

GAO Highlights

Highlights of [GAO-13-866](#), a report to congressional requesters

Why GAO Did This Study

The Foreign Assistance Act of 1961, as amended, prohibits assistance to a unit of a foreign government's security forces if the Secretary of State has credible information that such unit has committed a gross violation of human rights. DOD's annual appropriation contains a similar provision that applies to DOD-funded training programs. State administers a vetting process to address these laws, commonly referred to as the Leahy laws. GAO was asked to review implementation of these laws. This report examines the extent to which (1) State and DOD provide guidance to their personnel to address the Leahy laws, (2) State monitors whether U.S. embassies have developed procedures to address the requirements of the Leahy laws, and (3) State provides training to personnel who conduct human rights vetting. This is a public version of a sensitive but unclassified GAO report. Information State deemed sensitive has been redacted. GAO reviewed agency guidance and training materials and interviewed officials in Washington, D.C., and at eight U.S. embassies selected in part based on whether they were in countries that State identified as countries of human rights concern.

What GAO Recommends

GAO recommends that State (1) provide clarifying guidance for implementing the duty-to-inform requirement, (2) ensure that all U.S. embassies have human rights vetting SOPs that address the requirements in the Leahy laws, and (3) update its web-based training for personnel who conduct human rights vetting to reflect the changes to the State Leahy law enacted in December 2011. State agreed with these recommendations.

View [GAO-13-866](#). For more information, contact Charles Michael Johnson, Jr. at (202) 512-7331 or johnsoncm@gao.gov.

September 2013

HUMAN RIGHTS

Additional Guidance, Monitoring, and Training Could Improve Implementation of the Leahy Laws

What GAO Found

The Department of State (State) and the Department of Defense (DOD) provide guidance to address the Leahy laws, but State's guidance for implementing one requirement of the State Leahy law is unclear. State has used a variety of mechanisms to provide guidance to address the Leahy laws, including guidance to address six of seven new procedural requirements added to the State Leahy law in December 2011. State officials anticipate issuing guidance to address the seventh requirement by October 2013. DOD has provided guidance to address the DOD Leahy law through a 2004 Joint Staff message, and DOD officials said DOD personnel also follow State guidance. While State has provided guidance to embassies to address the duty-to-inform requirement of the State Leahy law, officials at six of the eight embassies GAO visited said that they would like additional guidance that clarifies how to implement the requirement. The duty-to-inform requirement directs State to inform the foreign government if funds are withheld under the law and, to the maximum extent practicable, assist the foreign government in bringing those responsible to justice. With clarifying guidance, embassies will be better able to implement this requirement in accordance with the law, potentially increasing the effectiveness of the law as a tool for promoting human rights.

State's Bureau of Democracy, Human Rights, and Labor (DRL), which oversees human rights vetting policies and processes, does not monitor whether all U.S. embassies have developed standard operating procedures (SOPs) that address the Leahy laws' requirements. Since at least 2003, State guidance has required embassies to develop human rights vetting SOPs, although these SOPs are not required by law. State guidance also instructs embassies to submit their SOPs to DRL for review. As of July 2013, DRL had reviewed SOPs for 43 of the 159 embassies that conducted human rights vetting in fiscal year 2012. While the eight embassies GAO visited had developed SOPs to implement State guidance, two developed SOPs for the first time and six updated SOPs during the course of GAO's review. Further, GAO found that a majority of these SOPs, all of which DRL reviewed, did not address a requirement of the State Leahy law. Without more robust monitoring, it will be difficult for State to provide reasonable assurance that embassies have developed SOPs to help ensure the Leahy laws' requirements are being implemented in each country.

State provides training to human rights vetting personnel in Washington, D.C., and at U.S. embassies primarily through two web-based courses, but GAO found that both of these courses are outdated. DRL officials said that they also provide training on the Leahy laws and human rights vetting policies through other methods, such as briefings for State and DOD officials. State's web-based courses provide information on the Leahy laws and instructions for using State's vetting database. Twelve of the 15 personnel who conduct vetting in Washington, D.C., and 6 of the 8 human rights vetting coordinators at the eight embassies GAO visited stated that they had completed this training. However, neither web-based course has been updated to reflect new procedural requirements added to the State Leahy law in December 2011. Without up-to-date training that addresses these new procedural requirements, it will be difficult for U.S. personnel to be prepared to implement the law's requirements.