human Rights Practices*) were included to illustrate ongoing practices and incidents in 2016.

We have included sources that were either available in the year that the U.S. State Department annual report addressed, or were annual reports documenting the situation in the year covered. Some of these were published very close to the publication date of the relevant U.S. State Department annual report and it is recognised that these might not have been considered by the authors.

Omissions and reported improvements in the human rights situation in the countries of focus that were found to be consistent with other sources are not addressed in this report.

For each country, a number of omissions and reported improvements were observed about which either little or no information was found. These have not been classified as omissions or improvements in this report (as they were not found to be inconsistent with the situation on the ground as reported by other publicly available sources). They have been identified in the Annex of the respective country chapters. However, it should be noted that the absence of other sources reporting on an issue or an event or the absence of us locating such sources is not conclusive that it did not occur.

A further report analysing the changes in the annual report covering events in 2020 which is due to be published in the spring of 2021 is to follow in summer 2021.

³⁰ ARC conducts research in accordance with the standards and principles laid down by the European Union [Common EU Guidelines for Processing Country of Origin Information](#), the Austrian Red Cross/Austrian Centre for Country of Origin Information and Asylum Documentation (ACCORD) [Researching COI Training Manual-2013 Edition](#), and the International Association for Refugee Law Judges [Judicial Criteria for Assessing Country of Origin Information](#).

³¹ Over the last 10 years, ARC has developed a thematic sources database which is used to inform the selection and validation of the sources used in our research. See ARC, [Thematic COI Sources Toolkit](#), updated September 2020.