

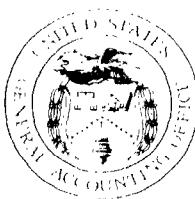
GAO

**Report to the Chairman, Legislation
and National Security Subcommittee,
Committee on Government Operations,
House of Representatives**

September 1990

HUMAN RIGHTS

State Department's Commitment to Accurate Reporting Has Increased



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National Security and
International Affairs Division

B-240397

September 26, 1990

The Honorable John Conyers, Jr.
Chairman, Subcommittee on Legislation
and National Security
Committee on Government Operations
House of Representatives

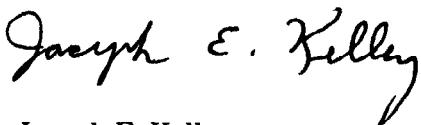
Dear Mr. Chairman:

At your request, we examined the processes and procedures the Department of State uses in preparing its annual Country Reports on Human Rights Practices. We also reviewed staffing in State's Bureau of Human Rights and Humanitarian Affairs and State's training for foreign service officers in human rights.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report for 30 days. At that time we will send copies to the Secretary of State, the Director of the Office of Management and Budget, and other interested parties. Copies will also be made available to others upon request.

If you or your staff have further questions concerning this report, I can be reached on (202) 275-4128. GAO staff members who made major contributions to the report are listed in appendix I.

Sincerely yours,



Joseph E. Kelley
Director, Security and International
Relations Issues

Executive Summary

Purpose

The Chairman, Legislation and National Security Subcommittee, House Committee on Government Operations, requested that GAO review the State Department's policies and procedures for preparing the annual Country Reports on Human Rights Practices (hereafter referred to as the human rights report). Specifically, GAO assessed

- the effectiveness of State's methodology for ensuring that its human rights report is comprehensive, accurate, and consistent;
- the extent to which State's procedures ensure an unbiased human rights report, regardless of whether the country is a U.S. adversary or ally;
- the adequacy of the Bureau of Human Rights and Humanitarian Affairs' resources and expertise for analyzing information from posts and preparing the annual human rights report;
- the existence of career-enhancing incentives and rewards to attract Foreign Service officers to State's Bureau of Human Rights and Humanitarian Affairs; and
- the adequacy of training in human rights issues.

Background

The State Department is required to report annually to the Congress its assessment of human rights practices in selected countries. The human rights report for 1989 was a compendium of individual reports on human rights practices in 169 countries, including recipients of U.S. aid and members of the United Nations. The human rights report is widely used by Congress, human rights groups, and individuals.

Results in Brief

State has demonstrated an increased commitment to ensuring that the human rights report is complete and accurate. Human rights observers scrutinize the report carefully and have identified weaknesses in individual country reports' data and presentation. However, these observers generally agreed that the human rights report is increasingly accurate and objective and less frequently understates abuses to reflect U.S. political support for allied and friendly countries and groups.

State has developed guidelines that standardized the format and content of individual country reports and instituted review procedures to ensure objectivity. Human rights officers GAO interviewed said the guidelines provided adequate instructions for report preparation. Review procedures have not always been followed. As a result, the human rights report has included factual errors that could have been corrected.

The Bureau of Human Rights appears to have adequate staff to oversee the preparation and publication of the report. The Bureau has had trouble attracting Foreign Service officers in the past, but at the end of our review it was fully staffed. Foreign Service officers have had little formal training in human rights issues. In August 1989, State began offering a one-day elective training course in human rights monitoring to provide an overview of human rights issues and reporting practices. In June 1990, human rights reporting was incorporated into mandatory training for new political officers.

Principal Findings

Human Rights Report Has Improved in Quality and Accuracy

In the past, the human rights report was criticized for understating allies' abuses to further U.S. geopolitical objectives. However, human rights observers GAO interviewed agreed that the human rights report overall has improved in quality and accuracy. These groups' criticism is now generally limited to a few countries and/or specific abuse cases. Although comments from international human rights observers are credited with improving State's human rights report, GAO found that in five of the countries visited, local human rights observers were not aware of the report, so they could not offer comments on its presentation or accuracy.

State's Guidelines Ensure a Comparable and More Objective Report

State has taken steps to ensure consistent and comparable human rights reporting by establishing guidelines detailing a standard format and defining what types of activities should be reported. The guidelines are based on internationally recognized human rights and provide criteria against which the Department measures human rights practices. Human rights officials at all nine posts GAO visited—Guatemala, Indonesia, Israel, the Republic of Korea, Pakistan, the Philippines, Turkey, Yugoslavia, and Zaire—said the guidance provides adequate instruction on the reporting format and on the events and issues to monitor. However, ambiguities in the guidelines, such as lack of clarity on how to report year-end or cross-border incidents, have led to omissions in individual country reports.

Human Rights High Priority at Embassies Visited

At the nine countries GAO visited, embassy officials said that human rights is a high priority of the post. Each overseas post appoints an officer to carry out human rights functions—usually a junior or mid-level Foreign Service officer in the political section. The officers at the posts GAO visited spent between 5 and 75 percent of their time on human rights. Other embassy officers also take part in human rights activities.

Posts use a variety of sources, including human rights groups, government sources, and the news media, to gather human rights information. They routinely encounter obstacles in obtaining sound data, such as a lack of readily available means to verify or corroborate information on abuses. State officials told GAO that constraints on staff time and travel also impeded their efforts.

Review Process Ensures Consensus

The regional bureaus, the Bureau of Human Rights, and others in Washington review the overseas posts' draft human rights reports to ensure a State Department-wide consensus on completeness, objectivity, and presentation. In 3 of the 11 draft reports GAO reviewed in detail, embassy drafts which tended to excuse abuses by friendly governments were rewritten during the review.

Bureau officials told GAO they rely on regional bureaus to ensure compliance with the review procedure of sending the final individual draft of the human rights reports to the embassies for review. However, the review procedure is not always followed. Department officials knew that in a dozen instances embassies had not reviewed the final draft of the 1989 country report. This neglect has resulted in factual errors. For the 1990 annual report cycle, the Bureau intends to monitor the dates the regional bureaus send draft reports to the embassies.

Human Rights Bureau Has Adequate Staff

Bureau officials told GAO that current staffing is adequate to oversee publication of the annual human rights report when all bilateral affairs officer positions are filled. The Bureau has six Foreign Service bilateral affairs officers to monitor the human rights situations in countries around the world and review the posts' draft country reports. The Bureau also employs five retired Foreign Service officers on a temporary basis to serve as editors on the annual human rights report.

The Bureau has had trouble attracting Foreign Service officers because they perceive that assignments to functional bureaus are less career-enhancing than assignments in regional bureaus. In recognition of this

perception, State offers two incentives for service in hard-to-fill jobs in functional bureaus: an additional year in Washington, D.C., or assignment to a position designated for a higher ranking officer. The Bureau intensified its efforts to attract Foreign Service officers in 1989 and was able to fill its open positions in 1990 without using special incentives.

State's Human Rights Training Has Improved

State offered no formal training in human rights until August 1989. Current training involves two one-day courses: (1) training in human rights issues and reporting included in mandatory political training for junior political officers and (2) a course for country desk officers who will be coordinating the Department's review of the country submissions. Although individual officers in the countries GAO visited had previous experience in human rights reporting or departmental review of the country reports, none had any formal training in human rights issues and reporting.

Recommendations

GAO recommends that the Secretary of State take the following actions:

- Direct embassies to (1) distribute the human rights country reports on their host countries as widely as possible to individuals and groups involved in human rights issues and (2) solicit comments on the accuracy, objectivity, and balance of the report's presentation from non-governmental organizations.
- Ensure compliance with existing report review procedures to coordinate the final draft country reports with the contributing embassies before issuance.

Agency Comments

As requested, GAO did not obtain written agency comments on this report; however, the views of responsible agency officials were sought during the course of our work.

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Abbreviations

GAO General Accounting Office

Introduction

The 1946 United Nations' Universal Declaration of Human Rights and subsequent covenants set forth international standards of basic human rights, including civil, political, social, and economic rights. U.S. human rights policies focus on the civil and political rights that constitute limitations on government actions, such as freedom from violations of the person and freedom to exercise civil and political rights such as freedom of speech, association, and the press. The State Department takes the view that internationally accepted economic, social, and cultural "rights" are goals for governments to work toward rather than current obligations to individuals.

Since the early 1970s, the Congress has directed that support for human rights be a goal of U.S. foreign policy. Several foreign assistance amendments have tied U.S. aid to respect for human rights. To provide an advocate for human rights concerns in foreign policy, the Congress established¹ the position of Assistant Secretary of State for Human Rights and Humanitarian Affairs. The Assistant Secretary is responsible for

- gathering information and preparing statements and reports to the Congress on the observance of and respect for internationally recognized human rights in all countries that receive U.S. aid,
- making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with aid restrictions on countries determined to be gross violators of human rights, and
- promoting increased observance of internationally recognized human rights in all countries.

To assist the Assistant Secretary in carrying out these responsibilities, the State Department established the Bureau of Human Rights and Humanitarian Affairs (hereafter called the Bureau of Human Rights).

Annual Report Describes Human Rights Practices in 169 Countries

The Assistant Secretary for Human Rights and Humanitarian Affairs coordinates the preparation of an annual report on the human rights practices of various countries. In 1989, State reported on the human rights practices in countries receiving U.S. economic and military aid, members of the United Nations, and other selected countries—169 countries in all.

¹Foreign Relations Authorization Act, Fiscal Year 1978 (P.L. 95-105)

State's annual Country Reports on Human Rights Practices (hereafter referred to as the human rights report), is due January 31 for each preceding year. The human rights report was originally intended to provide the Congress with information on human rights for use in making decisions about economic and military assistance. In 1984, legislation required the President to report to Congress on workers' rights within countries benefitting from certain trade preferences² for use as the basis for legal and policy determination on trade issues. State fulfills this requirement by adding a discussion of workers' rights issues to its human rights report. State has also responded to congressional interest in other areas of human rights. For example, in 1989, State reported on governments' tolerance of violence against women and on abuses against noncombatants in armed conflict. Because the human rights report represents State's official view of human rights practices in various countries, it has become an important source of information for interested persons in and out of the U.S. government.

Objectives, Scope, and Methodology

The Chairman, Legislation and National Security Subcommittee, House Committee on Government Operations, requested that we review the State Department's policies and procedures for preparing the human rights report. Specifically, we assessed the following:

- the effectiveness of State's methodology for ensuring that its human rights report is comprehensive, accurate, and consistent;
- the extent to which State's procedures ensure an unbiased report, regardless of whether a country is a U.S. adversary or ally;
- the adequacy of the Bureau of Human Rights' resources and expertise for analyzing information from posts and preparing the human rights report;
- the existence of career-enhancing incentives and rewards to attract high-quality Foreign Service officers for State's Bureau of Human Rights; and
- the adequacy of training in human rights issues provided to Foreign Service officers.

We discussed these issues with and obtained records from officials in the State Department's Bureau of Human Rights, regional bureaus, and personnel bureau. We also discussed State's reporting on workers' rights

²Generalized System of Preferences.

with a representative of the Department of Labor's Bureau of International Labor Affairs, which reviews the workers' rights sections of the human rights report.

To evaluate the procedures and methodology used to collect and report information on human rights, we selected Guatemala, Israel, the Republic of Korea, Pakistan, the Philippines, and Turkey because of allegations that State's reports on these countries understated government abuses because of other U.S. policy goals. We also visited Indonesia, Yugoslavia, and Zaire to review specific human rights issues in those countries and to assess the consistency of reporting from different regions.

While in Pakistan, we also reviewed the procedures for preparing the human rights report on Afghanistan, where the United States does not have an embassy. We met with U.S. officials who monitored human rights in Afghanistan. We also reviewed message cable traffic from the U.S. Embassy in El Salvador to assess the accuracy, completeness, and balance of the human rights report on El Salvador. We also discussed the report's preparation with Washington officials.

We discussed the preparation of the human rights reports with U.S. embassy officials. Because of time and resource constraints, we did not independently collect information on human rights practices from which to assess the accuracy and completeness of State's human rights report. Therefore, we sought views on the accuracy, completeness, and balance of the human rights report from representatives of international human rights groups, including Human Rights Watch, Amnesty International, the Lawyer's Committee for Human Rights, and Freedom House. Where it was possible, we also interviewed representatives of foreign governments about the report and other human rights issues.

We examined documents related to State's reporting on human rights issues and preparation of the human rights report. We also reviewed the publications of human rights observers on the human rights report. We discussed organizational and personnel concerns in the Bureau of Human Rights with Bureau and other State Department officials. We also examined documentation on the Bureau's resources, personnel, and training. One of our evaluators attended a training course on human rights reporting offered to Foreign Service officers to observe first hand the nature and extent of State's training in human rights.

Our review was conducted between July 1989 and March 1990 in accordance with generally accepted government auditing standards. As requested, we did not obtain formal agency comments on a draft of this report. However, we discussed its contents with responsible agency officials.

Quality and Accuracy of Human Rights Reporting Have Improved, but Some Problems Continue

Human rights observers generally agree that the State Department's recent reports on the human rights practices of various countries are credible and of high quality. Although these observers maintain that the report reflects U.S. political considerations by its tone and understates abuses by U.S. allies, they do not make these criticisms as frequently as they did in previous years.

Human Rights Organizations Encourage Improvements in Report

International human rights organizations such as Amnesty International, Human Rights Watch, Freedom House, and the Lawyers Committee for Human Rights have multiple sources of information on human rights abuses worldwide and can identify omissions or inconsistencies in the State Department's report. These groups have often testified before Congress on the quality of State's human rights report.

Human Rights Watch and the Lawyers Committee for Human Rights publish an annual review of the accuracy, completeness, and tone of some of State's individual country reports within the larger compilation of reports on 169 countries. In 1988 they cited the country reports on Chile, South Africa, Sudan, and Czechoslovakia as balanced.¹ They noted that the following characteristics were common to these reports:

- detailed accounts of specific cases,
- information from a variety of sources,
- context of events and issues,
- assertive conclusions on issues, and
- distinction between the observance of rights and their theoretical guarantee in law.

In contrast, the two human rights organizations asserted that State's country reports on Haiti, El Salvador, Guatemala, the Philippines, Indonesia, Singapore, and Malaysia were biased to support U.S. geopolitical interests. They described methods of reporting in these country reports that in their opinions favored U.S. allies. For example, they asserted that the human rights reports on these countries

- accepted government statements of intent, passage of legislation, or launching of investigations as proof of improvement in human rights observance;

¹Critique: Review of the Department of State's Country Reports on Human Rights Practices for 1988, Human Rights Watch and Lawyers Committee for Human Rights, July 1989.

- excused violations because of a lack of resources rather than failure of will;
- failed to offer independent analyses and conclusion; and
- treated the same issue differently or applied different standards of evidence for different countries.

Our review of 1987 and 1988 human rights reports² supports this analysis. Past human rights reports on El Salvador, Guatemala, and the Philippines have excused these governments from responsibility for abuses based on their promises of corrective action or lack of resources. For example, the 1988 human rights report on the Philippines emphasized the Philippine government's intent to observe human rights, although abuses continued. In addition, human rights reports on Afghanistan focused on reports of government abuses and omitted discussion of abuses by the U.S.-supported mujahidin.

State officials and human rights observers have credited the work of international and local human rights groups with prompting State to improve the accuracy and completeness of its human rights report. Individual country reports have addressed many of the inadequacies human rights observers have cited. We found that in Pakistan, Guatemala, and Yugoslavia, for example, the U.S. embassies generally agreed with human rights groups' criticisms of the presentation or emphasis of previous human rights reports and considered their views when drafting their 1989 human rights reports. In Guatemala, for example, international human rights observers charged that State gave too much credit to the government for planned changes. Embassy officials agreed and in their 1989 human rights report emphasized violations that had occurred despite the government's stated policy of respect for human rights.

Although the international human rights organizations were familiar with State's human rights report, many of the countries' local human rights observers were not aware of the report. For example, in five of the nine countries we visited, individuals involved in local human rights issues were not familiar with State's human rights reports on their countries. In Indonesia, however, the embassy gave its 1988 report to all its human rights contacts to elicit criticisms and suggestions for improving the 1989 report.

²U.S. Department of State, Country Reports on Human Rights Practices for 1987, and U.S. Department of State, Country Reports on Human Rights Practices for 1988.

Bureau of Human Rights officials agreed with us that the reports for individual countries should be distributed as widely as possible to local human rights observers and that any criticism or concerns should be discussed with local human rights observers if appropriate. This would improve communications with a wide range of human rights groups in different countries and provide State with different perspectives on human rights issues.

**Observers Allege
Human Rights Reports
Reflected Bilateral
Policy Objectives**

Human rights observers have charged that U.S. support for democratic or friendly governments has biased State's human rights reports. Since 1981, State has noted in its reports the administration's belief that democratic institutions ensure the observance of human rights. Critics have charged that in the early 1980s, State reported human rights violations in Communist countries such as the Soviet Union in extremely harsh language, while reporting violations in democracies such as Guatemala and Israel in a more favorable tone. State's human rights reports for El Salvador, Pakistan, the Philippines, and Israel have historically been criticized for minimizing government abuses to support governments with close political and economic ties to the United States.

Human rights observers have also alleged that a country's change to an electoral democracy ensures that State's criticism of that country's abuses will be muted in the human rights reports, even if little progress is being made in observing human rights. In four of the countries we visited, the human rights reports issued shortly after the change to democratic government emphasized the new governments' intent to implement policies of respect for human rights, even as abuses continued. For example, the 1987 and 1988 human rights reports on Guatemala stressed the government's promises to improve the situation, while abuses were continuing. Embassy officials agreed that the reports reflected support for the new democracies in the hope that they would live up to their promises.

**1989 Human Rights Report
Generally Objective**

Our review of related data and conversations with embassy officials and human rights observers indicated that 10 of the 11 reports we examined accurately reflected human rights practices in the countries we visited. However, the report on Afghanistan for 1989 severely criticized the Afghan government's abuses of human rights, but minimized the mujahidin's abuses. Heavy civilian casualties caused by mujahidin shelling around two cities and other allegations of abuse by the mujahidin were also not included in the 1989 report.

The tone of the 1989 report on Guatemala changed dramatically from the reports of the previous 2 years. According to embassy and State officials, the Department had been unwilling to criticize the new democratic government too harshly in the first years of its administration. The deteriorating situation in Guatemala and the Guatemalan government's failure to implement its policies to uphold human rights were among the factors that led State to make its presentation of human rights abuses in 1989 more objective and frank.

Conclusions

International human rights groups now agree that the State Department's human rights report is generally comprehensive and objective. They point out, however, that individual human rights reports on a small number of countries attempt to mitigate abuses, especially if those countries have close political ties to the U.S. government. Although the criticism by international human rights organizations has encouraged the State Department to make the report comparable and objective, most local human rights observers in the countries we visited were not aware of the human rights report. Thus, State missed an opportunity to gain additional insights and perspectives on its reporting of human rights issues.

Recommendations

We recommend that the Secretary of State direct embassies to

- distribute the human rights reports on their host countries as widely as possible to individuals and groups involved in human rights issues and
- solicit comments on the accuracy, objectivity, and balance of the reports' presentation from nongovernmental organizations.

Reporting on Human Rights Practices Reflects State's Increased Commitment

In recent years, the State Department has shown a greater commitment to gathering and reporting accurate and complete information on human rights practices. Reporting guidelines are adequate; however, the procedures for data collection and verification are left to the judgment of individual embassies and vary among countries. The Department's review procedures are not always followed, and as a result some reports have included factual errors.

Reporting Guidelines Provide Consistent Format

The Bureau of Human Rights has developed detailed reporting guidelines to make the presentation of the human rights information collected and reported by the embassies as consistent as possible in subject, format, and language. The guidelines define categories of human rights and provide criteria against which embassies measure human rights practices. According to a Bureau official, general guidelines cannot address every situation in every country. Thus, the Bureau's instructions allow each embassy to emphasize issues of importance in each country.

Guidelines Provide Criteria for Assessing Human Rights

State's guidelines provide both general instructions on the approach to human rights reporting and specific instructions on the content and format of each report section. The general instructions emphasize objectivity and accurate reporting and urge high-level management at posts to take a personal interest in the reports.

Using internationally recognized humanitarian and labor rights standards as criteria against which to measure actions, embassies report on abuses by governments and by nongovernmental elements, such as guerrilla forces, terrorists, or occupying forces of a foreign power. Table 3.1 includes the major report headings and the types of abuses embassies are required to address in each section. In addition, embassies report on actual practices in countries as well as protection provided to human rights in laws and constitution. Although the guidelines standardize the report format and headings an embassy must use, a report may emphasize a particular category depending on conditions in the country.

Chapter 3
Reporting on Human Rights Practices
Reflects State's Increased Commitment

Table 3.1: Required Format and Content for Human Rights Report

Report heading	Topics included
Respect for the Integrity of the Person	Extent of freedom from political or extrajudicial killing, disappearance, torture, or other cruel punishment and arbitrary arrest, detention, or exile; denial of fair public trial; and arbitrary interference with privacy, family, home, or correspondence.
Respect for Civil Liberties	Extent of freedom of speech, press, peaceful assembly and association, and religion and movement within the country, foreign travel, emigration, and repatriation.
Respect for Political Rights	Ability of citizens to change their government.
Governmental Attitude Regarding International and Nongovernmental Investigation of Violations of Human Rights	Extent to which the government is willing to allow discussion of human rights by local and international human rights groups. Extent to which the government is concerned with international human rights matters.
Discrimination Based on Race, Religion, Sex, Language, or Social Status	Extent to which social or cultural discrimination is practiced or tolerated by the government. Included discrimination in housing, education, and jobs; special problems of ethnic groups; and violence against women.
Worker Rights	Extent to which the right of association, the right to organize and bargain collectively, prohibition of forced or compulsory labor, minimum age for employment of children, and acceptable conditions or work are protected and exercised.

Human rights officers who draft the individual country reports and regional bureau staff who coordinate internal departmental review stated that the Bureau's guidance was adequate in that it described the types of human rights practices to monitor and how to report them.

The guidelines do not address every issue related to worldwide reporting, however. For example, the guidelines do not address the types or number of examples needed to substantiate a conclusion. According to State officials, the review process addresses the need to be comprehensive but concise. The Department's objective is to include major examples of continuing abuse to illustrate its conclusions, but not to provide a catalog of abuses. The 1989 report on El Salvador, for example, did not include an incident in which the Salvadoran military allegedly tortured and killed insurgent medical workers. State officials believed that the report contained enough other examples to support the report's conclusion that the military had committed abuses.

According to a State official, the embassies also try to address in detail the instances of human rights violations that have generated the most attention locally or internationally, for example, those that are particularly brutal, involve American citizens, or point to some area of concern in the country. For example, State reported that in El Salvador over

17 politically motivated killings were committed per month through August 1989. Killings specifically addressed in the country reports illustrated continuing human rights problems, such as noncombat killings attributed to the military and police and the resurgence of death squads. The killing of an American citizen in March 1989 by Communist insurgents in that country was noted, as was the kidnapping and murder of a schoolteacher for her union activities.

The instructions also do not provide guidance on reporting human rights violations that occur in one country but involve another country's citizens. In February 1988, the assassination of a prominent Afghan citizen in Peshawar, Pakistan, allegedly by the Afghan secret police or a mujahidin group, was not reported in the human rights report on Afghanistan but was mentioned in the Pakistan report. Human rights groups charged that the incident occurred in the context of the Afghan conflict and was therefore improperly reported. Bureau of Human Rights officials stated that, in this case, the event should probably have been discussed in both reports. One official stated, however, that treatment of unique situations should be decided on a case-by-case basis.

Guidelines Not Always Followed

Embassies are directed to prepare draft human rights reports and send them to the Department in early October of each year so that they may be reviewed and published in time to meet the January 31 deadline for submission to Congress. According to a State official, posts may provide additional information for the report as events occur in the interim, and State tries to include significant events through the end of the year. However, in at least one case, these instructions were not implemented, resulting in the omission of a major instance of human rights abuse from the human rights report. A Bureau official said that the Bureau will strengthen the 1990 instructions to emphasize that significant year-end events must be reported and included in the annual report.

According to State officials, if a significant event occurs in one calendar year but does not come to the embassy's attention until the next year, the information should be included in the following year's human rights report. State may also include significant events that might happen in January, after the reporting year ends. For example, State reported the arrest in January 1990 of a Salvadoran Army officer for the October 1989 murder of six Jesuit priests.

However, a well-documented massacre of an Afghan garrison by the mujahidin in November 1988 was not reported in either the 1988 or

1989 human rights report. The official who drafted the 1988 report said that he believed the event happened too late for inclusion in the report, although he did not ask for any guidance from the Bureau of Human Rights. The incident was not in the 1989 report, according to the official drafting that report, because it happened in 1988.

Reporting Reflects Posts' Emphasis on Human Rights

Human rights issues compete for priority in U.S. embassies with other important policy issues, such as U.S. national security interests, alliance considerations, and economic objectives. Posts give human rights issues varying priority based on such factors as the extent of abuses in country, the ambassador's approach to human rights, the emphasis on human rights from the regional bureaus, and the importance of U.S. geopolitical interests.

An ambassador sets priorities for the embassy based on instructions from the Secretary of State. In eight of the nine countries we visited, the posts' annual goal statements cited human rights as a priority goal. In all countries, officials told us that human rights had a high priority in post activities. The ambassador to Guatemala told us that human rights is one of the top three priorities for the embassy, along with support for democracy and drug interdiction and eradication. Political and human rights officers said that the entire embassy understands these priorities.

Letters of instruction to U.S. ambassadors from the Secretary of State explain their responsibilities and set policy priorities. The regional bureaus develop these instructions based on the situation in the country and U.S. foreign policy goals. According to Bureau of Human Rights officials, desk officers sometimes ask them to comment on letters for ambassadors going to countries with human rights problems.

In Indonesia and the Republic of Korea, the ambassadors' letters of instruction specifically mentioned human rights as a priority. Although the letter of instruction to the ambassador to Guatemala was not finalized at the time of our visit, he expected human rights to be a high priority based on his discussions with Department officials. Human rights was not specifically mentioned in the letter for the ambassador to Pakistan or the Philippines. Post records did not indicate whether the Bureau of Human Rights had commented on these letters.

Most regional bureaus stress the importance of the human rights reports and urge post management to take an interest in the process. The Inter-American Affairs Regional Bureau has taken an active role in pressing

for accurate and complete human rights monitoring and reporting. In 1989, it compiled statistics on the types and amounts of resources in the region devoted to human rights monitoring, innovative methodologies for data collection and verification, and frequently used sources to identify any weaknesses bureau-wide or country specific in its approach to human rights. Officers in other regions said that they did not get additional guidance on reporting standards from their regional bureaus, but in every region officers noted that the priority of human rights has increased throughout the Department.

Embassies choose varying approaches in working for improvements in human rights conditions. For example, the posts in Indonesia, Zaire, and the Republic of Korea choose to conduct most human rights activities privately due to cultural and political conditions in those countries. In contrast, the ambassadors to Guatemala and Turkey have taken a public stance in pressing for improvements in observance of human rights by making speeches and attending human rights functions. The ambassadors to Guatemala and Turkey have also attempted to heighten other foreign embassies' interest in human rights issues.

Accuracy of the Human Rights Report Depends on Quality of Year-Round Monitoring

The embassies' monitoring and reporting on human rights throughout the year becomes the basis of the annual human rights report. If the human rights officer has collected information throughout the year, then drafting the annual report consists mainly of compiling information previously gathered. The human rights officer in each of the countries we visited had kept extensive files of press clippings, government statistics, and other information collected throughout the year to use in preparing the annual country report.

According to officials at eight of the nine embassies we visited, embassies report to the Department on events as they happen or in response to congressional or other inquiries. A U.S. official at the U.S. Embassy in Seoul told us that the annual report represents the embassy's analysis of the human rights situation as a whole. In Guatemala, however, the emphasis was on trend reporting, with spot reporting supplementing trend analysis. Some embassies developed analyses of particular issues or groups involved in human rights. For example, the embassy in Guatemala prepares a monthly human rights overview, and the Consulate General in Jerusalem prepares a bimonthly update on the situation in the occupied territories.

The extent of reporting from the countries we reviewed reflects the situation in a country as well as the embassy's emphasis on human rights. For example, over 600 cables came from the embassy in Tel Aviv and consulate general in Jerusalem on the human rights situation in Israel and the Occupied Territories, where information on abuses is widely available. Conversely, less than 100 cables came from the embassy in Kinshasa, Zaire, a very closed society with government control over information.

**Data Collection
Methodology Is Embassy
Responsibility**

Although standardization of the report has increased its overall quality and usefulness, each embassy is responsible for ensuring that its assessment of human rights practices in its host country is complete and accurate. The Bureau of Human Rights' guidelines do not address data collection and verification methods. However, several posts indicated that a procedures manual on data collection and verification would be helpful, especially for posts experiencing staffing gaps. State intends to address methodologies for collection and verification of information and assessing the credibility of sources in its new training course for political officers. (See ch. 4 for a discussion of human rights training.)

In addition, a Bureau official charged with drafting the reporting instructions stated that the instructions for the 1990 report will stress standards of evidence and verification of information.

Obstacles to Monitoring

In the countries we visited, the posts consistently faced obstacles to gathering accurate and complete information. For example:

- Few reliable sources of information or eyewitnesses were available to report abuses. The posts have found it virtually impossible to investigate abuses that occur in remote areas or areas of conflict. Further, in countries such as Guatemala, the Philippines, and the Republic of Korea, human rights is a political issue, and local human rights groups tend to espouse definite political views. In the Philippines, one local human rights group reports only on government abuses and not on those committed by the Communist insurgency. In countries such as Zaire where the government maintains tight control over information and individuals fear reprisals for reporting on abuses, collecting and verifying information is very difficult.
- Staff time and resources are restricted. Embassy human rights officers stated that they cannot investigate each of the myriad allegations of human rights violations. For example, the U.S. embassy in the

Philippines estimated that over 1,000 persons lost their lives due to the insurgency and counterinsurgency, many in remote and unaccessible areas. In addition, human rights officers in the countries we visited were assigned additional duties, such as political-military affairs, narcotics, criminal justice, and other political issues. The officers said that budgetary constraints kept them from visiting the provinces outside the capital as often as they would like. These constraints particularly hamper reporting in decentralized countries, such as Yugoslavia.

Sources of Information

Sources of information vary among the posts we visited in response to the different situations in countries around the world. Each post used several sources to get multiple views of the human rights situation. Table 3.2 shows the embassies' primary or frequently used sources.

Table 3.2: Embassies' Primary Sources of Human Rights Information

Country	Source						
	Host government	Military/police	Human rights groups	Media/press	Trade unions	On-site investigation	Religious community
Afghanistan	X ^a	X	X				X
Guatemala	X	X	X	X	X		X
Indonesia	X		X	X	X		X
Israel	X	X	X				X
Korea	X	X	X	X	X		X
Pakistan	X	X	X				
Philippines	X		X	X			
Turkey	X		X		X		
Yugoslavia	X		X		X	X	X
Zaire	X						

^aAfghan interim government.

Other sources less frequently mentioned include discussions with political opposition representatives, debriefings of political prisoners, and consular visits.

The posts have tailored their data-gathering approaches to the situations in the country. For example, in Yugoslavia, the human rights officer travels to various locations for on-site investigations and interviews local human rights groups, refugees, and church men and women. In contrast, travel in Guatemala and the Philippines is restricted for security reasons. In Israel, the free press and a number of active local and international human rights groups provide much information on

human rights violations. Conversely, Zaire has no free press, and individuals are often reluctant to talk to U.S. officials for fear of government reprisals. Faced with an overall lack of information sources, much of the data in State's country report on Zaire is based on general impressions drawn from anecdotal reports.

Embassies in every country we visited except Zaire cited local human rights groups as important sources of information. Human rights officers told us that these groups serve a useful purpose in advocating human rights and often have access to information not available to the embassy. Information from local or international human rights groups was cited in the human rights report on each of the countries we visited.

**Embassies Try to Verify
Information Before
Reporting Abuses**

Department officials stressed that high standards of proof must be maintained to ensure the accuracy of charges. Because of the difficulty in verifying information, embassies use many means to assess the credibility of charges of abuse. The primary method used in each of the nine countries we visited was cross-checking information with more than one source. Even in Zaire, where U.S. officials told us information sources are difficult to find, the post cross-checks information to the extent possible. The posts also consider the accuracy of the source over time, the methodology used to gather the information, and the political purposes of the information source.

When the embassy cannot substantiate charges of abuse, State usually reports only that abuses were alleged. Nongovernmental human rights groups have suggested that State uses this means of reporting to minimize violations in particular countries, such as Guatemala and El Salvador. For example, the 1988 report on Guatemala cited a massacre of 22 villagers in El Aquacate, Guatemala, by unknown persons. Local human rights groups accused the Guatemalan army of the killings, but embassy officials did not believe the evidence was conclusive. Some human rights groups asserted that the embassy refused to blame the Army in an attempt to understate government involvement in abusing Guatemalan citizens.

**Washington Bureaus Draft
Some Human Rights
Reports**

State reports on conditions in some countries, such as Angola and Afghanistan, in which the United States does not have an embassy. In these cases, the regional bureau's country desk officer drafts the country human rights report based on information gathered from the press, human rights organizations, and, in some cases, U.S. officials in

other countries. For example, the Angola desk officer told us he drafted the 1989 report primarily using public information, including reports from Amnesty International and Africa Watch.

State also drafts country reports using information collected by U.S. embassies in neighboring countries. For example, because the United States closed its embassy in Afghanistan in early 1989, the country desk officer was charged with drafting the 1989 human rights report on that country. The report was based largely on information supplied by the consulate at Peshawar, Pakistan.

Final Human Rights Report Is the Product of Multiple Reviews

State has instituted review procedures to encourage objectivity and to ensure that the final human rights report reflects the entire Department's position. This review includes the regional bureau country desks, the Bureau of Human Rights, and other offices. The final report is negotiated among officials from the embassy, country desk, and the Bureau, all of which must approve the final product. They must resolve any disagreements on the tone of the report or differing professional opinions on conclusions drawn from the facts.

Discussions on reports on El Salvador, Nicaragua, and Israel have historically been contentious. The language and tone in the 1989 reports on the Philippines, Turkey, and Israel, among others, were the subjects of intense internal discussion before final agreement. Our comparison of the embassies' drafts with the final products showed that the departmental review process had changed the tone of 3 of the 11 draft country reports we reviewed, primarily by removing statements that tended to excuse government abuses. In the other eight reports, changes were largely editorial in nature or clarifications of issues or statistics already in the report.

Embassies send the draft reports to the regional bureaus' country desks for coordination within the Department. At the Department, the Country Team—five retired high-level Foreign Service officers who are hired on a temporary basis for their expertise in the geographic areas—initially performs substantive and editorial reviews. The Bureau's bilateral affairs officers and other Bureau officials also review the drafts to ensure that all major developments are included and that conclusions are factually supported. Other offices with an interest in the reports, including the Office of the Legal Adviser, Legislative Affairs, and the Special Assistant to the Secretary for International Labor Affairs, also review the drafts. The Department of Labor's Bureau of International

Labor Affairs reviewed the workers' rights section of the report for the last 2 years.¹

According to Bureau officials, desk officers should send the final draft negotiated in Washington back to the embassies for concurrence, but they do not always do so. These officials knew that in the 1989 reporting cycle there were a dozen instances in which final drafts were not sent to the overseas posts, including those in Israel and Pakistan. In a few cases, this neglect resulted in errors in the final reports. For example, the 1989 country report on Pakistan stated that no sentences of stoning, flogging, or amputation levied under controversial Islamic ordinances² were carried out in 1989. However, the first flogging was carried out in December 1989, and post officials said they could have corrected the statement had they seen the final draft.

The Bureau of Human Rights has relied on the regional bureaus to ensure that their desk officers have sent the drafts to the embassies for concurrence. Bureau officials said that they plan to ask the regional bureaus to provide the Bureau of Human Rights the dates the final drafts go out for review to ensure that embassies have an opportunity to comment on the final reports. Bureau officials believe that they will then be able to identify which embassies have not been sent the final draft and encourage the regional bureaus to do so.

Conclusions

State has shown an increasing commitment to making the human rights report as factual and objective as possible by improving reporting guidelines to delineate the categories of abuses to be reported and standardizing the format and content of the human rights reports. The review process helps State ensure that the human rights report is objective and represents the official view of the State Department. However, embassies do not always adhere to reporting requirements, such as reporting on year-end events, and Department procedures for coordinating the report are not always followed. Adherence to reporting requirements and department review procedures would help to ensure the accuracy of the report.

¹The Department of Labor has notified State that due to resource constraints it will no longer be able to perform this advisory review.

²The Hadood Ordinances on adultery, promulgated in 1979.

Recommendation

We recommend that the Secretary of State ensure compliance with existing report review procedures to coordinate the final draft country reports with the contributing embassies before issuance.

Human Rights Bureau Is Sufficiently Staffed and Training Is Improving

The Bureau's small staff appears sufficient to monitor embassy reporting on human rights practices and the preparation of the annual human rights report. The Bureau is one of State's "functional" bureaus, which means that its activities are not specific to a geographic region as are those of the "regional" bureaus. Foreign Service officers' bias against serving in functional bureaus has at times hindered the Bureau's ability to attract staff, resulting in staffing gaps. However, the Bureau was able to fill all its open Foreign Service positions through the regular 1989-90 assignment cycle.

Although the Bureau is the focal point for human rights issues in State, each embassy is responsible for monitoring and reporting on the human rights practices of its host country. Each embassy has designated one officer to be responsible for human rights issues and reporting. Regional bureaus also perform substantive reviews of the drafts and coordinate the internal review of the reports for countries in their regions. However, in our interviews with Foreign Service officers who dealt with human rights, we discovered that only two had taken formal training in human rights issues and reporting.

Bureau of Human Rights Has Small Staff

The Bureau conducts its work with a staff of about 50 permanent employees, including about 30 professional staff and about 20 support staff. In addition, the Bureau employed 10 temporary experts at the time of our review. Professional staff working in the Bureau include the assistant secretary and deputy assistant secretaries, Foreign Service officers, foreign affairs officers, public affairs advisor, and special assistants. The number of Foreign Service officers in the Bureau has stayed constant at about 14¹ since 1984, while the Bureau's non-Foreign Service professional staff has increased from 4 to about 14 positions. The Bureau also hires 5 Foreign Service officers on a temporary basis specifically to review and edit the draft reports from the embassies.

According to Bureau officials, when all Foreign Service officer positions are filled, the Bureau is sufficiently staffed to oversee preparation of the human rights report, although its resources are stretched thin. For example, the Bureau has six bilateral affairs officers who monitor an average of around 30 countries each. Bureau officials told us that it is difficult for one officer to monitor so many countries in-depth. Although none of these officers had special training in human rights issues before

¹This excludes positions for five Foreign Service officers in the Bureau's Asylum Unit, which has no role in the preparation of the annual human rights report.

being assigned to the Bureau, they are mid-level officers with overseas experience and, according to Bureau officials, are able to learn the job quickly. One of the six bilateral affairs officers had been a human rights officer at an embassy before coming to the Bureau. According to the Bureau's personnel officer, the Bureau has not requested additional Foreign Service positions.

The Bureau's Foreign Service positions are interfunctional, which means that their responsibilities involve activities typical of more than one "cone"². Although most human rights officers at posts are political officers, officers in the Bureau represented a mix of cones.

At the time of our review, the Bureau had a full complement of 14 generalist Foreign Service officers. However, the Bureau has had problems in attracting Foreign Service officers in the past. Within the past 5 years, 2 of the 14 positions for Foreign Service officers went unfilled for about a year. One position remained unfilled over 2 years, and another was vacant for 8 months. We were told that the Bureau will probably find it difficult to fill a vacancy anticipated in July 1990 since it will occur outside the regular assignment cycle.

For the 1989-90 assignment cycle, the Bureau had six openings. It was able to fill all six early in the assignment process: three by bids and three by extending the assignment of officers currently serving in the Bureau. According to a personnel official, the Bureau was successful in filling its positions because it had mounted an aggressive campaign to recruit Foreign Service officers and so many officers were willing to extend their assignment to the Bureau.

According to a personnel official, the Bureau will have more vacancies for the 1991 assignment process than it did in 1990. Officials hope that the Department's increased emphasis on human rights and Foreign Service officers' experience with human rights issues overseas will make it easier to recruit qualified staff. One Bureau official said that several Foreign Service officers have called to inquire about working in the Bureau.

²Foreign Service officers are assigned to four functional work areas—administrative, consular, economic, and political—which the State Department refers to as cones.

**Functional Bureaus Not
Viewed as Career
Enhancing**

According to State personnel officials, it is not unusual for Foreign Service positions in functional bureaus such as Human Rights to be vacant for long periods because more positions are available than there are Foreign Service officers to fill them. Personnel in State offices and embassies told us that Foreign Service officers generally believe that service in a regional bureau, which coordinates bilateral policy and controls embassy appointments, is more career enhancing than assignment to a functional bureau, which focuses on a single issue. According to personnel officials, a tour in a functional bureau would not prevent a Foreign Service officer from being promoted, but a reputation gained from association with a regional office might be an advantage in getting subsequent assignments that lead to promotions.

The Department did not have readily available information on whether these perceptions were borne out in promotion decisions. The Department conducts analyses of promotions by cones rather than current assignments because promotion decisions are based on the last five assignments. About 55 percent of the officers who had completed assignments in the Bureau over the past 5 years have been promoted. According to Bureau officials, three Bureau deputy assistant secretaries have been promoted to the ambassadorial rank.

In recognition of the difficulty in recruiting Foreign Service officers for functional bureaus, State allows them two incentives to attract staff: (1) officers may stay an extra year in Washington after the usual 5 years to serve in a functional bureau and (2) officers may occupy a position designated for a rank higher than they hold. Because the Bureau attracted sufficient bids for vacancies in 1990, the positions were not designated hard to fill and were not eligible for these special considerations.

**Human Rights Reporting
Award Under
Consideration**

In 1989, the Bureau proposed a State Department-wide award for human rights reporting, which would be similar to current awards for political and economic reporting. State's Awards Committee agreed that an award should be established to recognize staff making significant contributions in the human rights area. However, the Committee felt that a bureau-level award competition would be more appropriate. According to a Bureau official, the Bureau will pursue the idea of creating a human rights award either at the Department or Bureau level.

Foreign Service officers in the Bureau are eligible for State Department-wide meritorious service awards and superior service awards. The Bureau has no unique awards for exceptional service.

Post Political Sections Are Primarily Responsible for Human Rights Reporting

Officials in the countries we visited told us that the posts are adequately staffed to handle current human rights reporting responsibilities. Every embassy appoints a human rights officer to monitor and report on human rights issues to the Department. According to the Bureau of Human Rights, most human rights officers are political officers.

Besides the human rights officer, the embassies we visited tasked other political officers, consular officers, and/or other officials to monitor certain aspects of human rights and contribute to the report. In Pakistan, for example, refugee officers used their contacts to report on the situation in refugee camps. Consulates in Israel, the Philippines, and other countries monitor regional human rights issues and supplement embassy information for the annual human rights report.

The human rights officer is generally responsible for drafting the human rights report, following the Bureau's guidelines. In each of the posts we visited, other staff also contributed information or drafted report segments. For example, in seven of the nine countries we visited, the labor attaches drafted the sections of the report on workers' rights.

The human rights officers' ranks vary from junior officers (FO-05) to senior officers (FO-01). At six of the nine posts we visited, the human rights officer was a junior or mid-level officer (FO-05 to FO-03)³. However, at these posts, supervisors with considerable human rights experience also spent time on human rights issues. In two of the countries we visited with serious human rights problems, Guatemala and Indonesia, human rights officers were upper level political officers (FO-01/02). In seven of the nine countries we visited, human rights officers or their supervisors had been involved in human rights reporting at previous posts.

The human rights officers spend from 1 percent to 100 percent of their time on human rights. The time spent depends on the priority of other issues, the embassy resources available, and the severity of the country's human rights problem. Other officers at the posts also devote

³In one country, the human rights officer held a personal rank of FO-02 but occupied a position designated for an FO-03 officer.

time to human rights issues. Table 4.1 shows the variation of time spent by human rights officers on human rights issues in the countries we visited.

Table 4.1: Time Spent by Human Rights Officers on Human Rights Issues in Nine Countries

Country	Time Spent (Percent)
Guatemala	70
Indonesia	30
Israel	
Tel Aviv Consulate	60
Jerusalem Embassy	75
Korea	5-10
Pakistan	20-25
Philippines	75
Turkey	over 30
Yugoslavia	20-25
Zaire	20-25

Foreign Service Officers Have Experience but Little Formal Training in Human Rights

None of the human rights officers in the countries we visited had any formal training in human rights, although many of the post officials had previous experience with these issues. A former human rights officer in Guatemala asserted in an article in a Foreign Service magazine that until the Department trained human rights officers in gathering and verifying information, the quality of the reporting could not be assured.

Some Foreign Service officers argued that specific training in human rights issues and reporting is not necessary because State provides training in reporting on political issues, which include human rights. In addition, the variation in conditions around the world would make it difficult to construct a useful course.

However, other human rights officers told us that they would have benefited from training focusing on U.S. human rights policies, history, and the reporting process. According to State correspondence, human rights officers at posts suggested that training include, among other topics, a review of how post human rights reporting fits into the U.S. policy process, American standard police judicial procedures, international human rights law, the role of international organizations like the United Nations Commission on Human Rights, and techniques for assessing the reliability of information and statistical data. Several officers believed that it would be helpful to hold regional human rights seminars that focus on

human rights issues in various regions and on techniques for reporting and establishing contacts.

**State Instituted New
Training Programs for
Human Rights Officers**

Before August 1989, when State's Foreign Service Institute began instruction on human rights reporting, State offered little formal training in human rights. Human rights issues were discussed as half-day components of State's entry-level orientation and political courses that are required for all junior Foreign Service officers. In addition, the Bureau of Human Rights briefed ambassadors and other staff on the human rights situation in the countries to which they were assigned.

The Bureau and the Foreign Service Institute began training for human rights officers in August 1989 with 1-day elective courses: one for officers being posted overseas with responsibility for human rights reporting and one for desk officers charged with coordinating review of the draft in Washington. The courses introduced the history of human rights in international and U.S. law, the role Congress played in the development of human rights as a component of foreign policy, the role of human rights organizations, and instruction on the format of the country report. In addition, the course for officers going to posts included some methodology for collecting and verifying human rights information.

As of June 1990, the course in human rights reporting abroad was integrated as a full-day component of mandatory training for political officers being posted overseas. Training for desk officers, who may come from skill cones other than the political cone, remains elective. According to a Bureau official, the Bureau is working with the regional bureaus to urge all desk officers to attend the training.

We attended one of the course sessions and found it a comprehensive overview of the background of U.S. human rights policy and reporting. However, the 1-day format limited the depth of the presentation. Course evaluation forms from participants in the first two course sessions showed overall satisfaction with the course and indicated that participants found the information useful in their jobs. Several participants suggested that the course be expanded to include more information on how U.S. policy responds to human rights issues and on legal definitions for abuses. State officials said that they recognized the constraints of the format but that they thought that more staff would come to a one-day course than a longer one.

As of May 1990, 22 Foreign Service officers had attended the human rights reporter's course, and 26 had attended the course for desk officers. A State official said that number would double by the end of the summer, since Foreign Service officers usually move between posts in the summer and receive training before they move to their new assignments. None of the human rights officers in the countries we visited had attended the human rights training. The two desk officers who had taken the course said it was useful in helping them review and coordinate the 1989 report.

State does not have specific, formal training for ambassadors to address human rights. Instead, ambassadors usually meet with Bureau officials to be briefed on the human rights situations in the countries where they will serve. Bureau officials commented that human rights should be included in ambassadorial training.

Conclusions

When the Bureau of Human Rights is fully staffed, staffing is adequate for its oversight role in preparing the human rights report, although its resources are stretched thin. The Bureau has had trouble attracting Foreign Service officers in the past, but the Bureau was able to fill all vacancies for Foreign Service officers in the 1989-90 assignment cycle. As of May 1990, the Bureau was fully staffed. Embassies and regional bureaus also devote resources to human rights issues and preparation of the individual country reports, with the amount of time varying depending on resources available and the seriousness of the human rights problems in particular countries.

The Department officials dealing with human rights issues have acquired substantial experience in human rights reporting, although they have had little, if any, formal training. State has begun to address training needs previously identified by Foreign Service officers and other human rights observers. New political officers will now receive training in human rights as a part of their mandatory training. A course designed for desk officers, who may not be political officers, is offered quarterly but is not required. Few Foreign Service officers dealing with human rights have taken the training to date.

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