



United States Government Accountability Office
Washington, DC 20548

May 31, 2012

The Honorable Hillary Rodham Clinton
Secretary of State

Dear Madam Secretary:

Subject: *Human Rights: State Department Followed an Extensive Process to Prepare Annual Country Reports*

Human rights are a central concern of U.S. foreign policy. Each year, in response to congressional mandates,¹ the Department of State (State) issues its *Country Reports on Human Rights Practices*, an important source of information on human rights worldwide. The country reports—collectively known as the Human Rights Report (HRR)—cover internationally recognized civil, political, and worker rights as set forth in the Universal Declaration of Human Rights. State’s 2010 HRR included country reports covering the status of human rights in more than 190 countries and spanning more than 7,000 pages.² The 2010 report noted that State attempted to make the country reports as comprehensive, objective, and uniform as possible in both scope and quality of coverage.

Regarding State’s procedures for preparing the country reports, particularly the worker rights section, we examined (1) State’s process for making the country reports as comprehensive, objective, and uniform as possible, and (2) the extent to which State followed its process in preparing the worker rights section of the 2010 country reports. All U.S. free trade agreements signed since 2000 include provisions related to worker rights. Moreover, as we have previously reported, enforcement of labor laws continued to be a challenge in some countries with which the United States has free trade agreements.³ State defines *comprehensive* as omitting no information of significant

¹Foreign Assistance Act of 1961, Pub. L. No. 87-195, §§ 116(d) and 502B (codified as amended at 22 U.S.C. §§ 2151n and 2304, respectively).

²We refer to State’s 2010 country reports as the 194 individual country reports State published in April 2011 covering the human rights conditions in each country during 2010. We use the term HRR to refer to these country reports in addition to the introduction and appendixes issued concurrently.

³GAO, *International Trade: Four Free Trade Agreements GAO Reviewed Have Resulted in Commercial Benefits, but Challenges on Labor and Environment Remain*, [GAO-09-439](#) (Washington, D.C.: July 10, 2009).

value; *objective* as including information impartially, regardless of whether a country is an ally or adversary; and *uniform*, as reporting similar types of information across country reports.

To examine State's process for preparing the country reports, we reviewed relevant laws and State guidance. We met with State officials, including staff from the Bureau of Democracy, Human Rights, and Labor (DRL) who lead the process for preparing the HRR; we also met with other State personnel, including Foreign Service officers, who prepare, edit, and review the reports. In addition, we met with Department of Labor (Labor) officials who review the worker rights section of the country reports. To examine the extent to which State followed its process in preparing the worker rights section of the 2010 country reports, we reviewed that section in the reports for 25 countries: 20 countries with which the United States has signed free trade agreements;⁴ 4 countries with which the United States is currently negotiating trade agreements;⁵ and 1 country, Russia, which the World Trade Organization recently approved for accession.⁶ We assessed comprehensiveness and objectivity by identifying the types of sources that State cited in the worker rights section of the 25 country reports, in accordance with its instructions. We assessed uniformity by determining whether the worker rights sections in these 25 reports consistently used the criteria in State's instructions. Further, we met with select State officials who prepared, edited, and reviewed these sections. We also interviewed officials from Labor, the Office of the U.S. Trade Representative (USTR), the International Labor Organization,⁷ human rights nongovernmental organizations (NGO), and labor organizations, to obtain their views on the country reports' comprehensiveness and objectivity. In addition, we contacted nine business groups to obtain their views on the worker rights section of the country reports. Only one of these groups agreed to meet with us; representatives of the other eight groups did not respond, said they did not follow labor issues, or did not have the time to meet with us. See enclosure I for additional information about our scope and methodology.

We conducted this audit from September 2011 to May 2012 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁴The United States has signed free trade agreements with Australia, Bahrain, Canada, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Singapore, and South Korea. All free trade agreements signed since 2000 include provisions related to worker rights.

⁵The United States is currently negotiating free trade agreements with Brunei, Malaysia, New Zealand, and Vietnam as part of the Trans-Pacific Partnership. Other countries that are part of the Trans-Pacific Partnership Agreement, and with which the United States already has trade agreements are Australia, Chile, Peru, and Singapore.

⁶Individual country references and examples in this report are included for illustrative purposes only and are not intended as commentary on human rights in those countries. In addition, the results of our analysis are not generalizable to the other 169 country reports included in the 2010 HRR.

⁷The International Labor Organization is a United Nations agency whose mission is to bring together representatives from governments, employers, and workers to jointly shape policies and programs promoting decent work for all.

Summary

State has an extensive process designed to make the country reports on human rights as comprehensive, objective, and uniform as possible. This process includes annually issuing detailed instructions, consulting and assessing information from multiple sources, and collaboratively and iteratively drafting and reviewing the reports. State issues instructions for preparing the country reports each year, outlining a consistent structure and describing, for example, the topics that should be included in each subsection. The instructions also, among other things, indicate that the country reports should build on the previous year's reports and specify guidelines for new and updated content. In addition, the instructions state that staff preparing the country reports are to use and assess multiple sources, including host governments, local and international human NGOs, labor unions, and host country media as well as classified information. State officials told us that they also obtain information from business leaders and industry groups, although there is no legal requirement to do so. In general, according to State officials, Foreign Service officers—often on their first or second tour of duty—prepare first drafts of the country reports with the assistance of other embassy personnel, and at some embassies, officers with expertise in labor-related issues draft the report sections on worker rights.⁸ DRL editors and subject matter experts lead the editing and reviewing of the draft reports, aiming to ensure that the reports are as comprehensive, objective, and uniform as possible; accurately reflect the status of human rights in each country; and treat issues consistently among countries. During this process, DRL obtains and addresses comments from reviewers within DRL as well as from other State bureaus and offices and from Labor.

State generally followed its process for making the country reports comprehensive, objective, and uniform by obtaining expert reviews, consulting a variety of sources, and using a consistent structure in the worker rights section of the 25 country reports we analyzed. In addition to submitting the worker rights sections of each country report for general reviews as outlined in its production instructions, State submitted the sections to DRL's Office of International Labor Affairs and Labor's Bureau of International Labor Affairs. To make these sections as comprehensive and objective as possible, State cited or attributed information to a variety of sources—including governments, UN entities, labor groups, and human rights groups—consistent with its instructions. We found that all the worker rights sections of the 25 country reports we reviewed cited or attributed information to such sources. Our analysis showed that State also cited information from businesses or regarding business specific activities in 9 of the 25 reports (36 percent) we reviewed. To make the worker rights sections as uniform as possible, our analysis also showed that the worker rights section of all 25 county reports followed a consistent structure, addressing the required elements of the worker rights section as outlined in State's instructions. Officials at Labor, USTR, the International Labor Organization, labor groups, and human rights organizations told us that they viewed the country reports as accurate and objective and that they had not identified significant errors or problems with reported information. Many of these officials said that

⁸In this report, "embassies" includes all locations where State maintains Foreign Service personnel, such as embassies, consulates, and other Foreign Service posts.

they would prefer more in-depth coverage of labor issues but that they have other sources of information.⁹ They also recognized that worker rights are not State's sole focus and that State must consider the length of the country reports in determining how much detail to include.

In commenting on a draft of this report, State noted that we accurately captured the complex process by which it prepared the 2010 Country Reports on Human Rights.

Background

State has issued the HRR since 1977 in response to the amended Foreign Assistance Act of 1961, which required State to report annually on the observance of, and respect for, internationally recognized human rights in countries that receive U.S. assistance or are United Nations (UN) members.¹⁰ The Trade Act of 1974¹¹ added a mandate that required the President to report on the status of worker rights for each beneficiary developing country under the Generalized System of Preferences.¹² State has included a section on worker rights in the country reports since 1984.

The annual HRR consists of individual country reports covering the status of key internationally recognized civil, political, and worker rights as set forth in the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948.¹³ Generally, the country reports do not assess trends¹⁴ in human rights, compare countries, or place them in any order other than alphabetically by region. In each country report, State addresses the following topics:

1. Respect for the integrity of the person
2. Respect for civil liberties
3. Respect for political rights
4. Official corruption and government transparency
5. Governmental attitude regarding international and nongovernmental investigations of alleged violations of human rights

⁹For example, Labor, in consultation with USTR and State, produces labor rights reports about countries with which the President is negotiating trade agreements, as required under the Trade Act of 2002. Additionally, Labor reports annually on the worst forms of child labor, focusing on the efforts of certain U.S. trade preference beneficiary developing countries to implement commitments to eliminate the worst forms of child labor through their legislation, enforcement efforts, policies, and social programs.

¹⁰22 U.S.C. §§ 2151n and 2304. By law the HRR is due on February 25 of each year. According to State, it has informed the congressional committees to whom it reports of the difficulty of meeting the statutory deadline.

¹¹Trade Act of 1974, Pub. L. No. 93-618, § 504 (codified as amended at 19 U.S.C. § 2464).

¹²The Generalized System of Preferences is a program designed to promote economic development in developing countries by providing duty-free entry of their goods into the United States. As part of the program, the President is required to report on worker rights in beneficiary countries.

¹³State bases its assessments of worker rights on internationally recognized worker rights as defined by the UN International Labor Union's *Declaration of Fundamental Principles*.

¹⁴State includes some trend analysis for those countries where abuses are especially serious in the HRR introduction.

6. Discrimination, societal abuses, and trafficking in persons
7. Worker rights, such as the right to organize and bargain collectively

Preparation of the HRR involves a significant commitment of State time and resources and results in a lengthy product.¹⁵ DRL oversees annual HRR production, including preparation of the country reports. The bureau includes regional and thematic offices with specific subject matter expertise. Examples of regional offices are Western Hemisphere Affairs and East Asia and Pacific, and thematic offices include the offices of International Labor Affairs and International Religious Freedom. Additionally, DRL leverages State's network of overseas Foreign Service personnel who collect information on human rights practices, investigate incidents, and produce the initial draft country reports on human rights abuses in each country. These tasks are generally undertaken by embassy human rights reporting officers, although they may receive assistance from other members of the embassy staff with specific subject matter expertise, such as labor officers.

The 2010 HRR included 194 individual country reports, an introduction, and appendixes and comprised more than 7,000 pages. The individual 2010 country reports varied in size from 9 pages for the Republic of San Marino to 145 pages for China.¹⁶ To make the information widely available, State publishes the HRR on its website and translates country reports into more than 50 languages, as mandated by law.¹⁷

State Has Designed an Extensive Process to Meet Its Goal of Making the Country Reports as Comprehensive, Objective, and Uniform as Possible

To address its goal of making the country reports on human rights as comprehensive, objective, and uniform as possible, State has an extensive production process that includes annual issuance of detailed instructions, consultation with multiple sources, and collaborative and iterative drafting and reviews.

State Issues Detailed Instructions and Offers Training for Preparation of Country Reports

State provides annually updated, detailed instructions for preparing the country reports. These instructions, which State generally issues in August each year, include guidelines for drafting the reports, an introduction to the process for producing the country reports, an outline of significant changes from the previous year's instructions, and reporting practices. The instructions also outline a consistent structure for each country report,

¹⁵State's Office of Inspector General found that the HRR is among the most resource-intensive of the 310 congressionally mandated reports for which State is responsible. See U.S. Department of State Office of Inspector General, *Inspection of Department-Required and Congressionally Mandated Reports: Assessment of Resource Implications*, report number ISP-I-11-11 (Washington, D.C.: 2010).

¹⁶The China report includes Hong Kong, Macau, and Tibet.

¹⁷22 U.S.C. § 8222.

specifying subheadings and content for each of seven sections and their subsections. State officials explained that these instructions are a key tool that State uses to make the country reports uniform.

State's instructions for preparing the 2010 country reports indicated that the starting point for the current year's country reports are the previous year's published country reports. The instructions stated that, whenever possible, embassy staff should update the 2009 country reports using examples from 2010 and should redraft sections as needed to reflect any major political developments or serious human rights abuses. In addition, the instructions provided guidance on identifying abusers and any subsequent punishment, citing sources, narrating the order and chronology of events, and determining what should and should not be included. For example, the instructions stated that government promises, intentions, draft legislation, and proposed government regulations should not be included prior to enactment or implementation. Further, the instructions included guidance for discussing human rights law versus human rights practices, noting that sections dealing with respect for specific rights must first describe rights provided by constitution or law, followed by actual practices. Foreign Service officers familiar with the instructions acknowledged that, per the instructions, only facts, not editorial remarks, should be included in the country reports.

State offers training broadly addressing human rights as well as training addressing labor rights,¹⁸ including some training focused on the country reports. For example, the Foreign Service Institute offers several courses covering human rights issues, some of which include a reporting component, and DRL and some bureaus provide training on reviewing the country reports. Foreign Service officers working on the country reports are not required to take State's human rights or labor rights training, with the exception of the Foreign Service orientation course, and not all of the embassy staff drafting the country reports have taken relevant training. Embassy officials told us that in the absence of training, several factors had helped them in preparing the reports. These factors included using State's detailed instructions, beginning the drafting process with the previous year's country report, and receiving assistance from colleagues and supervisors with prior experience on the country reports. (See enclosure II for additional information about training for staff working on country reports.)

State Consults Multiple Sources in Preparing and Reviewing Country Reports

In preparing and reviewing the country reports, State personnel are to use information from multiple sources. State's instructions for the 2010 country reports noted that personnel drafting the country reports are to include information from sources such as local and international NGOs, UN human rights bodies, and important regional institutions. According to Foreign Service officers preparing the reports and State officers reviewing the reports, the sources they consult include host governments,

¹⁸In this report, "worker rights" and "labor rights" are used synonymously.

international and local human rights NGOs, labor unions, and host country media.¹⁹ Some Foreign Service officers involved in drafting 2010 country reports told us that they meet with host government officials, NGO representatives, labor advocates and union members, business leaders, and individual citizens and foreign workers in the host country to gather information on human rights abuses. In addition, those preparing and reviewing the reports use the Internet to locate foreign government sources of information or data and to corroborate information about events reported in other sources. Further, embassy officials and country report editors in Washington, D.C., may draw on classified information to verify facts or may include such information in a summary or otherwise unclassified manner.

The 2010 country report instructions indicated that State personnel drafting the reports are to evaluate the credibility of sources, particularly NGOs, since the quality of NGO information may vary.²⁰ State officials told us that assessing multiple sources is a means of enhancing the comprehensiveness and objectivity of the country reports. According to State officials, the difficulties of producing the country reports include evaluating the credibility of human rights abuse allegations, as some governments and opposition groups differ about whether abuses occurred or, if they occurred, how to categorize them. These officials said that the Foreign Service officers preparing the reports may discuss, for example, whether an incident involving the killing of a union leader should be included in a country report as a violation of human rights or worker rights. In addition, assessing multiple sources allows report drafters to validate factual information or, if information varies between sources in a significant way, to incorporate contrasting data points or definitions. For example, the 2010 country report on Colombia included Colombia government estimates of 2010 trade unionist killings as well as estimates by a local labor rights NGO. The government reported that 34 trade unionists were killed, whereas the local labor rights NGO reported that 51 trade unionists were killed. The report noted that the estimates differed because of different definitions of trade union membership: the government's definition included only one category of union membership, while the NGO's definition included multiple categories.

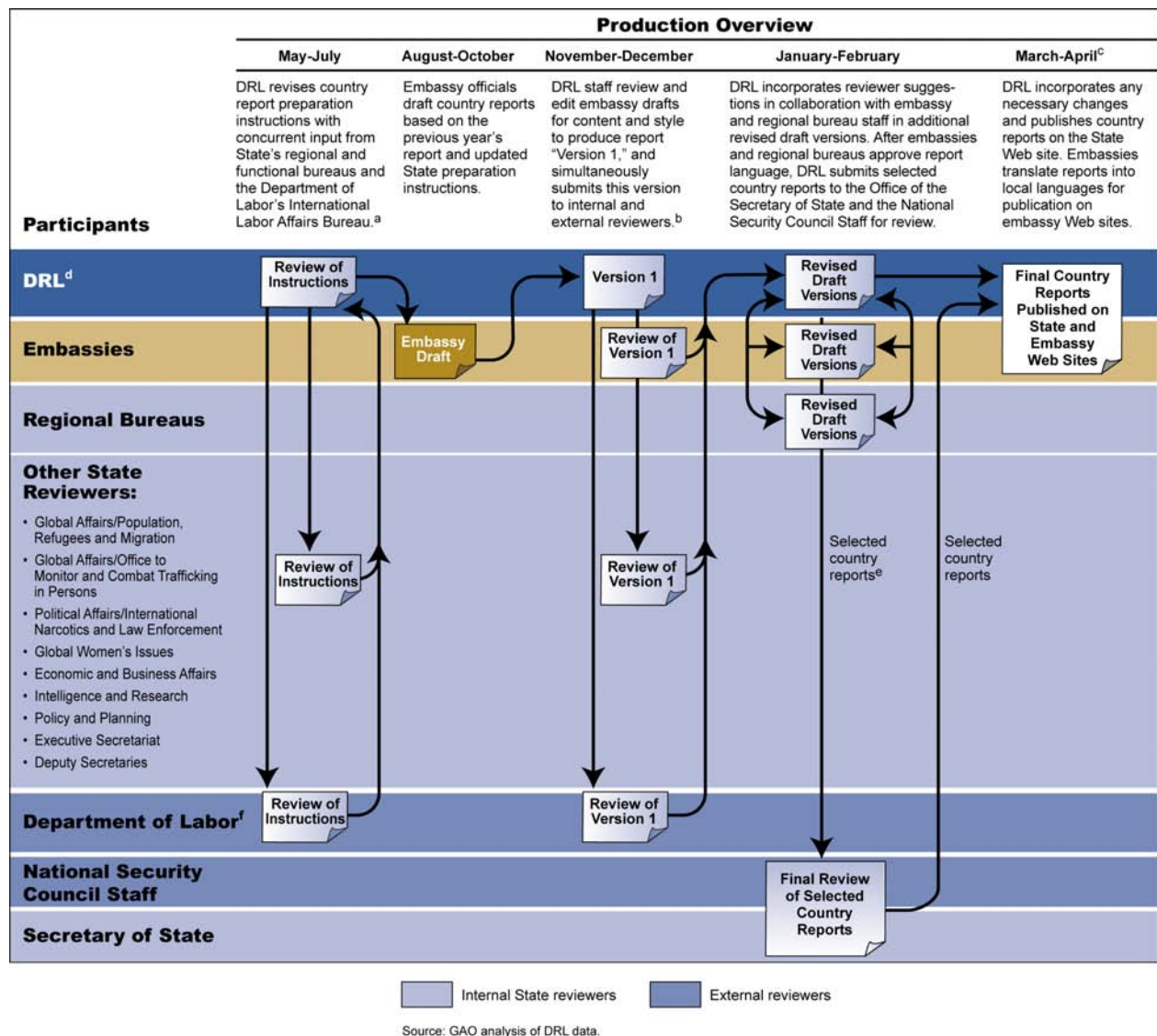
State Collaborates Internally and Externally in Preparing and Reviewing Country Reports

DRL leads a collaborative and iterative process for preparing, editing, and reviewing the country reports, involving Foreign Service officers and other embassy personnel, numerous other State staff and officials, Labor officials, and the National Security Council Staff in Washington, D.C. (See fig. 1.)

¹⁹The Foreign Assistance Act directs that for the purposes of compiling data and making assessments for the purposes of the human rights report, U.S. "diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations." 22 U.S.C. § 2151n.

²⁰In addition to State's annual instructions for country report preparation, other internal State guidance documents describe steps for drafting and reviewing the reports. For example, according to a DRL document provided to some Foreign Service Institute students, "Guiding Principles and Practical Tips for Human Rights Investigations," staff investigating alleged human rights abuses "should verify information mainly by checking their consistency with independent sources" and "objectively consider all the facts."

Figure 1: State’s Process for Preparing and Reviewing the Country Reports on Human Rights



^aDRL may also consult nongovernmental organizations in revising country report preparation instructions.

^bStaff in DRL’s International Labor Affairs Office are the primary DRL editors for Section 7 on Worker Rights.

^cLegislation mandates that the report be issued no later than February 25th each year; however, according to State, it has informed both the House Foreign Affairs Committee and the Senate Foreign Relations Committee of the difficulty of meeting the statutory deadline.

^dDRL has numerous offices, including the Offices of International Labor Affairs and International Religious Freedom.

^eAccording to State officials, selected country reports receive additional review by the Secretary of State and National Security Council staff based on the extent of human rights concerns, bilateral relations, and the likelihood of intense public scrutiny.

^fLabor reviews the portions of instructions and country reports related to worker rights.

- *Embassies draft country reports.* Foreign Service officers assigned to the human rights portfolio of responsibilities at embassies generally produce the initial report drafts, according to State officials. The assigned staff are often first or second tour officers who use the annual country report preparation instructions and may receive assistance from other embassy personnel, including their colleagues and supervisors. In addition, some embassies employ dedicated labor officers, whose role is to focus on labor-related programs and issues and to draft the worker rights sections of country reports.²¹ Last, according to State officials, some Foreign Service nationals help research and prepare country reports, although the level of participation of Foreign Service nationals varies widely from embassy to embassy.²²
- *DRL edits and reviews country reports.* DRL leads and coordinates an iterative process for editing and internally reviewing the draft country reports. DRL editors and subject matter experts edit and review drafts to help ensure that the reports (1) comply with production instructions—for example, including all sections and subsections, addressing changes from the previous year, adhering to grammar and style practices, and properly attributing sources—and (2) accurately and objectively reflect the status of human rights in each country. During their draft reviews, DRL staff update some information in the reports and request additional information from the embassy about certain reported topics or cases. According to State officials, in addition to ensuring adherence to instructions and accurate reporting, DRL editors endeavor to ensure that the reports present relevant and useful information and treat issues consistently across countries. They are also charged with removing any judgmental or evaluative statements from the draft reports, which are intended to report facts without praise or criticism that may express a certain point of view.
- *Departments of State and Labor and National Security Council Staff review country reports.* After DRL editors complete their reviews of the country report embassy drafts, they solicit and address comments from other subject matter experts within and outside State. Within State, numerous bureaus and offices review the draft reports, with State’s regional bureaus playing an important role in reviewing several report versions for countries in their regions and approving the final report language. For example, at State’s Bureau of East Asia and Pacific Affairs, the Vietnam desk reviews the Vietnam country report. State’s bureaus and offices review country report sections and content relevant to their areas of expertise; for example, State’s Office of Global Women’s Issues reviews country

²¹State has 40 dedicated labor officer positions at various embassies around the world. Some embassies that do not have dedicated labor officers may employ labor reporting officers, who often have broader portfolios that include reporting on labor issues.

²²Foreign Service nationals, sometimes referred to as locally employed staff, include both citizens of the host country and citizens of other countries.

report content on women's rights.²³ In addition, experts from Labor's International Labor Affairs Bureau review the worker rights sections of all country reports. DRL staff work closely with relevant embassy and regional bureau personnel to incorporate stakeholder suggestions through multiple—generally three but possibly more—versions of the draft country reports. According to State officials, if reviewers identify errors or dispute draft contents during the review process, DRL works with the embassy to revise the report and resolve any disagreements. Once the embassy and the relevant regional bureau agree on country report content, and as the report is being finalized, DRL submits selected country reports for additional reviews by high-level officials. For example, the Secretary's Office reviews selected country reports that are likely to receive intense public scrutiny by report users. According to State officials, the National Security Council Staff also review selected country reports. State officials noted that the reviews by subject matter experts are an important means of ensuring that the country reports are as comprehensive and objective as possible, since these individuals have access to potentially different sources of information and relevant expertise. State officials also noted that the multiple layers of review and content vetting help ensure that the country reports rarely exclude significant events and make the likelihood of a substantial factual error very low.

- *State releases country reports on its website and responds to feedback from individuals and host countries.* DRL publishes the final HRR, including the country reports, on State and embassy websites, and State holds a press conference announcing the HRR's release.²⁴ Following the HRR's online publication, DRL may receive comments from the public, including foreign governments and individuals. For example, according to State officials, other governments sometimes express concerns or critiques to the embassy regarding the tone or contents of the published reports, and DRL works with the relevant U.S. embassy to evaluate such claims. State officials noted, and representatives of U.S. and international human rights organizations confirmed, that other governments commonly criticize the U.S. government for not publishing a report on its own human rights practices.²⁵ State officials said that when they become aware of an error in an online published country report, they immediately correct it. State officials told us, for example, that after a published country report described a journalist as having been killed, the journalist contacted State to say that he was alive; State verified his identity and then revised the report to say that he had been injured. However, State officials said that they rarely revise

²³In addition to State's regional bureaus, DRL solicits reviews and comments on the draft country reports from subject matter experts in State's functional bureaus such as the Bureau of Population, Refugees, and Migration, the Bureau of Intelligence and Research, and the Bureau of Economic and Business Affairs.

²⁴The HRR can also be accessed from DRL's website, accessed April 26, 2012, <http://www.humanrights.gov/>.

²⁵In 2010, the U.S. government issued its first report about its own human rights practices in response to a UN requirement. The *Report of the United States of America Submitted to the U.N. High Commissioner for Human Rights in Conjunction with the Universal Periodic Review* is available at <http://www.state.gov/j/drl/upr/>, accessed May 16, 2012. Additionally, the U.S. government complies with obligations to report to the UN concerning the International Covenant on Civil and Political Rights, available at <http://www.state.gov/j/drl/rls/c16069.htm>, accessed April 25, 2012.

published country reports.²⁶ In addition, State officials said that because they issue the country reports in electronic form only, they do not issue an erratum when they correct an error in a published report, and they do not keep a record of these corrections. According to State officials, because so many people around the world read the country reports, State will not risk its credibility by knowingly publishing inaccurate reports.

State Generally Followed Its Process for Preparing the Worker Rights Sections of the 2010 Country Reports

State generally followed its process by obtaining expert reviews, consulting a variety of sources, and following a consistent structure in the worker rights section of the 25 country reports we analyzed.²⁷

State Obtained Expert Reviews and Consulted Various Sources for 2010 Worker Rights Sections

State followed its process by obtaining multiple reviews of the draft country reports, including reviews by subject matter experts, to ensure comprehensive coverage of important issues and objective presentation of each report topic. In addition, our analysis of the 25 worker rights sections showed that State consulted a variety of sources.

- *Expert reviews.* Officials at DRL's Office of International Labor Affairs told us that, as worker rights subject matter experts, they reviewed the embassy draft of each worker rights section to help ensure that the reports included comprehensive coverage of key worker rights issues in each country and accurately and objectively discussed worker rights laws and practice. Beginning with the 2010 country reports, these officials functioned as the primary editors for the worker rights sections. In addition, State officials from the other bureaus that review the reports had the opportunity to comment on the worker rights section. For example, DRL officials noted that comments from State's Office to Monitor and Combat Trafficking in Persons are often particularly valuable for preparing relevant topics in the worker rights section such as child labor. Labor's Bureau of International Labor Affairs also reviewed the reports. Reviewing officials whom we spoke with indicated that their reviews were intended to help ensure that the worker rights sections omit no significant information, include significant events, and present information objectively. Labor officials said that they reviewed the reports to make sure that they addressed salient issues or events in topics such as child labor, export processing zones, conditions of work, and occupational safety and health. These officials indicated that individuals with country and subject matter expertise also review reports to make sure that the reports capture key labor developments and events. Additionally, officials from Labor's Office of

²⁶ State could not quantify the number of revisions it has made to 2010 country reports, because it does not document this information.

²⁷ For more information regarding this analysis, see enclosure I.

Child Labor, Forced Labor, and Human Trafficking noted that their review is intended to make sure that information included in the country reports is consistent with their own internal information. Other Labor officials said that they sometimes provide comments with updated data if information included in the worker rights section are outdated relative to Labor's information. State did not provide examples of suggested edits for the 2010 country reports.

- *Various information sources.* We found that the 25 worker rights sections we reviewed cited or attributed information to a variety of sources, including governments, UN entities, labor and human rights groups, NGOs, and industry. In particular, we found that 24 of 25 reports specifically attributed information to both government and nongovernment sources.²⁸ For example, our analysis of the worker rights section for the Dominican Republic identified citations for information from the host government, including its labor ministry; national and local labor groups; international organizations; NGOs; business groups; and several anonymous sources.²⁹ In addition, nine reports specifically noted information from businesses or regarding specific business activities. For example, the worker rights section of the 2010 country report for Costa Rica noted that “there were reports that agricultural workers, particularly migrant laborers in the pineapple industry, worked in unsafe conditions,” but also that the Chamber of Pineapple Producers and Exporters disagreed with the reports. In another instance, the worker rights section of the 2010 country report for Colombia noted that child labor remained a problem in the production of several types of goods, including emeralds. The Colombia worker rights section also indicated that the Colombian National Emerald Federation signed an agreement with international partners including the U.S. Agency for International Development to, among other things, prevent child labor in emerald mines.³⁰ State officials who contributed to 2010 country reports told us that they consulted with, and weighed information from, various sources, such as NGOs, host governments, business groups such as chambers of commerce, local and international media, and individual workers in preparing the worker rights sections.

Officials at Labor, USTR, the International Labor Organization, and NGOs told us that the country reports worker rights sections did not leave out significant information. In addition, officials and individuals we spoke with from Labor and USTR, labor organizations, the International Labor Organization, and human rights NGOs said that they viewed the country reports as accurate and objective and that they had not

²⁸The worker rights section of the 2010 country report for Singapore did not directly attribute information to the government of Singapore.

²⁹Anonymous citations may include individuals who remain unnamed because of safety concerns as well as unclassified summaries of classified information.

³⁰Our analysis identifies the smallest possible number of sources from which State gathered information because country reports do not include a citation for every sentence. For example, State does not provide citations if doing so could put the source at risk of retribution. See enclosure I for more information regarding our analysis.

identified significant errors or problems with reported information.³¹ However, many officials said that they require more in-depth coverage of labor issues for their purposes and noted that other sources of more comprehensive and detailed information are available. For example, a USTR official explained that although staff in his office find the country reports helpful as providing a broad summary of human rights conditions in a country, they work directly with embassy labor officers to acquire more detailed, up-to-date information for use in trade negotiations or trade agreement monitoring. Officials we spoke with who use the country reports also recognized that worker rights are not the sole focus of the country reports and that State must consider report length in determining how much detail to include.

State Used a Consistent Structure for 2010 Worker Rights Sections

We found that the worker rights section of all 25 country reports we reviewed followed the structure specified in the 2010 preparation instructions, which described in detail the information that worker rights section of each 2010 country report should include. For example, the sections each addressed these required five elements: the right of association, the right to organize and bargain collectively, prohibition of forced or compulsory labor, prohibition of child labor and minimum age for employment, and acceptable conditions of work.³² In addition, per State's instructions, the worker rights subsections in all but the report for Singapore began with a discussion of worker rights provided by the country's constitution or laws. The report for Singapore did not discuss laws regarding the right to bargain or organize collectively.

Agency Comments

We provided State with a copy of this draft report for review. State provided written comments, which are reprinted in enclosure III. State noted that we accurately captured the complex process by which it prepared the 2010 Country Reports on Human Rights. Additionally, Labor, State, and USTR provided technical comments on a draft of this report, which we incorporated, as appropriate.

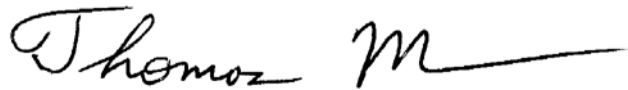
We are sending copies of this report to the appropriate congressional committees, the Secretary of Labor, and the U.S. Trade Representative. The report will also be available at no charge on our website at <http://www.gao.gov>.

³¹We interviewed representatives from labor organizations—the American Federation of Labor–Congress of Industrial Organizations and the International Trade Union Confederation—and human rights NGOs—Human Rights First, Human Rights Watch, and Freedom House.

³²State bases its assessments of worker rights on internationally recognized worker rights as statutorily defined by the 1984 Generalized System of Preferences Renewal Act. State's guidance on preparing the worker rights section summarizes the act as follows: "[The Act] states that internationally recognized worker rights include: '(a) the right of association; (b) the right to organize and bargain collectively; (c) a prohibition on the use of any form of forced or compulsory labor; (d) a minimum age for the employment of children; and (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.' All five aspects of worker rights are discussed in each country report under the section heading 'Worker Rights'."

If you have any questions about this report, please contact me at (202) 512-9601 or melitot@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in enclosure IV.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas M" followed by a long horizontal flourish.

Thomas Melito
Director, International Affairs and Trade

Enclosures - 4

Enclosure I: Scope and Methodology

To examine the Department of State's (State) process for preparing its *Country Reports on Human Rights Practices*, we reviewed relevant laws and department procedures and instructional documents. We also met with State officials who issue annual instructions for preparing the reports, including staff from State's Bureau of Democracy, Human Rights, and Labor (DRL). In addition, we interviewed Foreign Service officers—human rights reporting officers and, in some instances, officers responsible for reporting on labor issues—who prepared the 2010 reports for Colombia, Jordan, Russia, and Vietnam, from the U.S. embassies in those countries. We selected these countries because, respectively, Colombia is a new U.S. free-trade partner, whose agreement was signed in October 2011; Jordan was the first country with which the United States signed a free trade agreement that included labor rights provisions; Vietnam is currently negotiating a free trade agreement with the United States, in the context of the Trans-Pacific Partnership; and Russia has been approved for accession to the World Trade Organization. Additionally, we interviewed the DRL officials who served as editors and reviewers of the reports for those countries, including officials at DRL's Office of International Labor Affairs and State's regional bureaus. We also interviewed officials at the Bureau of Population, Refugees, and Migration, which assists in instruction preparation and report reviewing, as well as the Bureau of Economics and Business Affairs, which reviews the country reports. We met with Department of Labor officials who have input into the annual instructions and who review the worker rights sections of the country reports. In addition, one of our staff attended a weeklong State-DRL course, "Promoting Human Rights and Democracy," at State's Foreign Service Institute, which included instructions on preparing the HRR.

To determine the extent to which State followed its process in preparing the worker rights section of the 2010 country reports, we reviewed that section in 25 country reports. These reports included the 20 countries with which the United States has signed free trade agreements; 4 countries with which the United States is currently negotiating trade agreements; and 1 country, Russia, which the World Trade Organization approved recently for accession. We selected these 25 countries because they represent the universe of countries with which the United States has existing, new, and potential free trade agreements, since all free trade agreements signed by the U.S. since 2000 have include provisions related to worker rights. The results of our analysis are not generalizable to the other 169 country reports included in the 2010 HRR. In addition, we met with State officials who prepared, edited, and reviewed the country reports for Colombia, Jordan, Russia, and Vietnam. We also interviewed officials from the Department of Labor; the Office of the U.S. Trade Representative; the International Labor Organization; human rights nongovernmental organizations, including Human Rights First, Human Rights Watch, and Freedom House; and labor organizations, including the American Federation of Labor–Congress of Industrial Organizations and the International Trade Union Confederation, to obtain their views on the country reports' comprehensiveness and objectivity. Further, we contacted nine business groups, including the U.S. Russian Business Council, the U.S. Association of Southeast

Asian Nations Business Council, and the U.S. Chamber of Commerce South East Asia Team, among others, to obtain their views on the worker rights section of the country reports. One group, the U.S. Chamber of Commerce in Jordan, agreed to meet with us; representatives of the other eight groups did not respond to our outreach, said that they did not follow labor issues, or said that they did not have time to meet with us.

To determine the extent to which the worker rights sections of the 25 country reports adhered to State's instructions to consult various information sources in preparing the reports, we compared the types of sources cited in the reports with the types of sources that the instructions prescribe, such as U.S. and foreign government officials, victims of human rights abuse, academic and congressional studies, media reports, international human rights and labor organizations, and nongovernmental organizations concerned with human rights. To determine the types of sources that State used in its reporting, two analysts independently reviewed sources cited in the worker rights section of the 25 sample country reports, categorizing 547 citations according to the type of source organization. The two GAO analysts then discussed and resolved any differences in the results of their review and source type determinations, and a supervisor reviewed and approved the final results of the analysis. We undertook this analysis because State could not provide us with all of the source materials consulted for any 2010 country reports; State officials indicated that they do not maintain all the supporting records or documentation used to compile the reports. Our analysis identified the minimum number of sources State consulted because source attribution is not required for every statement included in the country reports. For example, drafters are not required to provide citations for information that they have corroborated with multiple sources. Additionally, drafters and reviewers may have different writing style preferences. Therefore, the actual number of sources State consulted is likely to be greater than the number we identified.

To determine the extent to which country reports are uniform, we analyzed the worker rights section structure in the 25 country reports against the criteria outlined in State's instructions. For this analysis, two GAO analysts independently reviewed the structure of the worker rights sections in the 25 selected 2010 country reports to verify that the reports followed these criteria.

We conducted this audit from September 2011 to May 2012 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Enclosure II: Training for Staff Working on Country Reports

State provides several forms of training on human and labor rights, some of it focused on preparation of the country reports.

- State's Foreign Service Institute offers several courses covering some aspects of human rights. First, the Foreign Service orientation, which all Foreign Service officers are required to complete, covers some aspects of human rights.³³ Second, State established a focused human rights course in fiscal year 2011, to cover human rights issues previously included in a broader Global Issues course. Third, two courses for Foreign Service nationals address human rights content including preparation of the country reports. Fourth, the Foreign Service Institute, in coordination with State's Bureau of Democracy, Human Rights and Labor (DRL) and the Department of Labor, offers labor rights training, covering the skills and knowledge required to serve as a labor attaché or labor reporting officer and focusing on worker rights reporting, major domestic and international labor issues, and related topics.³⁴
- Since fiscal year 2004, State, in collaboration with the Department of Labor, has provided regional labor rights training for Foreign Service officers and Foreign Service nationals, particularly those who may not have had the opportunity to attend the Foreign Service Institute labor course. For example, State hosted two 3-day regional conferences in Cairo, Egypt, and Bangkok, Thailand, in fiscal year 2010, and one in Miami, Florida, in fiscal year 2011, that included presentations from the Departments of Labor and State, Office of the U.S. Trade Representative, American Federation of Labor–Congress of Industrial Organizations, and regional labor groups.³⁵ According to State officials, the Foreign Service Institute, in conjunction with DRL, is developing distance learning courses for both human and labor rights issues, in an effort to minimize the cost associated with traveling for training.
- DRL and some bureaus provide training focused on preparation of the country reports. DRL provides country report review training to its country report editors as well as reviewers working in State's regional bureaus. In addition, State bureaus such as Population, Refugees, and Migration conduct training for staff reviewing the country reports. Officials in this bureau also provided training to the DRL country report editors regarding reproductive rights and other issues to be addressed in the country reports.

³³New officers also often take a course called "Political-Economic Tradecraft for Foreign Service officers," which includes some discussion of human rights.

³⁴The Office of the U.S. Trade Representative also participates in the labor rights training as a presenter.

³⁵Miami, Florida, serves as a travel hub for posts in State's Western Hemisphere Affairs bureau.

Staff working on the country reports are not required to take State's human and labor rights training, with the exception of the Foreign Service orientation course, and not all of the embassy staff drafting the country reports have taken relevant training. Embassy officials told us that in the absence of training, State's detailed instructions, beginning the drafting process with the previous year's country report, and the assistance of colleagues and supervisors who had previously worked on the country report had helped them to successfully draft the reports.

Enclosure III: Comments from the Department of State



United States Department of State

Chief Financial Officer

Washington, D.C. 20520

Mr. Loren Yager
Managing Director
International Affairs and Trade
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548-0001

Dear Mr. Yager:

We appreciate the opportunity to review your draft report, "HUMAN RIGHTS: State Department Followed an Extensive Process to Prepare Annual Country Reports," GAO Job Code 320874.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Gregory Pflieger, Special Advisor, Bureau of Democracy, Human Rights and labor at (202) 736-7599.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Millette".

James L. Millette

cc: GAO – Thomas Melito
DRL – Michael Posner
State/OIG – Evelyn Klemstine

Department of State Comments on GAO Draft Report

HUMAN RIGHTS: State Department Followed an Extensive Process to Prepare Annual Country Reports **(GAO-12-651R, GAO Code 320874)**

The Department of State (State) commends GAO for its diligent effort to understand and examine the process by which State produced the *Country Reports on Human Rights 2010* (HRR). GAO captured accurately the complex year-long process that involves as many as 80 individuals in Bureau of Democracy, Human Rights, and Labor (DRL) and several thousand State employees worldwide.

The GAO report accurately noted the worldwide interest in the HRR and how it is read and valued by not only Congress but also by foreign officials, businessmen, judges, scholars, civil society advocates, and citizens around the world. The HRR has become an invaluable diplomatic tool for U.S. officials and DRL notes that high-level officials within the State Department routinely consult the reports to inform their actions on foreign policy matters. No other government or organization has the capacity or the credibility to produce these reports to the same standard of quality and objectivity.

DRL has led a State effort this year to produce reports that will be even more valuable, accessible, and useful. State synchronized the HRR timeline with that of the International Religious Freedom Report. We have streamlined the Human Rights Reports to make them less time consuming to write. At the same time, we are making the reports easier to read for the public, with a new Executive Summary for each country. Using new technology, we have given researchers tools to quickly pull out sought after information. We have also made it possible for the public to share the HRR on social media.

As the report noted, quoting State's Office of the Inspector General, the HRR is among the most labor-intensive of all reports required of State by Congress. The HRR strains the capacity of DRL to manage the process and edit the reports, taking the combined effort of a coalition of full-time employees, part-time retirees, contractors and others. A small commitment of resources to further support State goals of streamlining and improving the HRR could provide significant benefits, for example in the creation of

distance learning modules or courses on writing the annual HRR and the annual International Religious Freedom Report.

Given the extensive clearance process throughout State and with embassies abroad to ensure the upmost accuracy and objectivity of the reports, State reaffirms the rarity of the need to revise published reports. This comprehensive clearance process, the complexity of the HRR, and the Secretary's schedule often make the annual February 25th deadline for the submission of the reports impracticable. State suggests a more feasible submission date might be March 25. Fortunately, the Congressional committees receiving the report have recognized in recent years the Department's publishing challenge and have raised no objection when consulted about delays in the submission date.

Enclosure IV: GAO Contact and Staff Acknowledgments

Contact

Thomas Melito, (202) 512-9601 or melitot@gao.gov

Staff Acknowledgments

In addition to the contact named above, key contributors to this report were: Cheryl Goodman, Assistant Director; Julie Hirshen; Kathryn Bolduc; and Sada Aksartova. Martin de Alteriis, Grace Lui, Reid Lowe, David Hancock, Ann Baker, Etana Finkler, and Elizabeth Hegedus-Berthold provided technical assistance.

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