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Human Rights Reporting as a Policy Tool: An Examination of the State Department *Country Reports*

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HUMAN RIGHTS QUARTERLY

Human Rights Reporting as a Policy Tool: An Examination of the State Department *Country Reports*

Judith Innes de Neufville

INTRODUCTION

In the decade since their inception, the annual *Country Reports on Human Rights Practices* [1] have come to be widely known and respected. This 1000+ page compendium, presenting statistics and analyses of human rights in virtually all nations, has gained wide attention from the public and policy makers. Many in Congress view it as the most authoritative and complete statement on human rights conditions available today, and they make regular use of the findings in debates and public statements. The document itself is a best seller in the Government Printing Office. Human rights organizations and governments around the world each year await the *Reports'* publication and take considerable trouble to respond. While there are serious criticisms of chapters on particular countries, even the critics who scrutinize these most closely agree that the vast majority of the volume reflects a professional effort to report accurately and fairly.

This situation is remarkable because the *Reports* are produced by an administration whose initial appointees were openly antagonistic to applying human rights criteria in foreign policy and whose current pursuit of human rights policy could at most be described as reluctant. Many were opposed to embarrassing friendly nations with public critiques. Some disagreed with the basic premise that human rights violations in communist and noncommunist nations should be viewed as comparable. Despite these difficulties, the

1. These are submitted by the Department of State to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations. They are published as Joint Committee Prints in approximately February of each year.

Reports have actually improved in coverage and consistency during the Reagan years.

In this article I will argue that this improvement has occurred because the reporting requirement itself has altered practices and norms within the Department of State and created an arena for public evaluation of the information. Accurate and unbiased human rights reporting has become an intrinsically important goal for many key actors within the Department. Public debate over the information among experts and human rights organizations has helped increase consistency in definition, accuracy in measurement, and comprehensiveness in coverage. As a consequence, the *Reports* have come to be, to some important degree, independent of the Administration's political stance.

I will also argue that the *Reports* have become influential through the process of preparing, presenting, and publicly debating their analysis. It is typically assumed that the influence of reports of this type is to be measured by the degree to which policy makers use the end product – the information and statistics – as criteria to formulate their policies. At this early stage of human rights data and policy, however, the process effects of reporting are the most significant.

This article has two purposes. It is, first and foremost, about the *Country Reports* themselves. It looks at their origin and at how the data are produced and used within the Department of State; it focuses on key events in the *Reports'* history and evolution; and it explores the attitudes and perceptions of some of the important users. Second, it is a case study addressed to the more general question of how statistics can shape policy. It asks under what conditions statistics may become influential and how that influence works. As a case study, it has parallels in other policy arenas where statistics have become prominent in decision processes. These parallels begin to point the way toward a theory of information use in policy – a theory of how and when statistics make a difference.

The arguments in this article are grounded in three types of work. First, the author's experience in 1980 as a consultant to the State Department, developing indicators and methods for the economic and social section of the *Reports,* gave insights into the procedures and debates in their preparation.[2] Second, reviews of congressional hearings and other documents on human rights provided much of the context of the public debate. Third, an understanding of current practices and attitudes was gained from follow-up interviews conducted in 1985 with three groups: current and former staff of the State Department's Bureau of Human Rights; congressional staff from both parties who have over the years been key actors mobilizing congres-

2. This work is outlined in Judith Innes de Neufville, "Social Indicators of Basic Needs: Quantitative Data for Human Rights Policy," *Social Indicators Research* 11 (1982): 383–403.

sional action on human rights; and some staff of nongovernmental human rights organizations (N.G.O.s).

HISTORY AND EVOLUTION OF THE *COUNTRY REPORTS*

Origins

The *Country Reports* have their origins in struggles between Congress and the executive branch. Congress has been the initiator of legislation denying assistance and loans to governments with poor human rights records, while the executive, even when advocating for human rights policies, has resisted such limitations on its freedom of action. In its effort to assure that its objectives are implemented, Congress has routinely required the executive formally to report various types of information, while the latter has often dragged its feet or, at times, openly resisted this obligation. Some in Congress have advocated standards linking particular levels of abuses to policy, but even the Carter administration resisted such pressure.

The first congressional initiatives, in 1973 and 1974, were modest, "sense of Congress" resolutions suggesting the President curtail assistance to governments seriously violating human rights. These resolutions were responses to revelations that U.S. security assistance and weapons may have been used for repression in the client nations. The Nixon administration's response to Congress was a report arguing that because human rights violations were widespread (and presumably unrecorded), there was no objective way to make distinctions among nations. Further, the report continued, neither U.S. interests nor the human rights cause would be served by "public obloquy and impaired relations with . . . recipient countries."[3] Such analysis of human rights conditions as the State Department did perform was kept classified.

At this point Congress began to put in place the major components for implementing human rights criteria in foreign policy. The first of what would be a long series of requirements, which set the pattern for later legislation, was the Harkin amendment to the Foreign Assistance Act. It specifically prohibited U.S. development assistance to "any government which engages in a consistent pattern of gross violations of internationally recognized human rights."[4] Subsequently Congress declared that "a principal goal of the foreign

3. Senate Foreign Relations Committee and House International Relations Committee, *Report to Congress on the Human Rights Situation in Countries Receiving U.S. Security Assistance,* 94th Cong., lst sess., 14 November 1975.
4. Foreign Assistance Act, Pub. L. No. 94-161, § 116, 89 Stat. 849 (1975) (codified as amended at 22 U.S.C. § 2151n (1982 & Supp. II 1984)). This act made exceptions for assistance that could be demonstrated to benefit the needy.

policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries."[5] In doing so, the legislature went beyond the idea simply of limiting assistance, and established a general principle for all foreign policy.

Then in 1976 Congress established the position of Coordinator for Human Rights and Humanitarian Affairs in the Department of State, which it later upgraded to Assistant Secretary. This congressionally initiated legislation also established the first *Country Reports,* requiring, for each country proposed for security assistance, that an annual report on human rights practices be submitted to Congress.[6] This mandate expanded soon after to include all U.N. member nations, in keeping with congressionally defined policy. Finally, Congress established oversight systems in the Commission on Security and Cooperation in Europe and the Subcommittee on Human Rights and International Organizations in the House Foreign Affairs Committee. Both hold hearings and give attention to human rights abuses.[7] The subcommittee has responsibility for legislation and gives close attention to U.S. policies. In the years that followed, it was to be actively involved in building the growing list of legislation limiting foreign assistance and other activities for nations where human rights abuses are significant.[8]

The Early Stages of Human Rights Policy, 1977–1978

At the outset, a major obstacle to the implementation of human rights policies was the question of how to apply them in practice. Human rights criteria have never been the only governing factors, as assistance can be given to violating nations if, for example, they are strategically important or if the aid is deemed key to a long term development program. Moreover, there was resistance to the whole idea of human rights policy, even within the Carter administration. Some feared it would reduce the flexibility of foreign policy and some opposed in principle limiting foreign assistance for human rights reasons, arguing that this interfered with coherence of policy toward a country.

But even when there was agreement to apply human rights criteria, significant problems remained in operationally defining them and in choos-

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5. Foreign Assistance Act, Pub, L. No. 94–329, § 502(B)(a)(1), 90 Stat. 748 (1976) (codified at 22 U.S.C. § 2304(a)(1) (1982)).
6. International Security Assistance and Arms Export Control Act, Pub. L. No. 94–329, 90 Stat. 729 (1976) (codified at 22 U.S.C. § 2151n(b) (1982)).
7. Margaret E. Galey, "Congress, Foreign Policy and Human Rights Ten Years After Helsinki," *Human Rights Quarterly* 7 (1985): 334–372. Galey outlines in some detail the congressional oversight system.
8. For a listing of this legislation to 1983 see Vita Bite, "Current U.S. Legislation Relating Human Rights to U.S. Foreign Policy" (Congressional Research Service, The Library of Congress, 1983, Mimeographed).

ing appropriate responses to types and levels of abuses. No one could agree on how to characterize a "consistent pattern of gross violations." There were no guidelines to what could be expected and no systematic way to compare human rights situations. Violations of integrity of the person, such as political killing or torture, came in practice to have priority. Other violations, particularly of civil or political rights, were seen as more ambiguous. Some argued that marginal improvements should be rewarded, while others contended the absolute levels were crucial. The Carter strategy of pressuring countries where the United States had influence caused concern that the United States was ignoring worse records of other, less friendly nations. Even the high level interagency group appointed to resolve conflicts was not able to establish clear policy principles. Doubts about the basic advisability of human rights policies were fed by skepticism that such policies could be applied consistently or fairly.[9]

By 1978 two *Reports* had been produced, the first by the outgoing Ford administration and the second by the Carter administration, but the reporting effort was not well enough developed to alleviate the problems. A Library of Congress study at that time found that within

> these broad areas of uncertainty [ambiguous or conflicting policy criteria] initiatives seem often to be shaped by information flows, chance and bureaucratic politics. In the absence of an information collecting system that provides equitable coverage of problems in different countries, some countries are subject to careful scrutiny because they are the focus of extensive journalistic and private institutional reporting, as well as the concern of sizable expatriate populations in the U.S. For other countries reporting on human rights conditions is very limited.[10]

A relatively complete reporting system could have helped to reduce the uncertainty over the facts of human rights and allowed the debate to decide how to apply policy goals. The unevenness of the available information meant it was difficult to establish policy criteria or use human rights principles to counterbalance other concerns.

The arrangement for reporting, observers and participants argued, created tensions among the reporting obligation, the mission to maintain diplomatic relations with nations, and other foreign policy objectives. Production of the *Reports* began in the embassies, which used guidelines from the Bureau of Human Rights and Humanitarian Affairs (H.A.) outlining content, format, and style. Human rights officers in embassies gathered information and prepared draft reports on their host countries. The geographical

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9. This analysis draws on the report prepared by the Library of Congress, Senate Foreign Relations Committee, *Human Rights and U.S. Foreign Assistance: Experience and Issues in Policy Implementation (1977–78)*, 96th Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1979).
10. Ibid., 5.

desks in the Department of State reviewed the drafts. By the time the *Reports* were sent to Congress, they would have received clearance from every State Department office concerned with a given country as well as from the National Security Council.[11]

Tensions of various kinds were evident in the early years. Several "friendly" governments responded angrily to criticism in the *Reports,* and complaints came back from some embassies that the obligation to report violations created stress with the host country. The preparation of the document occasioned time-consuming and contentious negotiation within the Department. Typically, the geographical desks sought to make the analysis compatible with the policies they were pursuing, while H.A. sought to eliminate language or arguments they saw as politically biased and to reduce what they labeled "clientism" – a tendency to paint an overly positive picture of a host country. Even within H.A. clientism was to some degree a problem in the early years.

Because these conditions suggested it would be difficult for H.A. to produce unbiased reports, the Library of Congress study in 1978 suggested that Congress consider finding or creating another type of organization to produce reports. The authors did not, however, have any particular suggestion, noting rather the difficulty of producing a report equal or superior to the *Reports* in scope and objectivity. They raised the issue of whether it should be an international or U.S. effort, but offered little insight on that question either.[12]

The Carter Administration and the *Reports,* 1978–1980

In-house production of the *Country Reports* was to continue, however, and to become a prime reason for their influence. The arrangement was to contribute to the accuracy, completeness, and credibility of the document. It was also to force changes within the organizational and policy making system of the Department. With personnel in virtually every country, the Department could produce a document based on first hand information and covering the full range of human rights. No other organization had a comparable capacity.

Improvement in the *Reports* in this period was primarily due to Carter's Assistant Secretary, Patricia Derian, and her staff. In the early years they

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11. A description of the process of preparing the *Reports* as it was in 1980 by the then Acting Secretary Stephen Palmer, Jr., is published in House Committee on Foreign Affairs, Subcommittee on Human Rights and International Organizations, *Foreign Assistance Legislation for Fiscal Year 1982* (Part 6), 97th Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1981), 232–241.
12. Library of Congress, note 8 above, 21.

found that topics covered for one country were likely to be neglected for others. Conditions might be vaguely described as "serious," or "improving," or emotionally described as "disgraceful." Some reports seemed to be making excuses for a government's actions, while others made harsher assessments for similar actions. To deal with these problems, H.A. developed an increasingly standardized reporting format. For each country the report was organized into several main topics, dealing with (1) integrity of the person (torture, killing, etc.); (2) civil rights; (3) political rights; and (4) economic and social rights or vital needs. Each of these was subdivided into more specific topics, e.g., freedom of assembly, freedom of religion. Embassies were told to discuss both the laws and the actual practices for each topic and were pressured to provide illustrative examples and, where possible, quantitative estimates of violations to incorporate into the text. A brief introduction to each country gave an overview of recent political events, wars, or natural disasters to provide a context.

H.A. sent guidelines to the embassies describing the purpose of each section and each year added clearer and more complete definitions and criteria for categorizing violations. These focused on particular topics each year to improve reporting incrementally. For example, the 1979 guidelines asked that reports note both the authorization of torture and the disciplinary action taken. They asked that particular attention be paid to disappearances, refugee policies, and the status of women. In addition they required information bearing on the credibility of data—the reliability of sources and details on the frequency, methods, and places of abuses.

H.A. under Derian put particular effort into making the sections on economic and social rights more objective. These sections, which dealt with issues such as the rights to education, employment, and an adequate standard of living, had been given less attention than others, and they tended to be vague and frequently to reflect clientism. The Bureau decided to incorporate economic and social indicators, so key statistics for each country on basic issues such as literacy and health were selected from those published by the World Bank.[13] These were sent to the respective embassies, which were directed to weave them into their reports. The reports were to account for particularly high or low figures and note what a government's relevant policies were. This strategy reflected H.A.'s philosophy about the proper role of statistics. One or two in the Bureau had argued that these sections should be reduced entirely to statistics in the name of objectivity. A few resisted using statistics at all, believing they were not meaningful. Most, however, favored using statistics with interpretation, as they recognized that the numbers had different meanings and reliability for each nation. The decision was

13. The choice and purpose of these indicators is discussed in de Neufville, note 2 above, as is the rationale for combining the statistics with the qualitative discussion.

to combine the numbers with the qualitative judgments of Department analysts.

A second major factor in the improvement of the *Reports* during the Carter administration was public scrutiny and prodding from Congress and the N.G.O.s. The House subcommittee held hearings on the submission of the *Reports* and on the implementation of human rights policies, inviting administration officials and representatives of N.G.O.s to testify. The former explained their findings, while the latter offered critiques, along with alternative statistics and interpretations. In the course of these hearings, members of Congress became insightful critics with penetrating questions. Some N.G.O.s began to publish and distribute detailed critiques of the *Reports*. H.A. in turn sent the critiques to embassies for use in the following year. The process provided incentives to all participants to improve the quality of the data.

Challenges to Human Rights Policy, 1981

With the advent of the Reagan administration, human rights policy and the *Country Reports* were put to the test. The fact that both outlasted the challenges – albeit with alterations – is testimony to the degree to which they both had become institutionalized.

The first challenge came when Reagan nominated for Assistant Secretary a man who was widely perceived as opposed to human rights policies, at least as Congress and the Carter administration had defined them. It was something of a surprise to observers when the Republican-dominated Senate Foreign Relations Committee voted against his appointment. It is rare for such nominations to be turned down, even when there are disagreements over policy. Committee members apparently did not believe the nominee was committed to implementing human rights policy regardless of the political alignment of a government. Their action was another clear message from Congress to the executive.

The Reagan administration did not, however, accept the message immediately. During the spring and summer of 1981 the administration seriously considered discontinuing the *Reports* or giving the responsibility to the State Department's regional bureaus. The President made no further nomination, and within the State Department high level policy discussions often excluded H.A. Moreover, administration policies created other difficulties. Differentiation of "totalitarian" and "authoritarian" nations complicated efforts to assess human rights practices evenhandedly. The focus on terrorism seemed to drain attention from human rights, and it introduced complications into interpretation and measurement of violations. Powerful people in the administration were once again arguing that human rights policy inappropriately limited options. Not surprisingly, H.A. staff and many observers saw the Bureau and its functions as threatened.

The annual *Country Reports* did have to be prepared, however. Congress required them, and in hearings in the spring of 1981, strong support for the *Reports* had been expressed from across the political spectrum.[14] Moreover, within the State Department, much of the original skepticism and resistance had dissipated. Administration critics of the reporting process were surprised when a quietly conducted survey of foreign posts revealed that most respondents believed in human rights reporting. Several added that human rights objectives were prime reasons for their being in the foreign service.

Finally, in the fall, Reagan nominated Elliott Abrams for Assistant Secretary and, in doing so, made the commitment to continue the reporting process, but with a Reagan administration stamp. The administration was to retain the format and style established under Derian, along with the same basic production and review procedures. They were also to add introductions explaining administration policy and to alter limited aspects of the *Reports* to mesh with their policies. It appeared that little might remain, however, of executive implementation of human rights policy other than the *Reports*.

Evolution of the *Reports* in the Reagan Administration, 1982–1985

Despite this shaky beginning, the *Reports* continued to increase in consistency, length, and public acceptance. With experience and previous reports as models, improvements at the margin were getting easier. The continuing critiques of the N.G.O.s were beginning to show their effects on the product. Embassies' knowledge bases had improved as they developed local networks and learned to differentiate reliable from unreliable sources. H.A. guidelines accumulated each year, adding to the topics getting systematic attention. In 1984, for example, guidelines requested discussion of religious traditions affecting women's rights, of the role of elites and the military in the political system, and of the effects of the security apparatus. While some of the issues reflected a Reagan emphasis, all are pertinent to developing consistent interpretations of human rights data. Finally, in the 1985 *Reports,* a glossary was added defining the concepts applied in measuring abuses such as torture, disappearance, and political killings.[15]

The professionals who prepare the *Reports* appear to have been largely responsible for their increasing credibility and objectivity. H.A. staff are career Foreign Service Officers (F.S.O.s), not political appointees nor ordi-

14. House Committee on Foreign Affairs, *Foreign Assistance Legislation for Fiscal Year 1982,* note 11 above, 1–52.
15. House Committee on Foreign Affairs and Senate Committee on Foreign Relations, *Country Reports on Human Rights Practices for 1985* (Washington, D.C.: Government Printing Office), Appendix A, 1427–29.

nary bureaucrats. They are somewhat independent of the particular politics of an administration, not only because of their career status, but also because they have professional expertise and values. The *Country Reports* team is increasingly willing and able to resist pressures to slant the *Reports* for political purposes. The group is now made up of F.S.O.s with decades of field experience; some have ambassadorial rank. When they debate an issue with a desk officer or embassy, their knowledge gives them the ability to detect clientism and the credibility to win arguments. As one ambassador said to an H.A. staff member on learning of his background, "I guess I can't pull the wool over *your* eyes." Team members seem clearer on their mission today than they were in 1980, saying it is to describe human rights practices accurately. The place for other policy considerations, they contend, is *after* the *Reports* are published.

The Reagan administration has used the introductions to the *Reports* as its primary vehicle for policy statements. The first year, for example, the introduction said the administration would normally use traditional "quiet" diplomacy to deal with nations abusing human rights. Introductions have discussed the differences between totalitarian and authoritarian governments, the priority the administration gives to political rights, and the pragmatic justification for pursuing human rights policy.

Substantive changes in the body of the *Reports* were more limited than observers had originally expected. Three seem particularly worth noting here. First, the administration eliminated discussion of governments' policies on economic and social rights, arguing they were difficult to interpret and detracted from the "vital core" of human rights.[16] They retitled this section of the *Reports* "Economic, Social and Cultural Situation," keeping it as background. Second, they decided to include acts of terrorism in the abuses reported. The third major change resulted from legislation, and involved covering worker rights such as collective bargaining, occupational safety, and acceptable wages and hours.[17]

The administration changes reflected Reagan policies and were controversial at the outset, stimulating protest within the Department. Some felt strongly that economic and social rights should continue to be covered despite the difficulty of setting policy. Proponents achieved the compromise of retaining the section, stripped of its policy discussion, but complete with its statistics and analysis of conditions. It made no judgments, but they hoped it would keep the issues before the public. Departmental critics were

16. House Committee on Foreign Affairs, *Review of State Department Country Reports on Human Rights Practices for 1981,* Hearing Before the Subcommittee on Human Rights and International Organizations, 97th Cong., 2nd sess., 28 April 1982 (Washington, D.C.: Government Printing Office, 1982), statement of Elliott Abrams, 3–19.
17. Generalized System of Preferences, Pub. L. No. 98–573, § 502(a), 98 Stat. 3018–24 (1984) (codified at 19 U.S.C. § 2461 (Supp. II 1984)).

concerned that inclusion of terrorist acts was not in the spirit of the *Reports,* which dealt with government abuses. Some critics argue that terrorist acts appear to excuse government repression, but reporting on terrorism seems to have been generally accepted.

ASSESSMENT OF THE *REPORTS*

Opinions in 1985

Among those interviewed for this paper, regardless of their political party or role, there was a virtual consensus on three major points. On the one hand they believed that the *Reports* for most countries represent a basically fair effort to display an accurate picture. On the other, they contended that the chapters for a subset of countries – the largest number mentioned was fifteen to twenty – were so politically biased or inaccurate as to be meaningless. Chapters most often criticized were on El Salvador, Nicaragua, South Korea, and other countries for which the administration is pursuing controversial policies. Nonetheless, all regarded the *Reports* as valuable tools in human rights policy making.

Further questioning revealed that respondents' views were far from simplistic. They believed that the *Country Reports* were within an acceptable range of accuracy, given the difficulties of gathering and reporting such inherently elusive information on a worldwide basis. Many actually relied, however, on other sources of data which they thought were more complete and up to date. Respondents felt the data were accurate enough to aid the overall debate, accurate enough for most of the *Reports'* users, who (unlike themselves) were only peripherally involved in human rights. They appeared to assume that the responsibility for any deliberate manipulation of the facts lay in the high levels of the administration. They went out of their way to affirm their confidence in the professionalism of H.A. staff, even while criticizing the *Reports.* Moreover, all respondents denied believing there was any deliberate falsification of statistics. Rather, they argued, biases were introduced through language, omissions, interpretations, and explanations.[18]

A published critique of the *Reports* for 1984 by a group of N.G.O.s captures the flavor of what respondents said in interviews. This critique says on the one hand

18. For a broader public discussion of the quality of the *Reports* see House Committee on Foreign Affairs, Subcommittee on Human Rights and International Organizations, *Review of U.S. Human Rights Policy Hearings,* 98th Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1984).

> In general, the State Department's annual report on human rights worldwide is an ever-more useful compendium of information. The Department deserves credit for the increasing professionalization of human rights monitoring that is reflected inmost of the reports we examined.

On the other hand, it notes,

> Regrettably, as in the past, there are important exceptions to the generally high standard of reporting. The most striking are the reports . . . (on) El Salvador, Guatemala, Honduras and Nicaragua. In the case of the first three, the reports seem to make every effort to minimize abuses; in the case of Nicaragua, the report goes in the opposite direction, grossly exaggerating abuses. The effect is to paint an unrealistically rosy portrait of human rights . . . in the regions supported by the United States and an unrealistically grim portrait . . . in the countries opposed by the United States.[19]

This critique examined thirty-one reports, focusing on countries where human rights were of particular concern, including both "friendly" and "unfriendly" nations. Their overall assessment was that four of the reports were "poor," but that in the other twenty-three reports "a careful reader can obtain a generally accurate picture of the human rights situation."

The critiques of specific reports largely accepted the statistics, focusing instead on inconsistencies of terminology and presentation, on events omitted or misrepresented, and on failure to represent evidence consistently. The introduction notes,

> Sometimes the State Department says that abuses are 'documented' or based on 'credible' reports; other times, abuses are 'alleged' or based on 'claims.' . . . [T]he use of such terminology does not reflect consistent standards. Rather it appears that the choices of terminology sometimes reflect . . . political biases.[20]

For example, the critique contends that the report on Indonesia omits important facts, makes excuses for government torture of prisoners and summary executions, and uses the official Indonesian government version of certain incidents, ignoring the testimony of eyewitnesses.[21]

Effects of the *Country Reports* on the Department of State: Changes in Organizational Attention and Policy Making

In the Department of State, the requirement to produce and publish a human rights report has set in motion a series of changes over the last decade. A primary consequence has been to increase the level of expertise

19. Americas Watch, Helsinki Watch, and Lawyers Committee for International Human Rights, *Critique: Review of the Department of State's Country Reports on Human Rights Practices for 1984* (New York, 1985), 1.
20. Ibid., 3.
21. Ibid., 53–61.

and the base of knowledge about human rights in Washington and the embassies. A secondary result has been to encourage the growth of a cadre of human rights proponents within the Department. To some extent, such a cadre would form simply because people are assigned to H.A. or named human rights officers in embassies. Self-selection of volunteers who care about the issues combines with a natural tendency for people to internalize the goals of an organization for which they work. The research and analysis involved in reporting, moreover, reinforces these values, as staff discover and document abuses.

In addition, the requirement for the Department to produce the *Reports* has systematically forced the organization to give attention to human rights. It has increased the awareness of human rights issues throughout the Department as many staff review the draft reports. According to H.A. staff, many in the Department have come to appreciate that human rights issues involve more than a limited number of people in prisons, and are linked to a country's political, security, and military situation. They believe also that others increasingly share their view that human rights policy is pragmatic as well as idealistic.

Some long term State Department officials contend that the preparation of the *Reports* actually stimulates policy making on human rights. The analysis and review process forces questions to be asked internally that would not otherwise be addressed. The decision on what a report on a given country should say can be tantamount to making a policy toward its government, particularly as the Department is required to certify governments as eligible for aid on the basis of the *Reports'* findings. The various bureaus in the State Department and in the White House have to negotiate an interpretation of the data and an attitude toward governments whose abuses the data document. The administration must be prepared with policies which correspond with its interpretations of events.

Finally, the reporting effort helps to empower human rights proponents within the State Department. The data that are gathered provide evidence and arguments for their positions and give them an aura of expertise. At least to the extent that the writing of the *Reports* is a policy making exercise, a spokesman for a human rights perspective is involved in policy. H.A. staff increasingly are also involved in preparations for the daily 11:00 a.m. press briefings, which, some in the Department claim, is the occasion for the detailed formulation of much policy.

Effects of the *Reports* on Congress and N.G.O.s: Empowerment and Education

In Congress the *Reports* have effects also. They are published as congressional documents and are widely used. Staff depend on them to prepare

briefing papers for a variety of foreign policy purposes, not limited to human rights. Their economic and social statistics were cited as prime reasons for the *Reports'* usefulness as a reference. The *Reports* are compact and complete, and both members of Congress and their staffs tend to regard them as the most up-to-date source of facts. Their publication and the hearings which focused on them have called congressional attention to human rights. Discussion of the numbers and their interpretation educates members of Congress about the nature and causes of human rights abuses.

The *Reports* have also affected the relative power of Congress and the administration. Because they are official public documents, their findings represent the position of the United States on whether certain abuses are occurring. In practice, congressional users take the findings to be a minimum estimate because they see the State Department as conservative in what it counts. If abuses are included in the *Reports,* the fact that they occurred is generally accepted. Thus the findings offer leverage over the administration. Members of Congress use the data to direct specific questions to administration witnesses and to criticize policy. Statistics become "talking points," as one staffer labelled them – concrete ways to begin a substantive discussion of whether the administration response to the abuses is appropriate.

The hearings help also to empower the N.G.O.s by providing a legitimate way for them to participate in the public debate. Since much of what these organizations do is to gather information, they can present data and interpretations which have considerable credibility. They can analyze the *Reports* in great detail to pinpoint bias or error. They can also use the administration's own data as a basis for criticizing policy, noting when public statements or actions are inconsistent with findings. Reliance on official data gives N.G.O.s' arguments persuasiveness that their own unofficial figures cannot provide. Members of Congress take seriously the N.G.O.s' testimony – particularly when they are viewed as politically neutral. It is not surprising that N.G.O.s support the idea of the *Reports* even when they disagree with some findings.

Effects of the *Reports* on the Public and Foreign Governments: Some Thoughts

Experienced State Department observers content that the official publication of *Reports* has become a symbol of U.S. commitment to human rights. The size and detail of the document, almost regardless of its findings, suggests to the public and to other governments that human rights is an issue of importance in the United States. One can of course reasonably respond that symbols can be empty of content. An administration could publish the *Reports* without a commitment to act. Symbols, however, do tend to reinforce public values and to create expectations. The publication of the *Reports*

helps to legitimize and reinforce the idea that human rights are and should be a significant concern of U.S. policy.

While the research for this article did not try to assess the degree to which foreign governments alter their policies in response to the *Reports,* it did indicate that they are acutely aware of the document. When a volume of the *Reports* is first released, quite a few delegations and phone calls come from foreign embassies to Congress and the State Department to protest, explain, or try to set the record straight. At least two nations now circulate newsletters with their own accounts of human rights conditions. The official U.S. view of a government's human rights record matters because of the threat that it will withhold aid, but no government relishes having its human rights abuses publicized.

The *Reports* are increasingly circulated and read in the United States and abroad. Though no one interviewed could provide more than anecdotal evidence, respondents contented that users of the *Reports* in the United States now include researchers and teachers, ambassadors as well as junior F.S.O.s assigned to new posts, and people doing business abroad. There is evidence, they say, that other nations make use of this document to assist them in setting foreign policy.[22] The individual reports for some countries have been officially or unofficially translated and locally circulated, though the practice is far from universal.

Statistics As A Policy Tool

The roles of statistics need highlighting as they have thus far been only indirectly discussed. The consequences are of three main types: the requirement for statistics has influenced organizational behavior in the Department of State; it has helped to alter the political process surrounding policy making; and the statistics themselves have helped to increase the impact and credibility of the *Reports.* All of these effects work in the direction of strengthening human rights as an operating objective of the U.S. government.

First, the requirement has altered standard operating procedures, organizational norms and goals, and the relative power of interests within the Department of State. The fact that reporting includes an effort to quantify violations has reinforced these effects. In general, the reporting has directed organizational attention to human rights. The effort to quantify has required the building of expertise and has meant that over time many F.S.O.s have learned in direct, empirical ways about human rights. The data have helped

22. See also statement by Jeri Laber of Helsinki Watch in *Review of U.S. Human Rights Policy Hearings,* note 18 above, 69.

create internal advocates for human rights by changing the perceptions of the data gatherers and, in turn, the data lend credibility to these advocates in internal policy debates and help mobilize public support for their efforts. The whole reporting activity has helped within the Department of State to legitimize human rights issues as foreign policy concerns.

The use of statistics has been important in addition because measurement itself requires that policy decisions be made. It can be in the process of defining rights violations that, for the first time, discussion moves from vague generalities to operational policies. Deciding how to categorize abuses and how to present the information has become a process of negotiation among the bureaus in the State Department, including H.A.[23] One result is that violations in some countries which might never be formally examined are brought to the attention of policy makers. Another is that policies may be made about issues that might otherwise be ignored.

The incorporation of statistics in the *Reports* has helped to alter the politics of human rights outside the Department by giving proponents opportunities to be heard and resources to be effective. The discussion of the statistics has helped to place human rights in the public eye and on the political agenda. Moreover, the numbers provide leverage to N.G.O.s and congressional supporters of human rights to question administration policies.[24]

The inclusion of statistics has been crucial also to the ultimate impact of the *Reports* themselves. Their credibility is linked to the statistics, which give an aura of objectivity to their interpretive aspects. Statistics have made the *Reports* more widely used as a reference, more likely to be cited in speeches, and easier for academics to analyze. In addition, they make the individual reports more comparable over time and between nations and, in turn, permit setting clearer policy criteria. Because of the statistics it is now possible to discuss policies which respond to improvements or declines in human rights conditions. The statistics not only help to make the interpretive part of the *Reports appear* more objective, but actually to *become* more objective. They anchor the interpretations and make them more likely to be consistent from country to country. They force the development of common criteria.

What is striking, however, is that, although the inclusion of statistics in

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23. Public negotiation over methods has been an important factor in the policy use of unemployment and population statistics. See Judith I. de Neufville, "Knowledge and Action: Making the Link," *Journal of Planning Education and Research,* forthcoming.
24. Several studies show that the preparation and presentation of quantitative information has effects comparable to these in other organizations and public decision-making processes. See, for example, William H. Dutton and Kenneth L. Kraemer, *Modeling as Negotiations: The Political Dynamics of Computer Models in the Policy Process* (Norwood, N.J.: Ablex Publishing Co., 1985); Judith Innes de Neufville, "Federal Requirements and Local Planning Capacity: The Case of CDBG," Working Paper #365 (Berkeley: Institute of Urban and Regional Development, University of California, 1981); and Janet A. Weiss and Judith E. Gruber, "Deterring Discrimination with Data," *Policy Sciences* 17 (1984): 49–66.

the *Reports* is important, the precise level of violations the statistics show does not appear to be crucial to policy. No one interviewed could point to cases where the data changed minds or determined specific decisions. Most contended that members of Congress used the data selectively to support positions already arrived at. Though some do get new understanding from the *Reports'* data, the data provide background "enlightenment" rather than decision criteria.[25] Moreover, leading decision makers have access to other more detailed and up-to-date information than could possibly be supplied by an annual summary report such as this.[26] They are well aware of the limited reliability of such statistics and know that their meaning is contingent on many variables in each nation. Finally, for better or worse, human rights criteria are only one set among several that policy makers apply. Though they may even accept the numbers as approximations to truth, the statistics alone are unlikely to change a particular decision.

It is not surprising therefore that Carleton and Stohl found little correlation between statistical indexes of human rights violations and foreign assistance under either Carter or Reagan.[27] In the late 1970s, human rights goals had not been incorporated into standard operating procedures of the Department of State, which had other agendas and criteria long since internalized into its practices. It is also not surprising that the authors found a slightly higher correlation in the Reagan administration than in the Carter period. Dealing with human rights had become both more salient and more routine.

This brings us to the question of whether and under what conditions human rights statistics could become intrinsically influential because of what they reveal – under what circumstances policies might be genuinely and substantively linked to statistics. To answer this question one may trace parallels to the small handful of quantitative indicators that have come to shape public perceptions of problems and to define the goals and standards for policy implementation. Two of the most prominent examples, the unemployment rate and the Consumer Price Index, became influential only after decades of debate over policy and definitions. The official statistics at first were frequently challenged by interest groups until their methods were publicly established as reliable and unbiased. Thirty to forty years after the first efforts at measurement, it became possible to alter policy in direct response to increases or decreases in the statistics.

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25. See Carol H. Weiss, *Social Science Research and Decision-Making* (New York: Columbia University Press, 1980). Chapter 1 contains a review of literature on research utilization and the argument that research is primarily used as background "enlightenment."
26. A comparable finding is made by Nathan Caplan and Eugenia Barton, who studied the uses of the national social indicators report by policy makers. See "The Potential of Social Indicators: Minimum Conditions for Impact at the National Level as Suggested by a Study of the Use of 'Social Indicators 1973,'" *Social Indicators Research* 5 (1978): 427–456.
27. David Carleton and Michael Stohl, "The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan," *Human Rights Quarterly* 7 (1985): 205–229.

The human rights policy and reporting system has a number of parallels, which could mean that in time human rights data could have impacts similar to these national indicators. There is a congressionally established policy commitment to human rights similar to that for the economy in the Employment Act of 1946 and a congressionally mandated reporting requirement paralleling the Economic Report of the President and the monthly surveys of unemployment and prices. H.A. has mounted a relatively professional effort to gather, interpret, and report the data in a manner not unlike that of the Bureau of Labor Statistics (B.L.S.), though H.A.'s work is more subject to political control. However, the H.A. has had only ten years, while the B.L.S. has had a century to establish its autonomy. A system of congressional oversight gives publicity to human rights and creates congressional expertise, as the Joint Economic Committee does for economic issues.[28]

Though the similarities are compelling, important differences remain. Most notably, the U.S. government will never have the control of the international human rights data gathering process that it does for employment and inflation data. Moreover, the character of the information inevitably means that it will be deliberately hidden and misrepresented. Data collection will never be done by statistically trained personnel with the single purpose of recording information in an unbiased, reliable way.

In any case, human rights policy is young as yet and there are many unresolved issues over what it should be and how it should be applied. Following these other examples, we should expect many years of debate over policy while we continue to refine measurement and link it to policy. If the other examples can be used as guides, only when the policy principles are clear will the measurement be accepted, and then only if the important parties to policy making agree on the concepts and methods of measurement.

RECOMMENDATIONS

To improve human rights reporting and tighten its links to policy, this analysis suggests a number of recommendations.

Several of the activities that are currently going on seem important to maintain. First, the production of the *Reports* in the Department of State should be continued, as it is responsible for many important effects. Second, congressional hearings should continue to highlight and critique the *Reports,* as the effort improves their quality and visibility. The ongoing effort to clarify and get public acceptance of the definitions of rights violations is

28. This story is told in more detail in de Neufville, *Social Indicators and Public Policy: Interactive Processes of Design and Application* (Amsterdam: Elsevier, 1975; available through Institute of Urban and Regional Development, University of California, Berkeley).

also crucial at this stage. Academic analyses are helpful in framing these definitions, but if the statistics are to be used, they must continue to be arrived at through a negotiated process involving the important policy actors.

There are some things, not being done now, which experience in other policy fields suggests would be useful. In particular, the participation of N.G.O.s and academic experts in evaluating and improving the methods of gathering and analyzing the data should be formalized and regularized through task forces, advisory groups, or user groups. These techniques, used by the Bureaus of the Census and Labor Statistics, contribute to improvement and credibility of their data and assure the participation of key groups in the negotiation over definitions and methods. A second useful strategy would be to train F.S.O.s not only in the nature of human rights violations, but also in research methods. To be nearly as credible as the statisticians in the B.L.S., they need to be professional in gathering evidence, assessing its bias, and reporting objectively.

I do not recommend some of the ideas which have been suggested to improve the reporting effort. For one thing, it is not worthwhile to put substantial effort into getting significantly greater detail in the data at this time. Nor is it useful to try to develop overall indexes. The numbers are neither sufficiently reliable nor intrinsically important enough to policy making to justify this. The suggestion that quantitative standards be established for automatic implementation of human rights policy seems to me particularly inappropriate. Leaving aside the issue of whether it is legitimate or even desirable to bypass the political process and its methods of weighing contervailing values through this mechanism, the effort is undesirable on other grounds. While quantitative standards can be helpful as rough guidelines, the judgment of experienced analysts is essential to interpreting the numbers in particular contexts. Repression shows up statistically in very different ways in different cultures. Moreover, policy makers, who use statistics mainly impressionistically, are unlikely to apply a simple statistical standard to their decisions.

My final recommendation is to recognize that it will take time for results to be visible. We are talking about changing long standing norms and practices in foreign policy. We are trying to change how people think and what they expect and value, and trying to change how institutions behave. Unfortunately the work cannot be done overnight.