



A PRACTITIONER'S GUIDE TO HUMAN RIGHTS MONITORING, DOCUMENTATION, AND ADVOCACY



January 2011



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ABOUT THE ADVOCATES FOR HUMAN RIGHTS

The mission of The Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. By involving volunteers in research, education, and advocacy, we build broad constituencies in the United States and select global communities.

The Advocates:

- Investigates and exposes human rights violations internationally and in the United States;
- Represents immigrants and refugees who are victims of human rights abuses;
- Trains and assists groups that protect human rights;
- Works through education and advocacy to engage the public, policy-makers and children about human rights and cultural understanding.

The Advocates was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights in the United States and around the world. The organization has produced more than 50 reports documenting human rights practices in more than 25 countries, and works with partners overseas and in the United States to restore and protect human rights. The Advocates for Human Rights hold Special Consultative Status with the United Nations.

ABOUT THE US HUMAN RIGHTS NETWORK

The US Human Rights Network is guided by the following core principles:

- Human rights are interdependent and universal
- Human rights include civil, political, economic, social, and cultural rights
- Human rights are protected through building social movements
- Human rights movements must ensure leadership by those directly affected
- Human rights advocacy must always respect the diversity within communities
- Human rights organizations must be financially responsible and accountable

The goals of the US Human Rights Network are:


- To increase the visibility for the US human rights movement
- To build the capacity of US human rights groups to carry out their work
- To strengthen links between US human rights activists and movements across issues and sectors of work
- To link US human rights activists with the global human rights movement
- To meet these goals, the Network will establish itself as a coordinating center for organizations developing pro-active human rights alternatives to existing policies, structures, and strategies

As a coordinating center, the Network will:

- Support collaborative efforts by human rights groups
- Develop and disseminate tangible models for the practical application of the human rights framework domestically
- Promote capacity building and information sharing among member organizations

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The Advocates for Human Rights dedicates this manual to all those—past and present—who work to protect and uphold human rights in the United States.

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CHAPTER 1. INTRODUCTION



WHAT IS THE PURPOSE OF THIS MANUAL?

The purpose of this manual is to provide step-by-step guidance for advocates who want to use human rights monitoring, documentation, and advocacy in their social justice work. From framing an issue in terms of internationally recognized human rights to submitting a detailed complaint to a human rights body, this manual outlines the process to enable anyone to do this work. The manual is designed to aid advocates undertaking a variety of activities—from the relatively simple to the more complex. With background information, key questions to consider, case examples, and practitioners' tips, this manual provides tools to enhance the social justice work already being done in the United States to provide broader protection of human rights.

HOW IS THE MANUAL STRUCTURED?

The manual contains a background section on human rights and three practical sections focused in turn on monitoring, documentation, and advocacy. The background section is a brief primer on human rights and their application in the United States. The three practice-oriented sections help advocates to do the following:

- *Monitor*: identify ongoing human rights abuses and collect the information practitioners need about these issues,
- *Document*: analyze, present that information, and make recommendations within the framework of international human rights standards, and
- *Advocate*: choose and implement a strategy to bring the lived reality of people in the United States closer to the ideals proclaimed by international human rights treaties.

WHY USE A HUMAN RIGHTS APPROACH IN THE UNITED STATES?

When social justice advocates frame their work in terms of international human rights, they join a global movement that has its roots in the 1948 adoption of the Universal Declaration of Human Rights. They also bring the long struggle for human dignity and basic fairness in the United States full circle. Many human rights documents were based on principles that are enshrined in the U.S. Constitution, but the United States has failed time and again to realize fully those principles. Bringing U.S. social justice struggles into the global human rights movement can help realign the United States as a leader on human rights issues. To do so, it is imperative that advocates continue to monitor and hold the United States accountable to these international standards.

Despite the fact that struggles for justice and equality are very familiar in the United States, using methods of human rights monitoring, documentation and advocacy to support those struggles can seem intimidating or foreign. It can also be difficult to envision how a human rights framework can contribute to ongoing social justice advocacy or litigation.

Numerous organizations have found that using human rights to frame their work adds value in important ways, and this manual contains many specific examples. At their core, human rights principles can strengthen social justice work for many of the following reasons:

- Human rights are internationally determined and recognized standards against which government performance can be measured – regardless of national laws.
- Human rights monitoring encompasses and provides standards on social and economic rights, an area of protection that is often lacking in U.S. law and practice.
- A human rights-based approach can help resolve conflict or differences between different stakeholders by offering a common ground for collaboration.
- Framing work in terms of human rights can expand organizational networks and bring new allies and support to the cause.
- Human rights standards are enforceable in a number of forums depending on the issue, including UN, regional, and local bodies, as well as U.S. courts. Even when the human rights standards at issue are not specifically legally enforceable, U.S. courts often consider international human rights principles in their decision-making.
- Many communities wary of governmental power can still relate to global standards of equality and justice.
- Framing work in terms of human rights may open up new funding opportunities.
- Human rights standards and procedures can provide new opportunities for advocacy.

Organizations across the United States are already doing the challenging and rewarding work of monitoring, documenting and advocating for human rights. Recognizing and articulating the work as such will add to the

chorus of global voices demanding dignity, justice, and equality for all people. Incorporating a human rights dimension into advocates' work is not only achievable, it can steel a movement.

Integrating a human rights component into ongoing work might simply involve reframing by adjusting the language issues in terms of international human rights protections. For example, the immigration advocacy group, Detention Watch Network, works to protect the rights of detained migrants. Its Dignity not Detention campaign uses the language of both international human rights and constitutional protections, noting that the United States is responsible for upholding dignity, human rights, and due process of law. By using language that frames detention as an issue across domestic and international legal systems, as well as moral systems, the campaign broadens its impact and options for advocacy.

Integrating a human rights component can also be more complex, involving, for example, the collection of information with the goal of bringing a human rights complaint to an international body. This type of monitoring, documentation, and advocacy would involve extensive background preparation, including researching applicable treaties, understanding the interpretation of those treaties by international bodies, and developing a detailed plan to gather information to prove a specific treaty violation at a regional or international tribunal.

CHAPTER 2. HUMAN RIGHTS BACKGROUND



A. WHAT ARE HUMAN RIGHTS?

The modern human rights era can be traced to struggles to end slavery, genocide, discrimination, and government oppression. After World War I, many scholars, activists, and some national leaders called for a declaration and accompanying international system—the League of Nations—to protect the most basic fundamental rights and human freedoms. Atrocities during World War II made clear that previous efforts to secure individual rights and curtail the power of governments to violate these rights were inadequate. The time was ripe for adoption of a globally-recognized instrument that enshrined these values. Thus was born the Universal Declaration of Human Rights (UDHR) as part of the emergence of the United Nations (UN).

The UDHR was the first international document that spelled out the basic civil, political, economic, social and cultural rights that all human beings should enjoy.¹ The declaration was ratified unanimously by the UN General Assembly on December 10, 1948.² The vote to adopt the UDHR was considered a triumph as it unified diverse nations and conflicting political regimes.

The UDHR when drafted was not legally binding, though it carried great moral weight. In order to give the human rights listed in the UDHR the force of law, the United Nations drafted two Covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The division of rights between these two conventions is artificial, a reflection of the global ideological divide during the Cold War. Though politics prevented the creation of a unified treaty, the two covenants are interrelated, and the rights contained in one covenant are necessary to the fulfillment of the rights contained in the other. Together, the UDHR, ICCPR, and ICESCR are known as the International Bill of Human Rights. They contain a comprehensive list of human rights that governments must respect and promote, including:

- Right to life;
- Equality;
- Security of person;
- Freedom from slavery;
- Freedom from arbitrary arrest/detention;
- Freedom of movement and residence;
- Due process of law;
- Freedom of opinion and expression;
- Freedom of association and assembly;
- Right to safe and healthy working conditions;
- Right to form trade unions and to strike;
- Right to adequate food, clothing, and housing;
- Right to education; and
- Right to health.

B. WHY ARE HUMAN RIGHTS IMPORTANT?

Human rights reflect the minimum standards necessary for people to live with dignity and equality. Human rights give people the freedom to choose how they live, how they express themselves, and what kind of government they want to support, among many other things. Human rights also guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, and security, human rights protect people against abuse by those who are more powerful. According to the United Nations, human rights:

*Ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent, and conscience and satisfy his or her spiritual and other needs.*³

¹ Office of the High Commissioner for Human Rights (OHCHR), International Human Rights Law, accessed Nov. 10, 2010, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>.

² The 58-member General Assembly unanimously ratified the UDHR, with 8 abstentions. United Nations, A United Nations Priority, accessed October 22, 2010, <http://www.un.org/rights/HRToday/declar.htm>.

³ United Nations CyberSchoolBus, Understanding Human Rights, accessed Nov. 10, 2010, <http://www.un.org/cyberschoolbus/humanrights/about/understanding.asp>.

Human rights are not just theoretical, they are recognized standards to which governments are to be held accountable.⁴ There are five basic tenets underlying human rights as they apply to all people. Human rights are:

- **Universal** in that they belong to all people equally regardless of status. All people are born free and equal in dignity and rights.
- **Inalienable** in that they may not be taken away or transferred. People still have human rights even when their governments violate those rights.
- **Interconnected** because the fulfillment or violation of one right affects the fulfillment of all other rights.
- **Indivisible** as no right can be treated in isolation. No one right is more important than another.
- **Non-discriminatory** in that human rights should be respected without distinction, exclusion, restriction, or preference based on race, color, age, national or ethnic origin, language, religion, sex, or any other status, which has the purpose or effect of impairing the enjoyment of human rights and fundamental freedoms.⁵

C. WHO IS RESPONSIBLE FOR UPHOLDING HUMAN RIGHTS?

Governments

Under human rights treaties, governments have primary responsibility for protecting and promoting human rights. However, governments are not solely responsible for ensuring human rights. The UDHR states:

*Every individual and every organ of society ... shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.*⁶

This provision means that not only the government, but also businesses, civil society organizations, and individuals are responsible for promoting and respecting human rights.

When the U.S. government ratifies a human rights treaty, it assumes a legal obligation to respect, protect, and fulfill the rights contained in the treaty. Governments are obligated to make sure that human rights are protected by both preventing human rights violations against people within their territories and providing effective remedies for those whose rights are violated.⁷ Government parties to a treaty must do the following:

Respect: Governments may not curtail the scope of a right or interfere with people exercising their rights. Governments should respect human rights by:

- Creating constitutional guarantees of human rights;

⁴ US Human Rights Fund. *Perfecting Our Union: Human Rights Success Stories from Across the United States*. New York: U.S. Human Rights Fund Public Interest Projects, March 2010, 6. Also available online at http://www.ushumanrightsfund.org/sites/ushrf/files/imce/Perfecting_our_Union_Final_Version.pdf/.

⁵ The Advocates for Human Rights, *Human Rights Primer*, The Advocates for Human Rights. http://discoverhumanrights.org/sites/7cc8fb84-899d-457d-a486-470ccb03fb16/uploads/Human_Rights_Primer.pdf/.

⁶ UN General Assembly, Universal Declaration of Human Rights, 1948, Preamble.

⁷ The Advocates for Human Rights, *Human Rights Primer*, The Advocates for Human Rights, 7. Also available online at http://discoverhumanrights.org/sites/7cc8fb84-899d-457d-a486-470ccb03fb16/uploads/Human_Rights_Primer.pdf/.

- Refraining from limiting individual freedom unless absolutely necessary for the well-being of society;
- Providing ways for people who have suffered human rights abuses by the government to seek legal remedies from domestic and international courts; and
- Ratifying and implementing human rights treaties.

Protect: Governments must prevent private actors from violating the rights of others. Governments can protect human rights by:

- Passing laws that prohibit individuals from committing human rights violations;
- Prosecuting or pursuing civil actions for crimes and other violations, such as domestic violence, hazardous work conditions, and discrimination;
- Educating people about human rights and the importance of respecting the human rights of others; and
- Cooperating with the international community in preventing and prosecuting crimes against humanity and other violations.

Fulfill: Governments must take positive action to facilitate the enjoyment of basic human rights. Governments can fulfill human rights by:

- Providing free, high-quality public education;
- Creating a public defender service to provide indigent people access to lawyers;
- Supporting civil society organizations and public participation in order to encourage freedom of expression and association;
- Assisting those in need through funding of social service programs; and
- Funding public education campaigns on the right to vote.⁸

International Human Rights System

The international human rights system, a network of human rights treaties and standards created and monitored by international and regional human rights bodies, provides activists with many avenues for improving human rights conditions in their countries. Where governments resist or ignore one means of human rights enforcement, advocates can encourage or compel their compliance through other mechanisms. Advocates can also use international human rights decisions and recommendations as part of their education and advocacy.

United Nations

The United Nations is a global organization made up of almost every country in the world. The United Nations promotes and protects human rights through several key human rights bodies:

- **Human Rights Council.** The UN Charter called for the creation of an inter-governmental body, which is today called the Human Rights Council, responsible for strengthening the promotion and protection of human rights worldwide. The Human Rights Council consists of 47 UN member countries that meet regularly to conduct a Universal Periodic Review of human rights in all countries around the world, address situations of human rights violations, receive complaints, and make recommendations on how to improve the fulfillment of human rights. Through the Special Procedures of the Human Rights Council, independent experts are mandated to

⁸ The Advocates for Human Rights, *Human Rights Primer*, The Advocates for Human Rights. http://discoverhumanrights.org/sites/7cc8fb84-899d-457d-a486-470ccb03fb16/uploads/Human_Rights_Primer.pdf, 7.

examine, monitor, advise, and publicly report on either a human rights situation in a specific country or a thematic issue.

- **Treaty Monitoring Bodies.** There are nine core international human rights treaties. Each of these treaties established a committee of experts to monitor implementation of the treaty provisions by countries that ratified the treaty. Some treaty bodies also are able to take complaints from individuals and others whose human rights have been violated. The following are the nine core human rights treaties and their years of adoption:

<i>Treaties</i>	<i>Acronym</i>	<i>Year</i>
International Convention on the Elimination of All Forms of Racial Discrimination	CERD	1965
International Covenant on Civil and Political Rights	ICCPR	1966
International Covenant on Economic, Social and Cultural Rights	ICESCR	1966
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	1979
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	CAT	1984
Convention on the Rights of the Child	CRC	1989
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	CRMW	1990
Convention on the Rights of Persons with Disabilities	CRPD	2006
International Convention for the Protection of All Persons from Enforced Disappearance (<i>This treaty has not yet entered into force</i>)		2006

- **Office of the High Commissioner for Human Rights (OHCHR) and Other UN Agencies.** The OHCHR is the center of most human rights activities of the United Nations. It coordinates UN action to protect and promote human rights and includes country and regional offices that work with local partners to ensure implementation of and education about human rights standards. The OHCHR also supports the work of the Human Rights Council and the core treaty monitoring bodies. Other agencies within the United Nations that deal with human rights issues include agencies such as the United Nations Development Program and the United Nations High Commissioner for Refugees.⁹

In addition to creating international human rights treaty law, the United Nations expands our understanding of the scope and content of human rights by drafting non-binding international standards that reflect international consensus on specific human rights issues. Numerous human rights declarations, principles, and guidelines are relevant to the United States. Examples of these instruments include the following:

- Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in which They Live
- Declaration on the Rights of Indigenous Peoples
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

⁹ OHCHR, Human Rights Bodies, accessed Nov. 10, 2010, <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

- Indigenous and Tribal Peoples Convention, 1989 (International Labour Organization (ILO) No. 169)
- Standard Minimum Rules for the Treatment of Prisoners
- United Nations Principles for Older Persons
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Regional and Other Human Rights Bodies

In addition to the United Nations, there are other international organizations involved in creating, monitoring, and enforcing international human rights standards relevant to the United States. Some of these international organizations focus on a particular category of human rights issues, while others restrict their focus to a geographic region.

The International Labour Organization (ILO) oversees a group of legally binding conventions that guarantee certain human rights related to work, especially freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor; and the elimination of discrimination in respect of employment and occupation.¹⁰

The International Criminal Court (ICC) is an independent, permanent court that tries persons accused of the most serious international crimes: genocide, crimes against humanity, and war crimes.¹¹ The ICC is based on a treaty ratified by 114 countries that provides jurisdiction over these crimes and complements the national legal system. The United States is not currently a party to this treaty.

The Inter-American Court of Human Rights and the **Inter-American Commission on Human Rights** together interpret and enforce the **American Convention on Human Rights** and the **American Declaration on the Rights and Duties of Man** (American Convention). The Inter-American Commission investigates individual complaints, conducts independent monitoring, and refers cases to the Inter-American Court. The court rules on cases involving violations of the American Convention brought by governments or by the commission, and it offers advisory opinions on the correct interpretation of regional human rights treaties.

D. WHAT IS THE CONNECTION BETWEEN HUMAN RIGHTS AND U.S. LAW?

International human rights law provides an important framework for guaranteeing the rights of all people regardless of the countries in which they live. International human rights law is contained in many different types of documents, including treaties, charters, conventions, and covenants.¹² Despite the different official names, all of these documents are considered treaties and have the same effect under international law: countries that ratify a treaty are legally obligated to protect the rights it describes.¹³

Countries have different methods for ratifying treaties. For example, for the United States to become a party to a treaty, the President must first sign it, and then present it to the Senate, where two-thirds of the Senators must

¹⁰ International Labor Organization, Conventions and Recommendations, accessed Nov. 10, 2010, http://www.ilo.org/global/What_we_do/InternationalLabourStandards/Introduction/ConventionsandRecommendations/lang--en/index.htm.

¹¹ International Criminal Court, About the Court, accessed Nov. 10, 2010, <http://www.icc-cpi.int/Menu/ICC/About+the+Court/>.

¹² A legally binding agreement between two or more states.

¹³ Ratification is the formal process by which the legislative body of a state confirms a government's action in signing a treaty.

vote to ratify it.¹⁴ Regardless of the method for ratifying a treaty, the end result is the same. Through ratification, a country agrees to be legally bound by the terms of the treaty.

Countries that ratify treaties are allowed to enter reservations to those instruments. Reservations are statements made by a country that modify the legal effect of certain provisions of the treaty. Entering a reservation allows a government to agree to most of a treaty, while excluding or limiting parts that might be controversial or unconstitutional in its own country.

Even after treaty ratification, however, the strongest protection for the rights of individuals is often domestic law. In the United States, the Constitution and the Bill of Rights provide fundamental, minimum human rights protections. Many of the rights contained in the Constitution are also found in the Universal Declaration of Human Rights (UDHR), especially those related to political and civil liberties. Although the Constitution provides strong protections for civil and political rights, it lacks similar guarantees of the economic, social, and cultural rights listed in the UDHR. Fulfillment of those rights depends on national and state legislation rather than on the Constitution. U.S. courts also provide a remedy for people whose fundamental rights have been violated. Decisions of the U.S. Supreme Court specify fundamental rights that have analogs in human rights treaties, such as the presumption of innocence in a criminal trial¹⁵ and freedom of movement.¹⁶ For greater detail on the comparisons between the human rights guaranteed in the UDHR as they relate to the U.S. Constitution, see Appendix A.

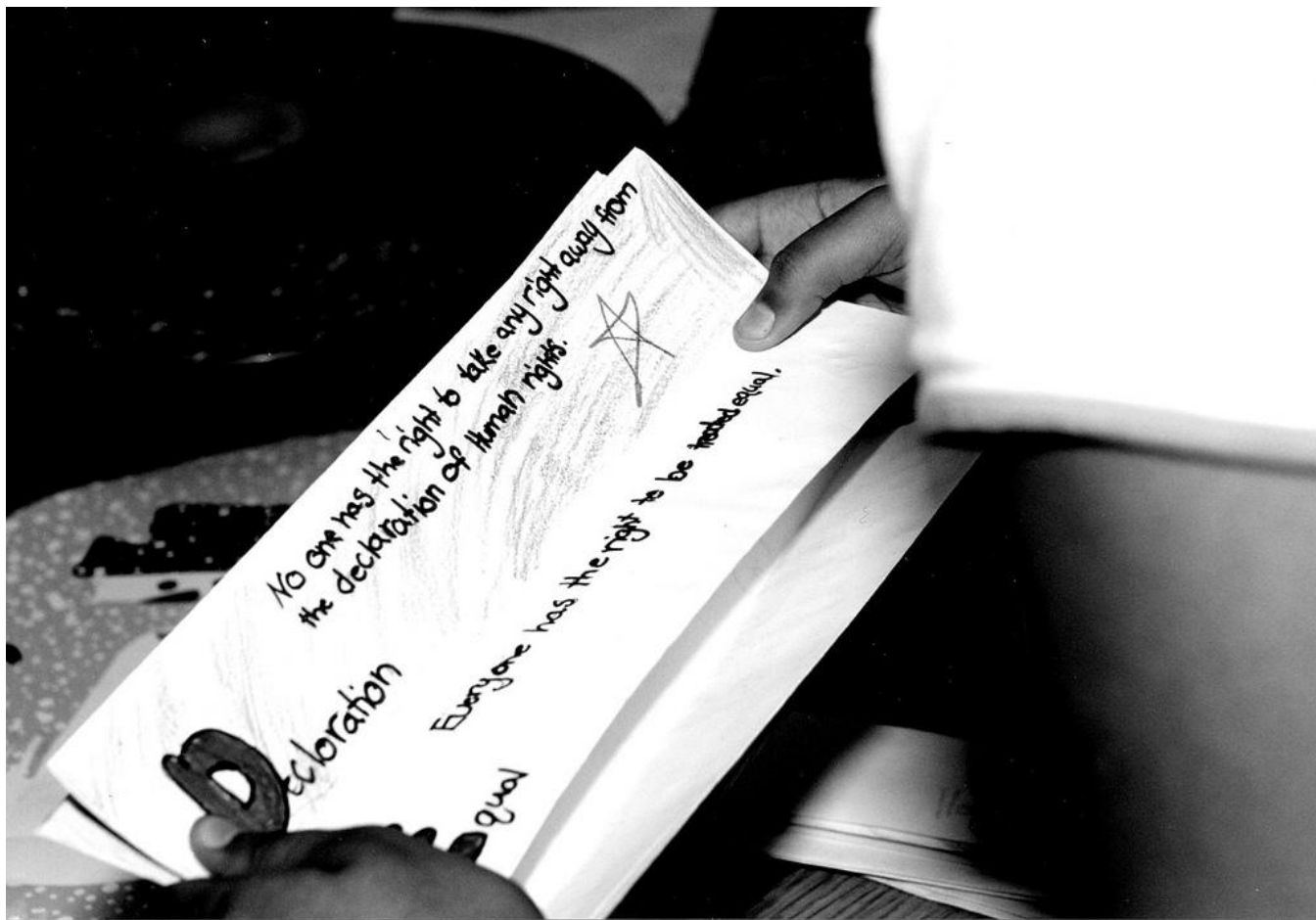
Many U.S. groups doing social justice work use multiple strategies, including human rights monitoring, documentation, and advocacy, to advance their missions. Integrating a human rights approach into social justice work keeps all avenues for advocacy open, whether at the local, national, or international level. A human rights framework also provides a common foundation of the shared struggle for justice amongst human rights advocates around the world.

¹⁴ United States Senate, Treaties, accessed Nov. 10, 2010, <http://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm>.

¹⁵ *Coffin v. United States*, 156 U.S. 432 (1895).

¹⁶ *Paul v. Virginia*, 75 US 168 (1869), *Kent v. Dulles*, 357 U.S. 116 (1958).

CHAPTER 3. MONITORING



A. INTRODUCTION

Human rights monitoring refers to the collection, verification, and use of information about human rights violations.¹⁷ Monitors use a systematic approach to collect, verify, and analyze information to identify violations of human rights. For purposes of this manual, the monitoring process can be broken down into *monitoring*, or the fact-finding and collection of information regarding the human rights violations, and *documentation*, the processing, compilation, and presentation of the monitoring results.

Human rights monitoring can also serve as a tool for systematic and long-term social or legal change.¹⁸ Practitioners should communicate the monitoring results and recommendations to the appropriate authorities,

¹⁷ Minnesota Advocates for Human Rights. Making the Global Local: Human Rights Monitoring in Our Own Community. Minneapolis: Minnesota Advocates for Human Rights, July 1, 2005 (unpublished training material).

¹⁸ Office of the High Commissioner for Human Rights. Basic Principles of Monitoring. Chap. 5 in *Training Manual on Human Rights Monitoring*. New York: United Nations Publication, 2001. Also available online at <http://www.ohchr.org/Documents/Publications/training7Introen.pdf>.

media, civil society organizations, and others to raise awareness about their findings to create social change.¹⁹ Advocacy should also be considered an integral part of any monitoring project.

Human rights monitors seek to identify and investigate the extent to which the reality of a given situation falls short of the standards set forth in international human rights law. Monitors collect accurate and objective information based on fundamental principles of monitoring. The methodologies and scope of each monitoring project vary depending on the project's objectives, resources, and design.

Monitoring methodologies are based on the issue being evaluated and include interviews, media monitoring, forensic exams, process observation, on-site inspections, surveys, and audio-visual recording. This manual focuses on the traditional, qualitative methods of human rights monitoring as they can be employed in the United States. To that end, this manual provides guidance on conducting fact-finding through interviews and other information-gathering techniques. It provides brief introductions to the other forms of monitoring and discusses how these additional tools can supplement fact-finding interviews. For further details on how to use other forms of monitoring, this manual provides referrals to other resources.

In traditional human rights monitoring, international human rights principles and norms are used as the standard in an objective assessment of a case or a situation.²⁰ This section focuses on the mechanics of monitoring, but practitioners should bear in mind that there are overarching principles that govern this type of work. These principles have been developed by the United Nations Office of the High Commissioner for Human Rights and are summarized in the following section.²¹ This manual incorporates those principles in setting forth guidelines and considerations for practitioners undertaking monitoring. See Chapter V. Basic Principles of Monitoring in the *Training Manual on Human Rights Monitoring by Office of the High Commissioner for Human Rights* for further discussion.

¹⁹ Ibid.

²⁰ Guzman, Manuel, and Bert Verstappen. *What is Monitoring*. Human Rights Monitoring and Documentation Series, vol. 1. Versoix, Switzerland: HURIDOCs, 2003, 30.

²¹ OHCHR, Basic Principles of Monitoring Chap. 5 in *Training Manual on Human Rights Monitoring*, 87-93.

Human Rights Monitoring Principles

Principle 1: Do no harm.

The core of this principle is that the investigation of human rights violations should not cause further damage to the victims. Although the collection of information is essential in human rights monitoring, it should never be done at the expense of another person's physical safety at any phase, or the emotional and mental health of the victim. As a general rule, practitioners should interview victims only when absolutely necessary and when they can respect this principle. In cases where practitioners are unable to obtain the information without risk to the victim or potential victims, or an interview may cause physical or psychological harm and appropriate protection is not available, the practitioners should not carry out the interview. Upholding the do no harm principle also involves protecting the confidentiality of interviewees.

Principle 2: Respect the Mandate.

Practitioners should ensure that all monitors comprehend the project's mandate. Monitors should understand how the monitoring fulfills the mandate, what actions are permissible under the mandate, and what ethical considerations and potential harms are associated with it. Respecting the mandate also involves respecting boundaries between the monitor and interviewee. Monitors should remember the respondent is an interviewee for purposes of monitoring, should not seek to befriend or counsel respondents, and should maintain professional boundaries. Should the monitor realize the respondent may need assistance, he or she can provide appropriate referrals.

Principle 3: Know the standards.

Practitioners should know and understand the applicable standards and laws, including relevant international and regional human rights standards. They should understand U.S. international obligations and the extent to which these obligations can be enforced. In addition, practitioners should know and understand relevant domestic laws, policies, and practices. These include federal, state, and local laws, as well as policies and guidelines issued by different state bodies. For example, when monitoring the government response to domestic

violence, team members should not only understand the statutory laws, but should also seek to obtain protocols for police, prosecution, and health care providers, child protection, community and victim support policies, and judicial order for protection decision templates. Practitioners should examine the issue broadly to determine if more general standards apply as well. For example, protocols related to crime victims, although not specific to domestic violence, may still be applicable.

Principle 4. Exercise good judgment.

When monitoring human rights violations, unanticipated situations may arise that require practitioners to change the monitoring protocol. When deciding whether to deviate from the established protocol and what specific action to take, the practitioner should always use his or her best judgment and adhere as much as possible to the other monitoring principles, particularly those of do no harm and respecting the project's mandate.

Principle 5. Seek consultation.

Practitioners should communicate with team members and leaders throughout the monitoring stage and consult when difficult questions arise. Regular debriefing after interviews can help promote conformance to the mandate. Debriefing will also allow the team to continuously evaluate the process and identify early patterns, gaps, and areas for follow-up. Additionally, practitioners may wish to consult with experts such as victims/survivors, advocates, academics, or service providers. Experts can assist in various stages of the process. They can help develop or vet interview questions for different stakeholders, or provide legal advice about potential consequences for participants in the monitoring project. Similarly, it may be helpful to consult with advocates or victims to determine what recommendations they believe would best promote the victims' rights.

Principle 6. Respect the authorities.

Practitioners should remember their role as objective fact-finders and always respect authorities' roles and responsibilities. A typical objective of monitoring is to change or stimulate a state response to a particular

human rights situation. Conducting monitoring in a respectful manner can help preserve the opportunity for positive engagement with government actors and decision makers in the advocacy phase. Monitors can demonstrate respect by observing local laws and ordinances, by seeking official permission to conduct monitoring activities, and by using respectful and professional language at all times. As part of this principle, practitioners may need to carefully assess who they select for the team to ensure there are no risks or conflicts involved in engaging with the authorities.

Principle 7. Credibility.

Practitioners should strive to maintain their credibility and that of the organization they represent. This principle applies relative to the respondents being interviewed, as well as the public at large. Credibility is crucial to successful monitoring, documentation, and advocacy. Individuals—whether victims, witnesses, informants, policymakers, or media—will be more open to coming forward and providing reliable information if they trust the organization and project. Credibility is also important in the presentation of the findings. The impact of any advocacy initiative will depend on the accuracy of the facts upon which it is based. If practitioners cannot guarantee accuracy and objectivity, the outcome may not be helpful, either for the campaign or the affected communities.

Principle 8. Transparency.

Practitioners should be open and transparent about the organization, the project and its processes without compromising confidentiality. A transparent methodology enables practitioners to account for each step taken to investigate a human rights violation and how they arrived at conclusions. Clearly laying out the project background at the start of an interview and establishing a methodology for drawing conclusions for the report can promote transparency.

Principle 9. Confidentiality.

The project design should include an assessment of the level of confidentiality necessary. Generally, practitioners should preserve the confidentiality of information through all stages of the project and afterward. Safeguarding confidentiality is imperative

to doing no harm, upholding the integrity of the project, maintaining credibility, and promoting effectiveness. In particular, the identity of victim/survivor-informants must always be protected through confidentiality and appropriate security measures.

Principle 10. Security.

In addition to the security measures for respondents described above, organizations should take steps to ensure the security of monitoring team members. These steps may include requiring team members to:

- Check-in with a team leader or other member regularly and after each interview;
- Avoid taking risks that may place the team member or others' safety in jeopardy;
- Carry a cell phone;
- Travel in pairs or teams, especially in unsafe areas.

Principle 11. Understand the context.

Before embarking on a monitoring project, practitioners should understand the community in which they will be working. Practitioners should undertake preliminary research to know the people, local history, government structure, and culture. Where relevant to the mandate, practitioners should understand the dynamics of micro-communities, such as customs, language, past histories, and family and community structures. In cases where the community is deliberately not involved as monitors to prevent risks, or where multiple communities are involved, forming an advisory committee representative of that population can still ensure that fact-finders will comprehend its dynamics.

Principle 12. Need for consistency, persistence and patience.

Although situations will differ and unanticipated circumstances will arise, practitioners should strive to follow the protocol consistently. Monitoring nearly always has challenges, so it requires practitioners to persevere, be patient and be flexible. At times, practitioners may need to adapt or amend their protocol to achieve their goals. They should be prepared to do so, but remember to respect the mandate and other monitoring principles to the greatest extent possible.

Principle 13. Accuracy and precision.

The project protocol should provide the foundation for the collection of accurate and precise information. Practitioners should ask specific and thorough questions and ask follow-up questions for clarity. Interviewers should write up their notes as soon as possible after completing the interview, the same day if possible, to ensure they are as accurate as possible. Practitioners can also take steps in the documentation process to promote accuracy and precision. For example, if practitioners are not able to draw solid conclusions from their data, their findings may still have value. In some cases, the data may speak for itself and should be included, possibly with an acknowledgment of the limitations that prevent inferring a conclusion. Building in corroboration mechanisms, as well as time to fact-check and review the accuracy of citations will ensure accurate reporting and attribution. Finally, practitioners should draft and publish the report in a timely fashion to ensure the information presented is relevant.

Principle 14. Impartiality and objectivity.

Practitioners should strive to be objective and impartial in all stages of the monitoring and documentation process. For example, fact-finders should not demonstrate political positions or biases against governments, officials, businesses, interviewees, or other relevant bodies in their work. Practitioners should apply this principle when evaluating their findings. They should avoid using subjective reference points and instead rely on the project mandate and international human rights framework as the standard for evaluation.

Principle 15. Sensitivity.

Practitioners should thoroughly consider all possible legal ramifications and social consequences of the project for respondents, their families, and the community-at-large. Practitioners should be sensitive to any possible unintended effects of the documentation process, such as perpetuating negative stereotypes or increasing conflicts between different groups. Practitioners should also be sensitive to possible consequences of their selection of fact-finders and consider using a vetting process.

Organizations should train monitors on the harms a victim may have experienced, the short- and long-term consequences, and the potential of re-traumatization of victims and secondary traumatization of the interviewers. Practitioners should also train fact finders on cultural and linguistic sensitivities specific to different communities.

Principle 16. Integrity and professionalism.

Practitioners should always demonstrate integrity, honesty and respect to all participants and team members. They should maintain a professional demeanor, be knowledgeable and exercise diligence and competence in their work. As mentioned earlier, monitors should avoid making promises they cannot keep.

Principle 17. Visibility.

Practitioners may want to take steps to ensure that relevant authorities and the local community are aware that monitoring is taking place. This may involve public outreach and meetings with identified community leaders. The extent of information they disclose about the monitoring will depend on the nature of the project. In some cases, raising visibility of the issue may be an integral part of the project design. In doing so, practitioners should consider the questions they plan to ask respondents and whether public knowledge of those questions could place them at any risk for further violence, intimidation, or retaliation.

Compiled from: Office of the High Commissioner for Human Rights (OHCHR), “Basic Principles of Monitoring” Chap. 5 in *Training Manual on Human Rights Monitoring*; Mary Ellsberg and Lori Heise, *Researching Violence Against Women: A Practical Guide For Researchers and Activists* (Geneva: World Health Organization and Program for Appropriate Technology in Health (PATH), 2005); Women, Law & Development International and Human Rights Watch Women’s Rights Project, *Women’s Human Rights Step by Step*, (Washington, D.C.: Women, Law & Development International: 1997); Karyn Kaplan, *Human Rights Documentation and Advocacy: A Guide for Organizations of People who Use Drugs*, Harm Reduction Field Guide (New York: Open Society Institute, 2009); Jonathan Rosenblum, *Monitoring Labour Rights: A Resource Manual for NGOs* (Washington, D.C.: AAAS Science and Human Rights Program, 2004); Jennifer Prestholdt, *Familiar Tools, Emerging Issues: Adapting traditional human rights monitoring to emerging issues*, ed. Rachel Tschida, Tactical Notebook Series, (Minneapolis: Center for Victims of Torture, 2004), <http://www.newtactics.org/en/FamiliarToolsEmergingIssues/>.

B. DEVELOPING A MONITORING AND DOCUMENTATION PROTOCOL

A human rights monitoring methodology generally includes the collection of data and other information from the people experiencing the abuses, witnesses, and people involved in causing or responding to the violations. This information gathering is often accomplished through interviews in combination with other methods, such as review and analysis of documents or observation of processes and events.

Careful planning and design of a monitoring and documentation protocol is essential to its success. Practitioners should, to the extent possible, map out the monitoring and documentation project in its entirety before beginning to avoid basic errors, such as wasting time in interviews by asking irrelevant or poorly articulated questions, using a research design that is ill-suited to the task, or employing a methodology that does not match the project needs, skills, or available resources.²² The following section introduces the basic steps and considerations involved in designing a monitoring project. The nature of a particular project or the experience of a particular organization may require that some of the steps be re-ordered. Practitioners should be flexible and use good judgment in designing the project.

Step 1. Determine Your Objectives.

Practitioners should determine what they want to accomplish through the project and whether it is the best use of their organization's resources. The following are some preliminary questions to assist in evaluating a potential monitoring project:

- What are the project's goals and why does it fit the organization's mission?
- How does this project improve human rights conditions within the community and foster a greater understanding of human rights?
- Is the project timely?
- Is another organization already carrying out a similar project? Can the proposed project enhance work that is already completed in this area?
- Does the organization have the expertise, funding, resources, and objectivity to carry out the project?
- Will the organization be called upon to evaluate issues that fall outside of its scope of expertise or mandate? Is this appropriate and to what degree?²³
- What measurable findings can this project yield?
- How can the monitors analyze the findings?
- What will the final product be, e.g., a publication, a video, or a report?

Practitioner's tip: Practitioners should consider an initial consultation with advocates working with the victim population to determine whether attention generated by the monitoring would be helpful to the cause and not deleterious. In some cases, victims' representatives may believe that increased attention to the issue may generate public outcry for an outcome that may be more harmful to their clients at that time. The advocates may ask that monitoring not take place, public attention to the monitoring be minimized, or that the release of the report be restricted in some way.

²² Ellsberg, Mary and Lori Heise. *Researching Violence Against Women: A Practical Guide For Researchers and Activists*. Geneva: World Health Organization and Program for Appropriate Technology in Health (PATH), 2005, 48-49. Also available online at http://www.path.org/files/GBV_rvaw_complete.pdf.

²³ Prestholdt, Jennifer. *Familiar Tools, Emerging Issues: Adapting traditional human rights monitoring to emerging issues*. Edited by Rachel Tschida. Tactical Notebook Series. Minneapolis: Center for Victims of Torture, 2004, 9. Also available online at <http://www.newtactics.org/en/FamiliarToolsEmergingIssues/>.

- What additional investigation and follow-up will the project suggest?
- What public awareness and advocacy activities are needed to achieve the project goals?²⁴

The practitioner should draw upon these and similar questions to frame the project and determine an end goal. At this initial stage, the end goal can be broadly defined, for example, to increase safety for battered immigrant women or decrease racial disparities in public education. Once the end goal is identified and deemed appropriate to the organization's work, the practitioner can proceed to more clearly define the project, outline its objectives, and determine the mandate.

i. Identify the Issue and Need

One of the first steps in monitoring is to identify the human rights issue to be investigated.²⁵ Often, the need for investigation will emerge from the issues identified by a service provider, a non-governmental organization (NGO), or an activist group. In some cases, the victim group or a representative may approach the organization asking for help in documenting a human rights violation. Other times, the organization itself may identify the need through client contact or through community concerns it receives.

Practitioners should verify the need for the monitoring project. Becoming aware of what is already known about the issue will avoid duplication of efforts and wasted resources.²⁶ If other groups are addressing the same issue, practitioners should ask themselves whether their project will expand upon or add value to ongoing work. Also, confirming the need for monitoring is an important measure to prevent potential future harm. In some cases, victims or their representatives may be intentionally minimizing public attention to the issue. Reviewing relevant materials and speaking to affected individuals, communities, and stakeholders with experience on the issue will help practitioners narrow the focus and assess the actual need.²⁷

Practitioners should describe the nature of the violation as much as possible before beginning:

- What is happening?
- What are its causes?
- Is the violation an isolated incident or part of a larger pattern?
- Who are the parties involved? Are they victims, perpetrators, responsible government actors, witnesses, or NGOs?²⁸

Complete answers to these questions will come through the process of monitoring itself.

ii. Define the Scope

The next step in planning is to define the scope of the project based on the available time, money, and resources, while maintaining the focus on the larger issue to be addressed.²⁹ The scope may be determined by the specific

²⁴ Ibid., 10.

²⁵ Ellsberg, *Researching Violence Against Women*, 51.

²⁶ Ibid., 51.

²⁷ Ibid., 51-52.

²⁸ Kaplan, Karyn. *Human Rights Documentation and Advocacy: A Guide for Organizations of People who Use Drugs*. Harm Reduction Field Guide. New York: Open Society Institute, 2009, 34-35.

http://www.soros.org/initiatives/health/focus/ihrd/articles_publications/publications/hrdoc_20090218/hrdoc_20090218.pdf/.

²⁹ Women, Law & Development International and Human Rights Watch Women's Rights Project. *Women's Human Rights Step by Step*. Washington, D.C.: Women, Law & Development International: 1997, 140.

rights at issue, the affected population, geography, historical events, or any combination of these.³⁰ Practitioners should ask themselves:

- What concerns have been raised that compel this project?
- What has been studied already? What has not?
- How narrowly construed can the project be while still remaining meaningful and impactful?

Projects that focus on violations perpetrated against a specific population, such as children, women, or immigrants, may include additional factors to broaden or narrow the focus of the mandate.³¹ For example, an organization seeking to monitor trafficking might narrow its focus from women to indigenous women in the metropolitan area. Although the scope is narrower, the findings may still reveal broader problems with the justice system that affect all victims of trafficking. When defining these parameters, practitioners should be guided by the fundamental principles of monitoring, the project's objectives, resources, timeline, and surrounding legal context.

iii. Identify the Human Rights Standards

In human rights monitoring, human rights standards provide the framework for the project design or protocol. Practitioners should have a clear understanding of the international human rights standards relevant to the issue area being monitored, including standards set forth in the relevant UN and Organization of American States (OAS) treaties and guidelines. Depending on the issue, the project design may also include review of federal, state, and local laws and policies relevant to the violation.

The level and degree to which practitioners must know the standards will vary. Practitioners seeking to do basic human rights monitoring may be able to find the standard appropriate for their work simply by reading the Universal Declaration of Human Rights. Or, they may need to delve more deeply into international law to understand the meaning underlying those provisions, how they are interpreted by treaty bodies, and how they interconnect with other rights. For example, on a most basic level, practitioners working on a specific due process matter may only need to know that everyone has the right to freedom from arbitrary detention.³² On the other hand, practitioners working on a more complex issue, such as human sex trafficking, will need to understand a wide range of rights, including: freedom from slavery, discrimination, and torture; right to life, liberty, and security of person; equal protection of the laws; and the right to an effective remedy. Practitioners should also understand what those rights mean in terms of government's obligations to prevent trafficking, provide remedies to victims, and prosecute traffickers.

When identifying the relevant international standards, practitioners should think broadly about how multiple human rights intersect over a single issue. For example, domestic violence not only violates a woman's right to be free from discrimination and violence (CEDAW, General Recommendation 19), it also triggers a woman's right to be free from torture (ICCPR), a woman's right to equality before the law (ICCPR), and a woman's right to the highest attainable standard of physical and mental health (ICESCR). Practitioners should also look to other policy documents that help interpret binding treaties, such as General Recommendations and Conclusions issued by the

³⁰ Manuel Guzman and Bert Verstappen, *What is Documentation*, Human Rights Monitoring and Documentation Series 2 (Versoix, Switzerland: HURIDOCs, 2003), 11. Also available online at <http://www.huridocs.org/wp-content/uploads/2010/08/whatisdocumentation-eng.pdf>.

³¹ *Ibid.*, 11.

³² UN General Assembly, International Covenant on Civil and Political Rights, 1966, Art. 14(5).

treaty bodies, as well as declarations, resolutions, principles, and guidelines. While not legally binding, these last instruments represent an international consensus on an issue and can have persuasive force.

Finally, practitioners should also know the U.S. government's ratification and reservation status for each of the relevant treaties. When the United States ratifies a treaty, it is legally bound to comply with the provisions therein. Of the core human rights treaties, the United States has ratified CERD, ICCPR, CAT, Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, and Optional Protocol to the CRC on the involvement of children in armed conflict. It has signed, but not ratified, CEDAW, CRC, CRPD, and ICESCR.

Some questions practitioners can ask themselves when identifying the human rights standards include these:

- What human rights issues are triggered or influenced by the violation?
- What treaties govern the human rights issues?
- What are the relevant provisions and standards within these treaties?
- Are there any other instruments, such as treaty body general comments or concluding observations, that provide more depth to the standard?

Sometimes these questions can be difficult to answer. Practitioners can get help by reviewing reports that other organizations such as Amnesty International, Human Rights Watch, The Advocates for Human Rights, or the United Nations may have published related to the issue. Practitioners may also seek consultation with colleagues at these organizations or with experts at law schools who focus on human rights law.

iv. Determine What Information Is Needed and How to Obtain It

The next step involves identifying the information necessary to assess whether the government is in compliance with its human rights obligations. Monitoring human rights violations involves examining the experiences that stem from the violation, the parties involved, the framework set up to address that issue, such as legislation, policies, or resources, as well as their implementation and effectiveness.

Practitioners should identify potential sources of information needed for the monitoring project. Apart from secondary sources, direct sources of human rights information include, among others: victims, witnesses, and evidentiary material; government agencies; human rights organizations and other NGOs; social service agencies; media; academics; treaty monitoring and other UN bodies; and inter-governmental organizations.³³ Practitioners should consider who may have relevant information: parties suspected of committing, directing, or authorizing the abuse; individuals or groups affected by the violation; and people working on the issue. This step is meant only to provide a starting point for the monitoring project. The list of potential sources of information will expand and evolve as the project is implemented.

In some cases, giving voice to the victims is part of the project mandate. For example, rather than fulfill a specific research query, a project's goal might be to collect personal accounts from the victims or potential victims to document their experiences. In the case of a truth commission or public tribunal, the overall goals include providing a forum for victims to come forward voluntarily and tell their stories. In other cases, however, interviewing victims is not required to meet project goals, or the practitioner can obtain the information from other sources, such as advocates who work with the victims. Practitioners who interview victims should only do so

³³ Prestholdt, *Familiar Tools, Emerging Issues*, 8.

when victim participation is safe, strictly voluntary, and appropriate support structures are in place. Practitioners should consider the following questions:

- Is victim participation essential to meet project goals?
- Can the information be obtained some other way, such as through interviewing a victim's representative or advocate?
- If a victim is interviewed, is there a process to ensure it is voluntary, and the victim has given informed consent?
- Are there support structures in place?
- Can confidentiality be guaranteed?

While speaking about the experience may be healing for victims of human rights abuses, it may also be stressful or traumatic. Practitioners should be trained to recognize distress and should incorporate measures into the monitoring protocol to diminish any potential trauma to interviewees.³⁴ See the section **Step 6. Training the Monitoring Team** on page 50 for further discussion of this issue.

Practitioner's tip: The World Health Organization (WHO) provides guidelines on reducing harm to women respondents in studies on violence against women. Practitioners can draw upon these guidelines and adapt them to their specific monitoring context. The following guidelines are taken directly from the WHO guide on researching violence against women:

- Interview only one woman per household.
- Do not interview men about violence in the same households or clusters where women have been asked about violence.
- Dummy questionnaires may be used if others enter the room during the interview.
- Candy and games may be used to distract children during interviews.
- Use of self-response questionnaires for some portions of the interview may be useful for literate populations.³⁵

Human rights monitors can collect the information needed in different ways, ranging from on-site inspections and interviews to forensic exams and process observation. Practitioners should carefully consider methodologies and choose one or a combination of methodologies that best addresses the research objectives, best respects the monitoring principles, and will still be feasible given the project's material and human resources.³⁶ The section **Step 3. Developing Your Approach** on page 24 addresses methodology selection in more detail.

Step 2. Gain Background Knowledge.

Practitioners should develop an understanding of the domestic legal context that governs the issue and affects the violation, victims, perpetrators, legal actors, NGOs, and other stakeholders. At the start of a monitoring project, monitors should identify and review all relevant legislation and standards. The team may also need to determine and understand the framework of applicable systems and protocols. Gaining background knowledge of the legal context may be as simple as reviewing the policy on that issue. In other cases, such as the more complex example of human sex trafficking, the team may need to understand not only the federal and state laws

³⁴ Ellsberg, *Researching Violence Against Women*, 36, 39.

³⁵ *Ibid.*, 39.

³⁶ *Ibid.*, 52-53.

on trafficking, but also criminal laws on prostitution and sex trafficking of minors, immigration law, American Indian law, maritime law, as well as federal, state, and local agencies set up to address the issue.

Some questions to ask when identifying and canvassing laws, policies, and practices include the following:

- What is the human rights violation?
- How do other human rights intersect with that violation?
- What criminal, civil, and administrative laws address those human rights issues?
- What agencies, offices, or actors are involved?
- What plans, policies, and protocols have they issued?
- Are there any general issues that impact this particular human rights violation? If so, are there any relevant policies or protocols governing this issue?

Practitioners should also seek to understand the social, economic, religious, cultural, political, and local factors that affect the human rights violations, as well as attributes of the target group or community. This is particularly important where the practitioners are not part of the affected group, or the organization has not worked previously with that community. In addition to interviewing affected populations, secondary sources, such as literature, reports, scientific research, news articles, and historical documents, can help practitioners understand the context in which the alleged violations take place.

When working in a new community, organizations should develop and pursue appropriate strategies to access information about the group concerned. One tactic is to foster relationships with local contacts and form an advisory committee or outreach group. Local contacts can act as a bridge between fact-finders and the local community.³⁷ They can provide insight on new developments, as well as inform practitioners about ongoing issues. They can also help the fact-finding process by liaising with victims, witnesses, and others and providing them information about and referrals to the monitoring

The Advocates for Human Rights: Conducting Background Research for Its Report, *Sex Trafficking Needs Assessment for the State of Minnesota*

The Advocates for Human Rights conducted a needs assessment on human sex trafficking in Minnesota using a human rights methodology. The report [Sex Trafficking Needs Assessment for the State of Minnesota](http://www.advrightrights.org/Human_Rights_Reports.html) (available at http://www.advrightrights.org/Human_Rights_Reports.html) was published in September 2008. It examines the government response to this issue at the local, state, tribal, and federal levels; identifies facilities and services currently available to trafficking victims in Minnesota; assesses their effectiveness; and makes recommendations for coordinating services to better meet the needs of sex trafficking victims and increasing accountability for traffickers.

Because sex trafficking often involves violations of state, federal and international law, The Advocates first did a detailed legal analysis of the various laws as part of the project design, including the extent to which these laws contradict or compliment each other. This analysis included a review of previous cases of sex trafficking and the strengths and weaknesses of the legal systems in addressing the problem. The background research also included review of data and statistics available about sex trafficking and existing reports on the problem in Minnesota and other states. The monitoring team also surveyed Minnesota organizations working in this field for initial information and the services available to victims of sex trafficking and their views of the gaps in services.

³⁷ Ellsberg, *Researching Violence Against Women*, 172; OHCHR, *Training Manual on Human Rights Monitoring*, 101.

organization. If an organization chooses to establish an advisory committee, it should train the committee about the organization, the project mandate, and the principles of monitoring.

Practitioners should be flexible and creative in seeking information as they prepare for the project. Speaking informally with acquaintances and people not directly involved in the issue can provide information about general public perceptions.³⁸ The experiences of other professionals can signal issues for which to be alert. For example, an attorney may have only five clients, all of whom have reported experiencing the same type of discrimination; although the pool is not large, this pattern highlights trends that should be further investigated.

By understanding other factors that influence the situation and its actors, monitors can better evaluate the dynamics of the human rights violation, its causes and consequences, the victim's needs, and other contributing factors.

Step 3. Developing Your Approach.

Before selecting a methodology and defining the scope of the project, practitioners should assess their capacity in terms of time, expertise, money, infrastructure, and technology. They should determine what they are capable of, and committed to, doing. Evaluating this capacity is an important step to maximize the project's effectiveness given the available resources.³⁹ When faced with limited resources, practitioners should keep in mind that narrowly defining the research issue may enable them to obtain more comprehensive and well-researched information. They should ask themselves questions to fully understand the availability of resources:

- Does the practitioner or organization have the experience needed for the project? If not, can that experience be acquired either by learning it or bringing in another person with that experience?
- Is there sufficient money to do the project in terms of time, salary, overhead, and other expenses?
- What technology is needed for the project? Does the organization already have the technology or can it be obtained through a donation or partnership? Does that technology have a sharp learning curve and if so, is that worth the investment of time?
- Can volunteers be used to leverage limited resources?

Developing a monitoring procedure entails multiple steps, from developing interviewing questions, to establishing and training a team, to developing an interview protocol. While advance planning and the development of procedures are important early steps, practitioners should be prepared to remain flexible throughout the entire process. Practitioners should be willing to alter their methodology and adapt as they encounter gaps or new information. Practitioners should not depend on conditions being ideal. They should be ready to use their judgment to evaluate the circumstances presented and deviate from the protocol if necessary.⁴⁰

i. Time

Time is an important element of any monitoring project design, and practitioners should determine a general timeframe for the project as early as possible. The timeline will be in part dictated by how much and what type of

³⁸ Prestholdt, *Familiar Tools, Emerging Issues*, 12.

³⁹ Rosenblum, Jonathan. *Monitoring Labour Rights: A Resource Manual for NGOs*. Washington, D.C.: AAAS Science and Human Rights Program, 2004, 23. Also available online at <http://www.huridocs.org/wp-content/uploads/2010/07/rtlabour.pdf>.

⁴⁰ The Advocates for Human Rights, Human rights monitoring in our community (unpublished powerpoint presentation on file with The Advocates).

information the practitioner seeks to collect:

- Will the timeline continue until a minimum number of people have participated? Practitioners should keep in mind that interviewing a sufficient number of participants will facilitate corroboration and lend credence to conclusions.⁴¹
- Which groups and how many people from each group does the practitioner want to interview?
- Will the timeline continue until the monitors have collected sufficient information?
- How much information is considered sufficient?

Also, monitoring can be either cross-sectional or longitudinal. Cross-sectional research focuses on a single point in time by splicing out a cross-section of a broader issue for examination. For example, observing a public demonstration within a day is a cross-sectional approach. In general, cross-sectional monitoring tends to serve the purpose of documenting an emerging issue or building a legal case. Longitudinal research occurs over a longer duration, generally months or years, to collect the same data at regular intervals. This might involve monitoring a human rights violation, such as juvenile detention conditions, that would require repeated interviews with the same people, regular case file review, or possibly multiple, regularly spaced site visits.⁴² Longitudinal monitoring allows the practitioner to look for trends through time and tends to serve purposes related to evaluation and monitoring long-term implementation of a law, policy, or system.

Barring other mandated timelines, monitoring should be continued until practitioners have done a full investigation, have examined all potential sources and have developed a solid understanding of the issue.⁴³ Another indicator is to continue the fact-finding until the practitioner can understand the context and learn to identify distortions within the findings brought about by inaccurate information or personal opinions.⁴⁴ Practitioners should look at the objectives of the project and the questions to be answered. If no major gaps are present and the practitioner can begin to identify patterns from the findings, the fact-finding phase is likely nearing or at a completion point. Other indicators that the fact-finding is nearing completion and closure is appropriate may include the following:

- Similar stories being repeated by different interviewees;
- Patterns emerging from interviews; and
- Influx of new information diminishing.

When considering the timeframe for a monitoring project, practitioners should be aware of timeliness in relation to the issue. They should seek a balance between a timeline that reflects the available resources and one that respects the project mandate and monitoring principles. For example, fact-finding that extends out over a period of several years may yield more information, but also may diminish the relevancy of that information. Practitioners should also consider other factors that will be affected by the passage of time, such as urgent victim needs or tolling of the statute of limitations for claims.

⁴¹ Ellsberg, *Researching Violence Against Women*, 44.

⁴² Trochim, William M. Time in Research. *The Research Methods Knowledge Base*, 2nd ed. Cincinnati: Atomic Dog Publishing, 2000. Also available online at <http://www.socialresearchmethods.net/kb/timedim.php>.

⁴³ OHCHR, Basic Principles of Monitoring Chap. 5 in *Training Manual on Human Rights Monitoring*, 91.

⁴⁴ Ellsberg, *Researching Violence Against Women*, 213.

ii. Expertise

Practitioners should design a monitoring project that fits their expertise or develop a plan to acquire key skills or involve additional people. If an organization is venturing into a new issue area, practitioners should ask themselves what the costs and benefits are of venturing into the new area.⁴⁵

Practitioners can develop expertise on an issue with appropriate training and research. Reviewing secondary sources, examining recommendations by other organizations, and conducting preliminary interviews can help strengthen the monitoring team's knowledge of an issue. In some cases, forming an advisory committee of relevant experts and/or members of the target community can provide guidance throughout the project.⁴⁶

Practitioners may also choose to involve outside resources, including consultants or other professionals with relevant expertise. For example, in a monitoring project that involves analyzing the legal system's response to police brutality, recruiting an attorney or judge who has dealt with these cases to review interview questions may greatly improve the effectiveness of the monitoring process.

iii. Financial Resources

The availability of funding can also impact the organization's capacity to carry out monitoring. When assessing financial resources, practitioners should think expansively about all possible expenses that may arise from monitoring and documentation. Examples of line items for which practitioners should plan to allocate costs include:

- staff time to carry out each phase of the project;
- travel expenses to and from interviews;
- room and board if needed;
- reimbursement for interviewees if applicable;
- technology resources;
- layout design and printing costs;
- other equipment (notepads, A/V equipment, laptops, cameras).

Staff time will likely be the greatest expense. Organizations should be careful not to underestimate the number of hours a project will take in terms of gathering the information, conducting the interviews, writing the report, and carrying out advocacy.

In addition, organizations may explore involving volunteers as a resource in monitoring, documentation, and advocacy. With good planning, instruction, and oversight, use of volunteers can effectively leverage limited financial resources. Organizations must be prepared, however, to invest time and resources with volunteers to recruit, screen, train, manage, and recognize them. The section on working with volunteers in Step 4. *Establishing a Monitoring and Documentation Team* on page 31 discusses this component in more detail.

⁴⁵ Prestholdt, *Familiar Tools, Emerging Issues*, 9.

⁴⁶ Ellsberg, *Researching Violence Against Women*, 45

The Advocates for Human Rights: Leveraging *Pro Bono* Resources

At the request of the Liberian Truth & Reconciliation Commission (TRC), The Advocates for Human Rights coordinated the work of the TRC in the diaspora. Between January 2007 and August 2008, The Advocates documented statements from more than 1,600 Liberians across the United States, the United Kingdom, and in the Buduburam Refugee Settlement in Ghana, West Africa. The Advocates also coordinated five days of TRC public hearings in St. Paul, Minnesota, USA to document public testimony from Liberians in the U.S. diaspora. In July 2009, the Advocates presented its 600-page final report to the TRC of Liberia.

The Advocates for Human Rights carried out the Liberia TRC Diaspora Project with no funding from the TRC. Instead, it raised a small cash budget from U.S.-based foundations and individual donors and then leveraged that budget through donations of volunteer time and in-kind support. More than 600 volunteers contributed their time and energy as statement takers, outreach workers, project advisors, data management personnel, researchers, graphic designers, and report writers. More than 20 volunteers paid their own expenses to travel to Ghana to document the statements of Liberian refugees there. The U.S. public hearings were filmed by a volunteer film crew, while *pro bono* lawyers helped witnesses prepare to testify, psycho-social counselors provided support to the witnesses and court reporters transcribed the proceedings. In all, more than 28 law firms, academic institutions, community organizations, and non-governmental organizations (NGOs) were involved as *pro bono* partners with The Advocates' Liberia TRC Diaspora Project.

Pro bono and in-kind contributions totaled more than \$10 million during the three years of the project, demonstrating the tremendous potential of leveraging in-kind and volunteer contributions to carry out a multi-year, multi-phase project with a small cash budget. "This groundbreaking project would just not have been possible without the tremendous contributions of our volunteers," said The Advocates' Executive Director Robin Phillips.

Compiled from: Liberia Truth and Reconciliation Commission Project, The Advocates for Human Rights.

http://www.theadvocatesforhumanrights.org/Liberian_Truth_and_Reconciliation_Commission_Project_2.html; *A House with Two Rooms: Final Report of the Truth and Reconciliation Commission of Liberia Diaspora Project*. The Advocates for Human Rights. St. Paul, MN: DRI Press, 2009.

iv. Infrastructure and Technology

Practitioners should consider the infrastructure the project may require, such as office space, computers, and telephones. Also, they should assess the kinds of virtual and physical technology they may need for all phases of the project. Technology considerations include:

- Software. Organizations should research available software to meet their research needs, including database, citation, and issue-specific software.
- Research tools. Legal, news, or other research databases. Some of these tools are free, such as RSS feeds, while others require a subscription.
- Digital capacity. Organizations may need additional digital storage to house and protect large documents or files.

- Physical electronic equipment. This equipment may include A/V equipment, flash drives, printers, copiers, and laptops.

A variety of online tools relevant to different stages of the process is available, often free or at reduced cost, on the internet. The Media Advocacy section on page 90 and Appendix C. Document Storage on page 119 discuss some of these tools in more detail.

Step 4. Establishing a Monitoring and Documentation Team.

Practitioners should carefully select the monitoring and documentation team. Team members may impact the public perception of the organization's credibility and independence, as well as the project's success. Thoughtful and appropriate selection of the team is fundamental to project success.

i. Project Needs

The first step is to consider the project needs. At the most basic level, a monitoring and documentation project will require interviewers to carry out the fact-finding and authors to draft the report. This section addresses these two roles. Some projects, however, may require other professional expertise, such as the following:

- Lawyers to provide advice to the organization or act as an initial consult for interviewees, for example, if there are potential criminal or immigration status consequences resulting from participation in the process;
- Psychosocial counselors to provide support to interviewees after an interview, if they are discussing difficult memories;
- Interpreters;
- Outreach personnel if there is a need to raise visibility, dispel misperceptions, or garner public support;
- Videographers or photographers to document images;
- Experts for analysis or assessments; and
- Editing and layout teams for the report.

It may be helpful for practitioners to develop guidelines or checklists of requirements for team members, such as particular skills, background, or expertise. To better evaluate prospective team members, practitioners should consider planning for a screening stage, including interviews. Practitioners may request information from potential team members in advance, such as a resumes, statements of interest, or letters of recommendation. Careful screening will help prevent subsequent removal and changing of fact-finders—something that should be avoided if possible except where impropriety, such as breach of confidentiality or incapacity, occurs.⁴⁷

Every monitoring project will have unique characteristics that require different skill sets in fact-finders. There are certain attributes, however, so fundamental to monitoring that practitioners should include these criteria for selecting fact-finders. At a minimum, team members should be able to commit their time, be flexible, and be available. If using volunteers, they should be able to commit their own resources if necessary, such as transport to and from interviews, time, and other incidental expenses. Monitors should be objective, neutral, and free of conflicts of interest.⁴⁸ In some cases, organizations may consider developing a vetting process for the team. For example, where past perpetrators of human rights violations may be present in the community, practitioners may

⁴⁷ Women, Law & Development, *Women's Human Rights Step by Step*, 145.

⁴⁸ *Ibid.*, 144.

wish to have prospective team members submit their names and resumes to an independent vetting committee with knowledge of the context of the conflict. Fact-finders' experience as interviewers, academic backgrounds, and knowledge of the issues are other relevant characteristics.⁴⁹ Other key attributes include: good verbal and non-verbal communication skills; an ability to perform well under pressure, independently, and as part of a team; a non-judgmental demeanor; familiarity with the affected population; aptitude for establishing rapport and connecting with interviewees; good conversational interviewing skills; and an ability to take control of an interview while being respectful to the interviewee.⁵⁰

ii. Team Composition

In evaluating the composition of the team, practitioners should determine whether and to what extent to involve members of the affected community as fact-finders. In some cases, their involvement is appropriate or even necessary to achieve the project mandate. Many organizations have relied on members of the affected community to monitor and document human rights abuses with powerful results. On the other hand, practitioners must assess the potential consequences for the affected population if they engage with the authorities in a role as monitors of the abuse. Regardless of the affected population's role, the monitoring project can have a positive impact on the community by raising public awareness and motivating action for social change.⁵¹

In other cases, factors such as intra-community divisions may indicate that using a neutral monitoring team (without members of the affected community) will promote project success. It can promote the objectivity of the monitors, create a sense of visible neutrality, and help with getting both sides of the story. An independent third party may instill more objectivity and credibility in the findings and provide an opportunity for conflicting parties to meet and discuss the results. There are risks, however, that a neutral team lacking community members will not sufficiently understand the context. Such a team must also take into account the project's consequences for the community. In addition, if the monitoring team does not gain the community's trust, it may be difficult to obtain sufficient information to make accurate conclusions. In these cases, practitioners should consider developing an outreach plan to engage the community.⁵² There are other ways to overcome these obstacles as discussed in later sections.

⁴⁹ Ellsberg, *Researching Violence Against Women*, 159.

⁵⁰ *Ibid.*, 158-59, 162.

⁵¹ Kaplan, *Human Rights Documentation*, 25

⁵² Cho, *Something Inside*, 49.

Generally speaking, the organization can use staff as team members, or it can rely on outside members of the community, partner organizations, academic institutions, firms and companies with *pro bono* resources, and volunteers. Practitioners should consider what expertise, if any, the project demands. For certain kinds of abuses, such as those resulting in physical injury, practitioners may find it useful to include team members with medical backgrounds. Where the particular human rights violation involves navigating the justice system, practitioners may want to include lawyers on the team. Even when an area of expertise is identified, practitioners must consider which individual experts to include and possible implications of those choices. For example, while having reputable authorities may lend credence to the mission, it may also attract unwanted attention.⁵³

Practitioners should be aware of team members' public activities outside of their monitoring work and its possible effects on the team's neutrality. Where it is not possible for monitors to remain completely objective or impartial, practitioners should examine potential biases with team members. These discussions should focus on recognizing any pre-existing notions that may hinder objectivity, so monitors can learn to address, minimize, and segregate those biases from their work.

Practitioners should evaluate whether and what demographic traits will influence the fact-finding process. Demographic considerations such as age, linguistic ability, sex, and socio-cultural background may call for a monitoring team with members that have or lack those characteristics. Where appropriate, such as gender-based violence investigations, practitioners may wish to select a fact-finding team representative of both sexes, so that females can interview females and males can interview males.⁵⁴ Practitioners should investigate beforehand whether having fact-finders from the affected population would be beneficial or detrimental to the fact-finding.⁵⁵

Border Action Network: Involving Affected Community Members in Monitoring

Border Action Network is a membership-based organization that works with immigrant and border communities in southern Arizona. For Border Action Network, human rights monitoring and documentation is an integral part of a larger community process to prevent violations of human rights and create a culture of dignity and equality. In order to document human rights violations and educate communities about their human rights, Border Action Network trains local residents to collect specific kinds of information on a standardized form. Upon completion of the training, volunteers are given materials to begin documenting abuses, as well as a t-shirt and photo ID card to identify them as a Human Rights Documenter. Volunteer Human Rights Documenters set up tables in public places like churches, schools, parks, and grocery stores to educate other affected community members about the need to report human rights abuses as the first step to preventing them. In addition, Human Rights Documenters invite individuals and families to confidentially report abuses committed by both public and private entities. Data gathered by the Human Rights Documenters is then entered into a database for analysis by a team of lawyers specializing in human rights, immigration law, and constitutional law.

Compiled from: Border Action Network, www.borderaction.org; Interview with Border Action Network, April 5, 2010; Human and Civil Rights Violations Uncovered: Report from the Arizona/Sonora Border, 2008.

⁵³ Women, Law & Development, *Women's Human Rights Step by Step*, 144.

⁵⁴ Ellsberg, *Researching Violence Against Women*, 157.

⁵⁵ See Ellsberg, *Researching Violence Against Women*, 158.

iii. Size of the Team

Practitioners should evaluate the size of the monitoring team. Examining the scope of the project and the resources available can provide direction. Practitioners should consider the management and oversight necessary for the size of the team they select.

When constructing a report-writing team, practitioners should take into account a number of considerations. Generally, using fewer authors in the report-writing phase can help streamline tone and style, as well as minimize repetition. The team of practitioners may consider drawing upon a subset of the fact-finders as drafters, as they will have firsthand knowledge of the information and remember details or nuances from the monitoring. Using fact-finders as authors may not always be appropriate, depending on the number of fact-finders and their writing skills. It may be more effective to enlist a smaller team to write the report. Practitioners should prioritize individuals with strong writing skills and prior experience in report-writing. It may also be helpful to engage people with expertise in the issue areas to write thematic sections, research particular areas for background information, or act as reviewers.

iv. Working with Volunteers

Working with paid team members has both benefits and drawbacks. The most salient drawback is that it requires financial resources. Compensating contractors as fact-finders may also compromise information quality. Fact-finders who receive payment on a per-interview basis may finish more interviews more quickly, but also may produce unfinished, brief, or inferior interviews.⁵⁶ On the other hand, compensating fact-finders on a regular basis eliminates the incentive to maximize interview numbers and can result in higher quality product. It does, however, run the risk of exceeding projected costs if fact-finders work more hours than expected.⁵⁷ One strategy for keeping the project within budget and timelines is to offer financial rewards for meeting expectations and producing quality work product.⁵⁸

Another alternative to paid team members is to use volunteers to carry out monitoring, documentation, and advocacy. Although volunteers provide free assistance, organizations should recognize that managing volunteers also requires time and financial resources. Some of the expenses involved in using volunteers include recruitment and training of volunteers, staff time to oversee and manage volunteers, basic overhead costs such as photocopying, postage, and office equipment, reimbursements for any costs incurred, and any type of volunteer recognition.⁵⁹ Practitioners should think carefully about these hidden costs to ensure they have the time and resources to effectively use volunteers. In addition, practitioners should consider whether they have a ready volunteer base—or a mechanism or partner by which to find volunteers—or whether they need to establish a system for this purpose.

⁵⁶ Ellsberg, *Researching Violence Against Women*, 166.

⁵⁷ *Ibid.*, 166.

⁵⁸ *Ibid.*, 166.

⁵⁹ Volunteer Centre Camden, Budgeting to Work with Volunteers, <http://www.volunteercentrecamden.org.uk/pages/top-tips-for-working-with-volunteers.html> (accessed Nov. 10, 2010).

Advantages

<i>To the volunteer</i>	<i>To the organization</i>
Opportunity to 'give back' to society and feel useful	Reach more people
Fills a gap in personal life	Expand the program e.g. outreach, workshops
Flexibility compared with a full time job	Full time staff can concentrate on the bigger picture
Intellectual stimulation and growth	Rich and diverse pool of experience to call on
Meet new, like-minded people	Frees up staff time to specialize in different areas
Actively contribute to education change	More time to develop and explore new methods
Provides job experience if unemployed/ student	Ready-made sounding board

Disadvantages and Difficulties in a Volunteer Program

<i>To the volunteer</i>	<i>To the organization</i>
The term 'volunteer'	Recruitment of suitable people
Could take up too much time	Excluding unsuitable volunteers
Could feel under-valued	Hidden costs
Personality clashes	Extra training needs
Sense of not quite belonging to the organization	Different levels of training to be accommodated
Might not be keen on further training	Extra time needed to manage volunteers
Role may be unclear	Full time staff could feel the volunteers 'take over'
May not be consulted on new policy affecting them	Legislation and unions
	Internal employment protocols

Reproduced with permission from: Howard, J. (1998) Environmental Education in Botanic Gardens Training Course, Kirstenbosch Botanic Garden, South Africa, in BGCI, http://www.bgci.org/education/guide_to_using_volunteers/.

General tips when using volunteers in a project include the following:

- Instruct volunteers thoroughly on organizational protocols.
- Establish a process to screen volunteers and ensure they are an appropriate fit. Resumes, a general volunteer application or questionnaire, statement of interest, interview, and reference checks are a few examples of ways to evaluate whether a volunteer is right for the job.
- Invest the time upfront to recruit and train volunteers thoroughly. Getting off to a strong start with well-informed and prepared volunteers will have a positive impact on the project's success.
- Be accessible to volunteers throughout the project. Check in regularly, be prepared to answer questions, provide feedback, and retain oversight of all components of the project.
- Always maintain control over the project. Establish a clear understanding of expectations on both the volunteer's and organization's part.
- Consider developing a statement of understanding or volunteer agreement for review and signature. At a minimum, the agreement should set forth the expectations for both the organization and volunteer. Other issues may be included:
 - Nature of the relationship between the organization and volunteer;
 - Intellectual property issues (ownership/authorship of work-product);
 - Confidentiality;

- Liability;
- Termination;
- Other related laws;
- Compensation or reimbursement of expenses.
- Continue to affirm volunteers' value to the project. Explore ways to recognize volunteers' contributions, whether recognition in the organizational newsletter, the acknowledgements section of a report, or a post-project celebration.

Step 5. Develop an Interview Protocol

An interview protocol should include overarching guidelines that address the fact-finder's demeanor and approach. Good interviewing requires the interviewer to be non-judgmental, to connect with the interviewee, and to communicate complicated issues clearly. Interviewers should also be professional, polite, and knowledgeable.⁶⁰ In general, interviewers should be prepared to carry out the interviews, be knowledgeable about the context in which violations took place, and be respectful to the interviewee. Creating a set of these considerations can guide interviewers in how they conduct themselves, before, during, and after the interviews. Finally, pilot testing interview questions with team members can help reinforce the protocol and how to apply it in various situations. Running through a trial test will also help practitioners determine if questions are phrased clearly, and if they are eliciting relevant information.⁶¹

i. Developing Interview Questions

After the practitioner has determined what information is needed and how to obtain it (see Step 1 on page 18), the next steps are to outline topics to be covered in an interview and draft interview questions.⁶²

Practitioners should construct different types of questions to elicit broad, comprehensive information on relevant topics. For example, interview questions can be designed to:

- Determine the nature and extent of the human rights abuses;
- Establish the causes and risk factors that contribute to or exacerbate the human rights violation;
- Learn the consequences that result from that human rights violation;
- Target structural issues, such as the laws or systems;
- Seek clarification about the laws, such as vague language or how government actors interpret these uncertainties in practice;
- Elicit information on how pre-identified flaws in the law or policy play out in practice;
- Seek clarification about procedures, guidelines, protocols, and trainings, and remind interviewers to obtain copies of any official documents or template forms during the interview;
- Seek quantitative information to obtain estimates, such as asking police about the number of cases related to a particular issue they respond to each week;
- Learn what efforts NGOs and other advocates are making to respond to the human rights violations; and
- Determine the respondents' views about public perceptions, victim needs, and recommendations for change.

⁶⁰ Ellsberg, *Researching Violence Against Women*, 162; Women, Law & Development, *Women's Human Rights Step by Step*, 148.

⁶¹ United States Office of Personnel Management, *Structured Interviews: A Practical Guide*, Sept. 2008, 14.

⁶² The Advocates for Human Rights, *Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse*, The Advocates for Human Rights, February 2008 (unpublished powerpoint presentation on file with The Advocates).

If the project mandate is investigating a specific event or victim experience, one set of uniform interview questions may be appropriate. The questions should correspond appropriately to the violation under investigation.⁶³ Depending on the project mandate, however, practitioners may need to develop different question sets for each information source. For example, separate question sets may be needed for different groups, such as judges, prosecutors, police, lawyers, community activists, victims, witnesses, perpetrators, advocates, and religious leaders. If so, practitioners should assess what information is needed and what each group can provide. Practitioners can then develop tailored questions. Knowing the different interviewee groups will also influence the approach. For example, gaining government access to documents or sites or bringing up human rights violations requires the interviewer to take a proactive approach.⁶⁴ Asking government representatives highly specific questions and giving them as much time as possible to speak will help interviewers gauge the government's position on a particular issue.⁶⁵ When interviewing perpetrators and officials, interviewers should be receptive to information that both supports and contradicts the issues under investigation.⁶⁶

Practitioners can also ask open-ended questions and simply allow interviewees to describe their experiences in a narrative style.⁶⁷ This approach may be more appropriate when interviewers are seeking experiences or information about a specific event. Even so, practitioners should consider including a set of specific follow-up questions to ensure the story is as detailed as possible or to establish the basis of a complaint.⁶⁸ Follow-up questions for victims or witnesses' accounts of events should focus on:

- The perpetrators and relevant details such as identifiers, distinctive dress, number of perpetrators, presence of weaponry, names, unit, and other witnesses;
- Details of what transpired, including threats or harm against the interviewees or their families;
- Length of harm, type of violence, weapons used, and body parts targeted,
- Short and long-term effects;
- Demands made; and
- Conditions of transfer and/or confinement.⁶⁹

In general, the following guidelines may be helpful for practitioners as they develop their interview questions:

a. Drafting Questions

- Questions should be open-ended, non-leading, and non-inflammatory. Use as few yes or no questions as possible.⁷⁰
- Avoid framing questions in a judgmental or aggressive tone. Practitioners should anticipate that some interview questions may stir up feelings of trauma or sadness and should craft questions that are understanding in tone.⁷¹
- Craft interview questions to be concise, easy-to-understand, and as clear as possible. Avoid lingo, slang, and emotionally loaded words. Use ordinary language and terms familiar to the respondent.⁷²

⁶³ D. Ravindran, Manuel Guzman, and Babes Ignacio, eds., *Handbook on Fact-Finding and Documentation of Human Rights Violations* (Philippines: Asian Forum for Human Rights and Development (FORUM-ASIA, 1994), 34.

⁶⁴ Kaplan, *Human Rights Documentation*, 49.

⁶⁵ *Ibid.*, 49.

⁶⁶ D. Ravindran, *Handbook on Fact-Finding and Documentation of Human Rights Violations*, 38.

⁶⁷ OHCHR, *Training Manual on Human Rights Monitoring*, 116.

⁶⁸ *Ibid.*, 117.

⁶⁹ *Ibid.*, 118.

⁷⁰ Kaplan, *Human Rights Documentation*, 44; Ravindran, *Handbook on Fact-Finding*, 32.

⁷¹ D. Ravindran, *Handbook on Fact-Finding*, 34.

- Do not ask questions that are outside the mandate.
- Consider framing the same question in varying ways. Rephrasing and posing a question in different ways during the interview can also help evaluate credibility.⁷³
- If applicable, include a map or diagram to facilitate questioning and responses about events.
- Consider asking an expert or other appropriate person to vet questions beforehand to ensure that they are relevant and comprehensive.

b. Sequence

- Include an introductory script at the top of questions that introduces the interviewers and the organization, describes the project mandate, explains how the information will be used, explains what the interviewer can and cannot do with the information or case, and explains issues of confidentiality.
- Lead off with more non-controversial and less sensitive questions.⁷⁴ For example, asking interviewees to describe their work and duties is an initial question that helps set a comfortable tone.
- Prioritize the most pressing questions in terms of question order.
- Ask for stories without compromising confidentiality. The use of experiences can help illustrate and lend credence to conclusions.
- Be prepared to deviate from the question set if needed during the interview to obtain clarification or more details.⁷⁵

c. Concluding Questions

- Ask if the interviewee has other additional names to recommend for an interview or other sources.
- Ask if the interviewee has anything else to add.
- Allow the interviewee time to ask questions of the interviewer.⁷⁶

ii. Setting Up the Interview

The first step in setting up an interview is to identify who should be interviewed. Organizations should seek to interview all sides when fact-finding. They should keep in mind that the other side may not necessarily be the perpetrator who directly committed the violation. It may mean interviewing government actors about their response to the event. It may also mean interviewing members of the general community to gauge their impressions and opinions.

There are several methods for identifying interviewees. One strategy is to map out the different sectors and main actors involved in the human rights violation and the response. Using the map, practitioners can visit websites or call organizations to identify the primary persons handling that aspect of the issue. Practitioners may look to secondary publications to identify experts to contact for interviews or interviewee recommendations. Advisory committee members or others involved with the issue may suggest names. Practitioners may also produce an interview request form that allows potential respondents to contact the organization directly, making it available on the internet or at appropriate venues. Because there is no direct person-to-person interaction, the request form should provide information about the organization, project contact information for staff team, and directions on

⁷² Ibid.

⁷³ OHCHR, *Training Manual on Human Rights Monitoring*, 117.

⁷⁴ OHCHR, *Training Manual on Human Rights Monitoring*, 117.

⁷⁵ Kaplan, *Human Rights Documentation*, 45-46.

⁷⁶ See The Advocates for Human Rights, *Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse*, London: The Advocates for Human Rights, 2008 unpublished powerpoint presentation on file with The Advocates; D. Ravindran, *Handbook on Fact-Finding*, 33; OHCHR, *Training Manual on Human Rights Monitoring*, 117.

how to return the form. The organization should evaluate the project to determine which of these means are the most appropriate.

Practitioners should be sensitive to the time requirements of each interview and estimate the time each interview will require based on the list of questions.⁷⁷ Pilot testing interview questions will help determine how much time to allot each interview. Practitioners should plan to interview only one person at a time.⁷⁸ When scheduling the interview, practitioners should confirm that the respondent has the time available to participate in the interview.⁷⁹ They should also avoid planning too many interviews in a day and leave sufficient time for interviews that run over time, travel and transition between interviews.

a. Outreach

Practitioners should evaluate whether outreach or a public statement on the project may be beneficial. Outreach can dispel mistrust and promote participation in the process. Increasing visibility through outreach or media may also facilitate access to high-ranking individuals.⁸⁰ Alternatively, the organization may not want to draw attention to the investigation in cases in which publicity may potentially cause harm to interviewees. Practitioners can vary the level of publicity, for example, informing the public that the study is taking place, but not giving specific details about the methodology or the individuals participating in the research.⁸¹

Practitioners can use various means of outreach to inform the broader public of the project. Holding town hall meetings, speaking at religious services and public events, scheduling publicity on radio shows or in print publications, and going door-to-door to speak to people are a few ways to reach out to the community. Practitioners should also evaluate whether using electronic or other written forms of communication are appropriate for the project.

b. Designing an Interview Format

Selecting an Interview Location

As a general rule, the interview should be conducted in private. Interviewers may need to establish safe, off-site venues for interviewing, such as churches, mosques, synagogues, libraries, community centers, or schools that have private spaces. Generally, the interviewee should be allowed to select the time and place of the interview. It may be the interviewee's home, the interviewer's office, or a separate, third venue. Interviewers should suggest an alternative place if they feel that privacy or security will be compromised in the location chosen by the interviewee. For example, an interviewee who suggests a café should be informed that that venue may be noisy, requiring both parties to speak loudly about what could be potentially sensitive or personal topics, creating a risk

Practitioner's tip: Some questions practitioners should ask themselves when gauging levels of visibility include the following list:

- What are the benefits of raising visibility for the project and the affected population or participants?
- What are the negative consequences of raising visibility for the project and the affected population or participants?
- What is the nature of the project and what types of questions will be asked?
- Will the nature of the project or questions place people at risk?
- What resources, skills and relationships are available to increase visibility in these ways?

⁷⁷ Kaplan, *Human Rights Documentation*, 41-42.

⁷⁸ Women, Law & Development, *Women's Human Rights Step by Step*, 147.

⁷⁹ Kaplan, *Human Rights Documentation*, 41-42.

⁸⁰ Prestholdt, *Familiar Tools, Emerging Issues*, 12.

⁸¹ Ellsberg, *Researching Violence Against Women*, 39.

of having others overhear the interview. If the interviewee insists on holding the interview in a space where others are nearby, interviewers should seek to conduct it out of the hearing range of others.

Some questions practitioners should ask themselves when deciding on an interview location include the following:

- Is it accessible to the interviewee?
- Is it secure in that no one's physical safety will be compromised?
- Is there a chance of being overheard?
- Is there a chance the interview will be subject to interruptions?
- Will the interviewee be comfortable in the environment? Keep in mind that different interviewees will feel comfortable in different settings; some people may prefer to speak in the privacy of their home, while others may prefer a neutral setting in another location.

Informed Consent

Practitioners should always take steps to ensure that respondents give informed consent prior to participation. Informed consent involves providing the respondent with clear and accurate information about who the interviewer represents, why the interview is taking place, and what the outcome will be.⁸² Informed consent may minimize any potential harm to the interviewee by creating appropriate expectations and ensuring that the interviewee's participation is voluntary.⁸³ The interviewer should explain to the respondent the extent to which the information will remain confidential.⁸⁴ In some cases, such as those involving high-level officials or authorities in remote areas, it may not be realistic to withhold the identity of the interviewee, in which case the interviewer should inform the interviewee and obtain his or her consent to proceed with the interview.

Practitioners should develop an informed consent form for the respondent to read and sign or initial. In addition to the information above, suggested topics the informed consent form may include are:

- basic information about the project;
- what will happen to the information from the interview;
- how and for what length the interview information will be stored;
- confidentiality;
- the role of the interviewers;
- expectations of what the organization can and cannot do;
- disclosure of potential consequences of participating in the interview;
- a reminder that participation is voluntary;
- a reminder that interviewees may skip a question they do not want to answer or end the interview at any time;
- information about potential re-traumatization; and
- confirmation that the respondent will provide an accurate and truthful interview to the best of his or her knowledge and recollection.

⁸² Kaplan, *Human Rights Documentation*, 41.

⁸³ Ellsberg, *Researching Violence Against Women*, 36.

⁸⁴ Kaplan, *Human Rights Documentation*, 41. Practitioners may wish to explain the organization's citation to interviewees as part of informed consent. For example, the practitioner may explain that the only identifying information to be cited will be the respondent's general title (if applicable), city and date.

The informed consent process may also include standardized consent questions allowing respondents to designate the level of confidentiality for the information they provide, including whether they want to remain anonymous. A practitioner can give the form to the respondent to read or read it to the respondent.

Documenting the Interview

Choosing a method by which to document or record the interview requires some degree of consideration. Recording tools can vary and include writing, audio recording, video recording, photography, sketches, and online mediums. Practitioners should ask themselves:

- Whether they can effectively take handwritten notes and still capture details?
- Do they have the electronic infrastructure and funding to use electronic means?
- If using an audio or video recorder, can confidentiality be guaranteed? Is there a reason to think this method of recording will have a chilling effect on interviewees?

Practitioner's tip: If respondents wish to remain anonymous, they should be given the option of signing their name on the informed consent form, making a verbal attestation as verified on the form by the practitioner, or indicating consent in an alternative manner if they wish to remain anonymous.

The type of recording tool will depend on the type of monitoring and the project mandate. Monitoring may include interviews, visual inspection, process observation, collection and review of materials, photography, audio-visual or other recording, forensic examination, or any combination of these methods.⁸⁵ Practitioners should consider the advantages and disadvantages of all types of recording an interview.

In some cases, video/audio recording will be the appropriate means of fulfilling the mandate. For example, an oral history project records the stories as told by the sources themselves. Practitioners can make these available as transcribed, streaming audio, or video.⁸⁶ Unedited videos can be housed in libraries or other archives.

Standardized forms are another recording tool. Using a standardized form can facilitate collection of consistent data sets, as it provides the monitor with a set of pre-determined information fields to fill. It also efficiently packages the information for reducing to numbers for a basic quantitative analysis.

Practitioners can use standardized forms as a complaint mechanism to monitor and document human rights violations.⁸⁷ Such forms can also be used for intake purposes to determine the case's eligibility for the agency⁸⁸ or in combination with other forms of documenting the interview. When asking questions or filling in information, the practitioner does not need to follow the order in which the questions are listed but should at least remain cognizant of the form to promote completeness.⁸⁹ If the situation calls for additional space or information, additional information can be recorded on a separate sheet of paper to be appended; the appendix should identify the source by a record number instead of the complainant's name.⁹⁰

Another legitimate method of recording the interview is to take handwritten notes. Handwritten notes may allow interviewees to feel more comfortable and be more forthcoming in their responses. Also, having a notebook in

⁸⁵ Manuel Guzman and Bert Verstappen, *What is Documentation*, Human Rights Monitoring and Documentation Series 2 (Versoix, Switzerland: HURIDOCS, 2003), 19.

⁸⁶ See Act Up Oral History, About, ACT UP, <http://www.actuporalhistory.org/about/index.html> (accessed June 11, 2010) as an example.

⁸⁷ See OHCHR, Part Three: The Monitoring Function, *Training Manual on Human Rights Monitoring*, 103.

⁸⁸ See Appendix 1 to Chapter XX of OHCHR *Training Manual on Human Rights Monitoring*.

⁸⁹ *Ibid.*, 103.

⁹⁰ *Ibid.*, 104.

hand facilitates diagramming, sketches, and maps if needed to illustrate an event. On the other hand, it may be difficult for the interviewer to capture all the details and quotes. One way the interviewer can address this problem, however, is to simply pause the interview and ask the interviewee to repeat the statement. Also, handwriting notes will require that the interviewer invest time afterward to type up the notes or enter them into a database.

Another means of recording the interview is by using an audio recorder. Using audio equipment facilitates greater accuracy by documenting every word. Practitioners should keep in mind that using an audio recorder may have a chilling effect on some interviewees and hinder their responses to some extent. Also, using audio equipment requires interviewers to be prepared to contend with technical requirements, such as making sure a battery is fully charged or there is an electrical source nearby. Finally, audio equipment may require greater resources, since interviewers will need to make the initial investment in the equipment itself, as well as time and personnel to transcribe or listen to the interview after it takes place.

Practitioners should be aware of the heightened risks for confidentiality when using an audio recorder. They should consider the risks of compromising interviewees' safety if the recording reveals their identities and should take measures to safeguard this information. Also, interviewers should seek to limit recording to what is needed for the project.⁹¹ Interviewers who record using audio equipment should discuss the risks and the measures undertaken to protect confidentiality, as well as how the recording will be stored and used, prior to obtaining the interviewee's consent to be recorded.⁹²

Similarly, practitioners may record the interview by typing notes on a computer. Electronic recording can facilitate greater accuracy in recording details or quotes. It can save interviewers time, since the majority of the notes will have been typed up simultaneously during the interview and may require only review and minor edits.

Practitioners should be aware of any potential chilling effects these devices may have and ensure the interviewee is comfortable with their use during the interview. As with audio equipment, using a laptop requires interviewers to be prepared to contend with technical requirements. Interviewers will need to make the initial investment in the equipment itself. If the organization decides to type its interviews, the interviewers should take steps to safeguard confidentiality by protecting interview notes through coding systems or passwords and take appropriate steps to backup data.

Using Interpreters

If translation is needed, practitioners should find a qualified interpreter who understands the terminology specific to the issue being investigated. The interpreter's role is to neutrally and objectively facilitate communication.⁹³ Interpreters should be held to the basic principles of human rights monitoring as fact-finders.

When selecting interpreters, practitioners should ensure that they have the fundamental skills needed to interpret in an accurate and sensitive manner.⁹⁴ Interpreters should be appropriate to the context, and not, for example, come from a population group that may intimidate interviewees or hinder their responses.⁹⁵ For example, using an

⁹¹ Columbia University/Columbia Medical Center. Institutional Review Board Policy/Procedure: Audio/Video/Photographic Recording of Human Subjects, 1. Effective April 12, 2005.

⁹² *Ibid.*, 2-3.

⁹³ Ravindran, *Handbook on Fact-Finding*, 36.

⁹⁴ Women, Law & Development, *Women's Human Rights Step by Step*, 145.

⁹⁵ *Ibid.*

interpreter from an ethnic group with historical conflicts with the interviewee's ethnic group may inhibit or offend the interviewee. Similarly, using an interpreter with a well-known past role in the government may intimidate potential respondents and limit their participation in the process.

Vetting an interpreter is an important safeguard to ensure that there are no conflicts of interest or risks of harm.⁹⁶ Practitioners should also ensure that interpreters are not personally intimidating.⁹⁷ Practitioners should understand the dynamics of the community and abuse; for example, a rape victim may be more comfortable speaking through a female rather than a male interpreter.⁹⁸ Ultimately, practitioners may find it necessary to use interpreters who do not live in the area under investigation.⁹⁹

Practitioners should draw up guidelines for interpreters and provide the following instructions:

- Respect confidentiality.
- Ensure accuracy and completeness. The interpreter should translate everything that is stated and inform the interviewee that he or she will do so. Interpreters should not summarize the interviewees' words, but translate as closely as possible to the original words. Interpreters should understand it is essential to convey the exact spirit and meaning of the words. The interpreter should ask the interviewee to pause to allow him or her to translate as needed.
- Be impartial. If an interpreter cannot interpret impartially, the practitioner should not invite the interpreter to participate in the project or should even ask them to withdraw. The interpreter should never tell the interviewee what to say. The interpreter should avoid judgment.
- Be professional. Interpreters should maintain professional boundaries and avoid helping the client outside of the project mandate.¹⁰⁰
- Attend any applicable trainings and read training materials.
- Review pertinent vocabulary and become familiar with the context.
- Speak clearly in a normal voice that both parties can hear.
- Clarify the meaning of special terms or words with the interviewer and interviewee as needed.
- Speak in first person.
- Avoid summarizing responses but instead translate word-for-word.
- Self-monitor and correct as needed.¹⁰¹

Conducting the Interview

Ideally, a two-person team should conduct the interview: one person to lead the interview and ask questions and the second person to take notes and ask follow-up or clarification questions if necessary. Working in teams can promote accuracy for the interviewee, as well as security in areas deemed risky. In some cases, a third person, such as an advocate or support person, may also be present. Practitioners should ensure interpreters know and understand the ground rules for interpretation.¹⁰² Where only one person is available to conduct an interview, that person should proceed with the interview, taking time as needed to record details and ask for clarification when needed.

⁹⁶ OHCHR, *Training Manual on Human Rights Monitoring*, 113.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ Interpretation/Translation, The Advocates for Human Rights (unpublished, on file with The Advocates).

¹⁰¹ *Ibid.*

¹⁰² See the Section on Using Interpreters as discussed above.

Before the interview begins, the interviewer should make introductions, describe the project and its mandate, explain the interviewer's role, reassure the participant of procedures to maintain confidentiality, review the informed consent process with the interviewee, and underscore the importance of details during the interview.¹⁰³ It may be helpful to prepare a checklist for team members to carry into interviews to ensure they cover all points with the respondent.

At the start of the interview, the interviewer should record basic details about the interview, such as the following:

- Name of the interviewer(s);
- Name of the interviewee(s);
- Title and associated organization of the interviewee(s);
- Name of the interpreter, if applicable;
- Location where the interview took place;
- Date and interview start time;
- Contact information.

Whether the record should include additional attributes of the interviewee will depend on the mandate and project goals. Examples of other traits that may be relevant are age, sex, occupation, place of origin, religion, nationality, ethnicity, language, familial status, immigration status, education levels, and income. Practitioners should ask the interviewee which data may or may not be used.¹⁰⁴

The protocol should include whether the interview notes will be recorded in first or third person. In general, recording an interview in first person can capture the person's words as stated and facilitate greater accuracy in quotes. Also, entering personal notes about follow-up, credibility, and references to other data is a good way to record the interviewer's reflections, but such notations should be clearly set off in brackets or double parentheses to reflect that it comes from the interviewer, not the interviewee.¹⁰⁵

As part of the protocol, practitioners should develop and adhere to a controlled vocabulary. A controlled vocabulary reconciles synonymous terms and will facilitate the end processing of the information. For example, fact-finders and respondents may use different terms interchangeably to describe the same concept: domestic abuse and domestic violence; perpetrator and offender; and penal code and criminal code. During the analysis phase, a practitioner searching for one term may not identify a record that uses the alternative term. By developing a controlled vocabulary that dictates which word will be used, practitioners can make the monitoring process more effective.

During the interview, practitioners may take several steps to promote credibility. They should test the internal consistency and coherence of the narrative. Asking the same question different ways can help interviewers gauge the credibility of an interviewee.¹⁰⁶ Practitioners might also consider establishing a mechanism to detect potential

¹⁰³ Kaplan, *Human Rights Documentation*, 41.

¹⁰⁴ *Ibid.*, 45.

¹⁰⁵ Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis* (Newbury Park, CA: SAGE Publications, Inc., 1984), 64-65.

¹⁰⁶ OHCHR, *Training Manual on Human Rights Monitoring*, 117.

problems in the monitoring phase that might affect credibility, such as team members recording false or inaccurate information, not adhering to the protocol, or failing to complete work.¹⁰⁷

Finally, the interviewer should keep in mind the following guidelines throughout the interview:

- Build rapport and be patient. Maintain eye contact and sit level with the interviewee.¹⁰⁸ Letting the respondent state what he or she believes is significant, even if not germane to the mandate, can bridge a connection between the interviewer and interviewee.¹⁰⁹ Allow the interviewee to tell the story and answer questions at his or her own pace. Do not rush the interview.¹¹⁰
- Avoid judgment or evaluation.¹¹¹ Be aware of non-verbal signals (by the interviewer), such as facial expressions that reveal shock or judgment.
- Do not interrupt the interviewee.¹¹² If questions or confusion arise, make a note to ask when the interviewee is finished speaking.
- Do not push the interviewee.¹¹³ If an issue is too sensitive, come back to it later. Remember this is not a prosecution, and do not cross-examine the interviewee.
- Be sensitive to cultural differences.¹¹⁴ For example, in some cultures, it may be disrespectful to look authorities or elders in the eye when speaking. Be aware of and sensitive to these differences.
- Obtain as much relevant detail as possible. Verifying and recording the names and titles of people, places and dates will help preserve the information more accurately. Verify spelling when needed.¹¹⁵ If appropriate and helpful to better depict the event, interviewers may request the interviewee to sketch a diagram or picture or use gestures to describe the event to be described in the interview notes.¹¹⁶
- Ask questions to clarify. This may be the only and last opportunity the interviewer has to speak with the interviewee, thus clear up confusion or obtain more detail at the interview.
- Use your observation skills. If relevant to the project's objectives, observe and describe the interviewees' physical and psychological symptoms during the interview.¹¹⁷ During the interview, evaluate the overall demeanor and credibility of the interviewee.¹¹⁸
- Respect confidentiality at all times. Never discuss with interviewees what other interviewees have revealed.¹¹⁹ It violates the principle of confidentiality, and it also diminishes the interviewer's credibility.¹²⁰
- Treat each interview as though it will be the last with that person. Be adequately prepared, strive for optimal interview conditions, and be thorough.¹²¹
- Know when to stop.¹²² If the interviewer begins to lose control of the situation, be prepared to stop the interview and either restart after regaining control or reschedule.

¹⁰⁷ Rosenblum 2005, p. 25.

¹⁰⁸ The Advocates for Human Rights, Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse (unpublished powerpoint presentation on file with The Advocates).

¹⁰⁹ OHCHR, *Training Manual on Human Rights Monitoring*, 116.

¹¹⁰ The Advocates for Human Rights, Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse (unpublished powerpoint presentation on file with The Advocates).

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ The Advocates for Human Rights, Making the Global Local (unpublished powerpoint presentation on file with The Advocates).

¹¹⁵ Kaplan, *Human Rights Documentation*, 45.

¹¹⁶ Ibid.

¹¹⁷ See OHCHR, Part Three: The Monitoring Function, *Training Manual on Human Rights Monitoring*, 106.

¹¹⁸ The Advocates for Human Rights, Making the Global Local (unpublished powerpoint presentation on file with The Advocates).

¹¹⁹ Women, Law & Development, *Women's Human Rights Step by Step*, 149.

¹²⁰ Ibid., 47.

¹²¹ See Kaplan, *Human Rights Documentation*, 40.

¹²² The Advocates for Human Rights, Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse (unpublished powerpoint presentation on file with The Advocates).

At the end of the interview, interviewers should ask if the respondent has anything else to add, any suggestions for other people to interview, and any questions for them. Interviewers should thank the respondents and provide referrals if appropriate.

Referrals

When working with an affected group that is likely to be in need of services, such as social, psychological, or financial, the practitioner should be prepared to provide referrals while respecting the interviewees' autonomy and confidentiality.¹²³ Referrals for support can include emergency phone numbers, child care services, clothing resources, food shelves and free meals, health care, counseling services, employment services and programs, housing referrals, legal assistance, services for new immigrants, and other resources specific to the target population. Practitioners may want to develop a standard referral form listing community resources and phone numbers to have available at interviews. Where support resources are lacking, practitioners should consider establishing short-term support structures through volunteer services or collaborations with appropriate agencies.¹²⁴

c. Handling Difficulties

Practitioners should develop guidelines for addressing common problems that may arise during interviews. Guidelines should instruct interviewers to remember their duty to maintain control over the interview. They should balance this responsibility with other principles and remind interviewers to remain sensitive and professional at the same time.

Practitioners should prepare in advance for difficult or hostile interviewees. In this situation, the interviewer should maintain professionalism and avoid judgmental responses. Interviewers can help defuse tension in the interview by providing context to build trust, demonstrating an understanding of the challenges, backing up and engaging in small talk if appropriate, and rephrasing questions.¹²⁵ If all else fails, the interviewer should end the interview and seek to reschedule.¹²⁶

Developing ground rules on how to minimize or prevent interruptions during the interview is an important measure when the interviewee does not wish her participation to be known or the communications are sensitive. Before the interview begins, interviewers should advise the interviewee of how they will handle interruptions. Should an interruption occur, interviewers should be prepared to end the interview or switch to another, safe discussion topic.¹²⁷ Interviewers can use other team members to divert the attention of other household members who are present.¹²⁸

In some cases, the interviewee may need and want to bring others along to the interview. For example, the interviewee may need to bring small children along, in which case the interviewer should consider bringing toys, candy, or coloring books to distract them. If the interviewee brings along an advocate or support person, the

¹²³ Ellsberg, *Researching Violence Against Women*, 36-39. See also Women, Law & Development, *Women's Human Rights Step by Step*, 149.

¹²⁴ Ellsberg, *Researching Violence Against Women*, 36.

¹²⁵ The Advocates for Human Rights, *Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse* (unpublished powerpoint presentation on file with The Advocates).

¹²⁶ *Ibid.*

¹²⁷ Ellsberg, *Researching Violence Against Women*, 173.

¹²⁸ *Ibid.*, 173.

interviewer should establish that the purpose of the interview is to obtain information from the designated interviewee and clarify the role of the third person as that of support.

Practitioner’s tip: Interviewers should also bring tissues and water when the interview will be long or emotionally difficult for the respondent. Also, interviewers may be on a tight schedule or interviews may run longer than expected. Bringing snacks and having a cell phone on hand will help interviewers navigate through a busy day. They should also stay flexible and arrange breaks to relax as needed.¹²⁹

d. After the Interview

Practitioners should type up, transcribe or process their interview notes as soon as possible to promote accuracy. Interviewers should review their notes and seek clarification from the other team member present at the interview. They should make any notes about credibility and identify gaps to determine whether there is a need for follow up.¹³⁰ Team members should debrief with each other either daily or on a regular basis and evaluate the process for gaps or unexpected hurdles.

Step 6. Training the Monitoring Team

Training the fact-finding team is an important stage in the monitoring process. Practitioners should invest time and thought into developing an appropriate and thorough training program to accomplish the following:

- Sensitize fact-finders to the human rights issues;
- Train fact-finders on the project mandate, methodology, and interviewing;
- Develop a sense of team and motivation among team members.¹³¹

In general, the training program should include the following:

- Information about the organization, project, its mandate, and protocol;
- Expectations;
- Background on international human rights standards;
- Information about the particular human rights violations to be investigated and the specific context;
- Ethical considerations;
- Re-traumatization, vicarious traumatization, and stress management;
- Practical instruction on how to carry out fact-finding.

Developing a training manual with information on these issues, plus contact information for the organization, can be an important resource for team members. If resources are limited, organizations can create CDs with the training information or upload materials to a secure online location to save printing costs. Also, practitioners may consider videotaping the training and making it available on DVDs or online video streaming. Practitioners should keep in mind, however, that print or video materials cannot replace the value of live training that allows trainees to ask questions and to work with other team members.

¹²⁹ Women, Law & Development, *Women’s Human Rights Step by Step*, 145.

¹³⁰ The Advocates for Human Rights, *Making the Global Local* (unpublished powerpoint presentation on file with The Advocates).

¹³¹ Ellsberg, *Researching Violence Against Women*, 159.

i. Information on the Organization, Project, Its Mandate, and Protocol

Training should describe the organization and project, including project origins, scope, objective, timeline, and final outcome, and provide team members with copies of this information for later reference. The training should also instruct team members on the protocol for conducting fact-finding. Ensuring that team members know and understand the project and its protocols is an important means of maintaining credibility and ensuring adherence to the project mandate.

Practitioners should give team members tools to help illustrate and reinforce these messages. Providing team members with organizational brochures, annual reports, or a recent report can help promote an understanding of the organization. Developing a set of answers to Frequently Asked Questions about the organization and project may be helpful for team members to understand the project and prepare them to respond to questions they encounter. Organizations may also provide team members with reference packets about the organization, project, and mandate for team members to carry while fact-finding.

ii. Expectations

Trainings should communicate both what the organization expects of the team member and what the team member may expect from the organization. It may be useful to delineate a statement of the understanding to communicate to team members before the monitoring begins.

A statement of understanding should begin by confirming the agreement between the organization and the team member regarding the fact-finding project. It should describe the purpose of the project and its expected timeline. The statement of understanding should outline the commitment of the organization to the project. The specific obligations of the organization may include the following:

- To assist in preparing the objectives and details of the fact-finding project and the team member's participation, including the organization's expectations of what the project will accomplish;
- To provide briefings on practical advice concerning the human rights project;
- To supply briefing materials including background information for the project and resources for referrals to service providers as needed during the course of fact-finding;
- To communicate protocols and procedures and any changes to the team members.

The statement of understanding should also include the commitment of the team member to the project. These obligations may include the following:

- To prepare background and preparatory materials as agreed;
- To complete the training;
- To read and review background and preparatory materials provided and refer to them as needed;
- To keep all information related to the project confidential and to agree not to disclose any information about the interviewees or the interview content to anyone outside of the organization staff or other members of the team;
- To contact the organization should any unusual circumstances arise during the project;
- To keep a record of all pertinent information obtained during the project, subject to the need for confidentiality to protect project contacts, including the names and addresses of all contacts made throughout the project and notes of the interviews to which delegate is assigned;

- To comply with the protocols and procedures as established by the organization;
- To respect all boundaries and not enter into a client-attorney, patient-medical provider, or other relationship with the respondent outside of project scope;
- To complete a certain number of hours or interviews within a specified timeframe;
- To complete his or her work according to the project protocol;
- To return all completed interview notes and work product to the organization in a timely manner;
- To demonstrate communication and flexibility, accept changes to the protocols and procedures as they arise, and work cooperatively with other members of the team at all times;
- To understand that vicarious trauma is a possibility when conducting fact-finding;
- To coordinate all communications about the project with the organization, forward all media or other public requests to the organization, and agree not to speak on behalf of the project without specific authorization by the organization;
- To submit an expense report for any reimbursable expenses to the organization within a specified deadline;
- To assist with the final fact-finding and documentation report;
- To assist with advocacy activities related to the project.

The training should address the expenses, if any, such as travel, lodging, and per diem expenses, the team member is responsible for paying and the expenses that will be reimbursed by the organization. If the organization is compensating fact-finders, it may want to develop an employment agreement for team members.

Depending on the project, the organization may wish to address any potential risks and ensure the monitor understands there may be potential risks involved in the project. It may consider drafting a waiver agreement that releases the organization from any claim or right of action arising from or by reason of any physical harm, physical detention, health problem, or property loss which results from participation in the project.

It may be helpful for organizations to codify these expectations in a formal written statement of understanding for all team members to review and sign prior to committing to the project. If possible, organizations should have an attorney review the agreement.

iii. Background on International Human Rights Standards

The training program should address human rights and the relevant international standards. There are numerous tools available for training on human rights. For example:

- The Office of the High Commissioner on Human Rights offers educational materials on its website, information on human rights basics, and thematic fact sheets.¹³²
- DiscoverHumanRights.org includes several free resources, including a human rights toolkit, human rights primer, information on the human rights system, and human rights in the U.S.¹³³
- The Urban Justice Center's Human Rights Project has developed numerous tools and trainings about human rights standards and strategies for using them to advance domestic policy.¹³⁴

¹³² OHCHR, Training and Education, OHCHR, 2010, <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>;
OHCHR, Human Rights basics, OHCHR, 2010, <http://www.ohchr.org/EN/PublicationsResources/Pages/HumanRightsBasics.aspx>; OHCHR, Fact Sheets, OHCHR, 2010, <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>.

¹³³ The Advocates for Human Rights, General Human Rights, The Advocates for Human Rights, http://discoverhumanrights.org/General_Human_Rights.html.

¹³⁴ Urban Justice Center, Human Rights Project, <http://www.hrpujc.org>.

- The US Human Rights Network maintains an extensive web-based resource library on a variety of human rights topics, including disability rights, indigenous rights, international law, and economic, social, and cultural rights.¹³⁵

iv. Information about the Particular Human Rights Violations to be Investigated and the Specific Context

The training for the monitoring team should describe the human rights violations to be addressed by the project, including both the defined issue and all the associated violations. For example, a project investigating sex trafficking would address not only the human rights violation of trafficking itself, but also other abuses such as sexual assault, general assault, kidnapping, and false imprisonment. Practitioners can develop their own tools or use news articles and reports to provide examples of how the problems manifest themselves. A sample Human Rights Violation Tool, which lists examples of human rights violations in the aftermath of Hurricane Katrina, is included in Appendix B.

Where relevant, the training should cover the timeline or key events leading up to or contributing to the human rights violations. The timeline should include all relevant occurrences, such as social, legal, and political events, historical root causes, incidents of major human rights violations, and economic factors. It should also address the context, local conditions, key players, and stakeholders. For example, context may include the local community dynamics, general attitudes and perceptions, or availability of victim resources.

Where relevant, the training should also address the federal and local laws governing the issue, as well as official protocols, guidelines, and other policies. Practitioners should think inclusively about all possible instruments that may govern an issue. For example, a project monitoring domestic violence should address the following: criminal laws on domestic violence, assault, terroristic threats, strangulation, and any other relevant provisions; civil laws on orders for protection, harassment restraining orders, remedies, and child custody; protocols and guidelines on child protection, victims of crime, social services, and legal aid; and related forms and protocols on documenting domestic violence, filing applications for orders for protection, and issuing orders for protection for police, judges, and court personnel. On the other hand, a project monitoring peer-to-peer bullying in school might only focus on school policies, cyberlaw on harassment and stalking, and the juvenile justice system.

The training should address other pertinent topics, such as history, body language, non-verbal cues, such as common or disrespectful hand signals, cultural considerations for building rapport, and common vernacular phrases. These considerations are particularly important when working with specific communities. Informing monitors of cultural nuances such as these will help promote sensitivity during the monitoring process. Team members may find it helpful to have maps or other visual aids at the training if relevant. Also, including a glossary, list of key words, players, and acronyms may facilitate team members' understanding of the context.

It may be helpful to bring in advocates or experts to train on specific issues. For example, if the investigating organization is working with an immigrant population, practitioners should consider bringing in an appropriate person from that community who can present cross-cultural training for fact-finders. As another example, an organization investigating sexual assault may consider using an advocate from a crisis center to discuss the dynamics of sexual assault and victim considerations.

¹³⁵ US Human Rights Network, Resource Library, <http://www.ushrnetwork.org/content/page/resource-library>.

v. Ethical Considerations

Training should emphasize the principles of monitoring and particularly emphasize the ethical considerations for conducting fact-finding. Above all, fact-finders should do no harm and always keep in mind the safety of the people providing the information. Also, fact-finders should respect the mandate; understand the country and respect the authorities; protect confidentiality of information; always exercise good judgment; behave professionally; and remain impartial, objective, accurate, and patient.¹³⁶

To maintain credibility, an interviewer should avoid making promises to participants that cannot be kept. For example, if an interviewee asks the practitioner to meet with legislators about the report, the practitioner may not be able to commit to that request for a number of reasons. There may be potential conflicts of interest, it may be premature to commit to a particular advocacy strategy, and that practitioner may even have exited the project at that point in time.

Also, practitioners may need to consider the issue of compensation for interviewees and how it may impact the credibility of the project. On the one hand, interviewees are using their time, energy, and possibly their own transportation to participate in fact-finding; offering compensation recognizes the value of their time and may bring a larger participant pool.¹³⁷ On the other hand, compensating interviewees could be seen as breaching the principles of voluntary participation or compromise the objectivity of the monitoring.¹³⁸ There may be an inclination for the participant to give information he or she perceives is agreeable to the interviewer.¹³⁹ Should organizations wish to recognize participants' time, one option is to compensate participants with non-monetary tokens of appreciation,¹⁴⁰ such as coffee mugs, tee-shirts, or a meal.¹⁴¹ Reimbursement of participants' travel expenses is another form of compensation.¹⁴² Finally, organizations can make symbolic gestures, such as dedicating the final report to victims or participants.

Monitoring human rights violations in the United States can have legal implications for respondents and team members. If there are potential criminal and immigration ramifications for respondents and others involved in the project, there may be a need to train team members to be alert for such risks. Practitioners should establish safeguards or protocols regarding these issues before the training and be prepared to inform fact-finders of the procedures to follow. For example, practitioners may have built in a legal consultation system for respondents to use before they participate in an interview. Training should describe this process to team members, clearly delineate roles, and provide them with the lawyers' contact information.

Providing examples of scenarios may help team members understand how to apply ethical principles to different situations:

¹³⁶ See the description of monitoring principles.

¹³⁷ See generally Ellsberg, *Researching Violence Against Women*, 178.

¹³⁸ *Ibid.*

¹³⁹ OHCHR, *Training Manual on Human Rights Monitoring*, 110.

¹⁴⁰ Ellsberg, *Researching Violence Against Women*, 178.

¹⁴¹ Organizations should be cautious about any messaging on these tokens that could jeopardize the confidentiality of respondents' participation in the project. Ellsberg, *Researching Violence Against Women*, 178.

¹⁴² OHCHR, *Training Manual on Human Rights Monitoring*, 110.

Situation	Non-ethical response	Better ethical response
Interviewer is concerned about the psychological state of the interviewee after an interview	Interviewer calls a psychosocial counselor without obtaining the client's permission and asks the counselor to follow up with the client.	Interviewer provides closure and allows enough time for the interviewee to compose himself/herself and transition back to the present. Interviewer acknowledges that it may be difficult to discuss past abuse and return to reality and checks whether interviewee has somewhere to go or someone to be with that evening. Interviewer validates and normalizes the manner in which the survivor conducted himself/herself during the interview. ¹⁴³ Interviewer provides an approved referral to the interviewee. Interviewer debriefs with the team leader and discusses possible follow-up with interviewee.
Interviewer is experiencing vicarious traumatization and having difficulty managing his or her own stress.	Interviewer talks with partner or spouse about the stories as a way to manage stress.	Interviewer debriefs with team members after each interview. Interviewer remembers the larger mission of the project. Interviewer addresses his or her own emotional and mental health needs and nurtures sources of hope and inspiration. Interviewer contacts the organization team member with concerns and questions. ¹⁴⁴
Interviewee asks interviewer for legal or medical advice in the course of the fact-finding.	Interviewer gives legal or medical advice to the interviewee outside the scope of the project mandate.	Interviewer remembers his or her role as a fact-finder and maintains boundaries. Interviewer provides appropriate referrals to interviewee.
Interviewee does not understand the question posed.	Interviewer mentions another interviewee's response (with or without the name) as a way to explain the question.	Interviewer reframes the question a different way; if interviewee still does not understand the question, interviewer moves on.

Trainings should also address ethical considerations that may arise after the project is finished. For example, a team member may want to write a blog entry or an academic piece about the project or about his or her experience. When the team has communicated to respondents the purpose of the interview and assured them of

¹⁴³ Liberia TRC Statement Taker Training Manual, Section 5A (citation omitted).

¹⁴⁴ Liberia TRC Statement Taker Training Manual, Section 5D, , as adapted from Interviewing Survivors of War Trauma and Torture, Patricia Shannon, Ph.D. I.P, Center for Victims of Torture, presented for Minnesota Advocates for Human Rights on Dec. 15, 2006; Secondary Traumatization, Andrea Northwood, Ph.D., Center for Victims of Torture.

the confidentiality, such activities could compromise those assurances and the organization's credibility. Organizations should develop their own policies for these and similar matters. At all times, however, organizations should be guided by the ultimate priority of protecting confidentiality of the information. To safeguard against any breach of ethics, practitioners should communicate to team members beforehand that information resulting from the project cannot be used for independent purposes without authorization from the organization.¹⁴⁵

vi. Re-traumatization, Vicarious Traumatization and Stress Management

a. Re-traumatization

Training should prepare the monitors for the potential of re-traumatization of interviewees. Particularly where a torture victim recounts the events of his or her abuse, the experience can bring back traumatic memories. Re-traumatization cannot always be prevented or avoided, but it can be minimized or managed. Some tips for fact-finders in handling emotions include the following:

- Pace the interview to avoid overwhelming the interviewee;
- Recognize and acknowledge the difficulty in reliving the abuse;
- Demonstrate empathy;
- Validate and normalize the interviewee's conduct during the interview; encourage the interviewee's emotional expression in a supportive environment;
- Redirect;
- Promote self-awareness, monitoring and management;
- Actively listen to the interviewee;
- Avoid assumptions or judgments about the interviewee's behavior; avoid labeling or categorizing the interviewee's behavior; avoid shaming the interviewee;
- Use self-control over interviewers' own shock or anger over the victimization; recognize and own their personal discomfort with any of the interviewee's issues, so it is clear to the interviewee that it is the issue—not the interviewee—causing the discomfort;
- Develop knowledge about the dynamics of the human rights violation, its physical, social, and emotional consequences, and relevant history;
- Do not hug or otherwise touch the interviewee.¹⁴⁶

b. Vicarious or Secondary Trauma

The training program should also address the possibility of vicarious traumatization of the fact-finders. Vicarious traumatization is trauma-related stress from working with survivors of abuse. Trainings should alert team members to be aware of the symptoms, including fatigue, sadness, withdrawal, apathy, indifference, emotional numbness, forgetfulness, confusion, and cynicism. Other symptoms include: loss of compassion or trust in humanity, demoralization, and loss of emotional control, creativity, problem-solving skills, and sense of humor. The physical symptoms of vicarious trauma include difficulty sleeping or relaxing, headaches, stomach pain, diarrhea, joint or muscle pain, and illness.¹⁴⁷

¹⁴⁵ Women, Law & Development, *Women's Human Rights Step by Step*, 145.

¹⁴⁶ *Liberia TRC Statement Taker Training Manual*, Section 5A, 5C, as adapted from Minnesota Coalition against Sexual Assault training Manual, What People Who Are Victims/Survivors Need.

¹⁴⁷ *Liberia TRC Statement Taker Training Manual*, Section 5D, as adapted from, Patricia Shannon, Ph.D. I.P., Interviewing Survivors of War Trauma and Torture, Center for Victims of Torture (presentation, Minnesota Advocates for Human Rights, Minneapolis, MN, Dec. 15, 2006); Andrea Northwood, Ph.D., Secondary Traumatization, Center for Victims of Torture, <http://www.cvt.org/file.php?ID=5718>.

Trainings should emphasize the following ways to manage vicarious trauma:

- Debrief with team members after each interview;
- Remember the larger mission of the project;
- Address interviewer's own emotional and mental health needs;
- Nurture sources of hope and inspiration; and
- Contact an organization team member with concerns and questions.¹⁴⁸

Also, the training can include reference to background reading material to help fact-finders understand and manage potential vicarious trauma.¹⁴⁹ If practitioners anticipate a high degree of probability that the fact-finders will experience secondary traumatization, they should consider enlisting professional psycho-social counselors to assist with training the monitoring team.

vii. Practical training

The monitoring protocol will dictate the specific topics of the training, but in general, practitioners should address these subjects:

- Overall guidelines to conducting interviews;
- Fact-finding protocol, which may be provided to monitors as a checklist, including:
 - Setting up interviews
 - Establishing interview locations
 - Completing informed consent procedures
 - Carrying out the interview (including introduction and what information to collect in the interview)
 - Recording the interview
 - Using standardized forms for the interview
- Using interpreters, if applicable;
- Cross-cultural issues;
- Handling difficult interviewees;
- Follow-up and referrals.

Mock interviews can illustrate and reinforce the monitoring protocol. A mock interview not only illustrates the interviewing protocol, but it also can demonstrate unexpected challenges and how to respond to them.

Practitioners should engage a team member with past fact-finding experience to play the roles of the interviewee and interviewer. One method is for the trainer to develop a set of interview questions and allow the interviewee to ad-lib answers or read prepared responses.¹⁵⁰ The mock interview should also conclude with evaluation and questions from team members.¹⁵¹

Step 7. Storing the Information

A final, but important, step in the monitoring stage is documentation retention and storage. There are no one-size-fits-all information management solutions for human rights organizations. Indeed, the data storage needs and modes of each discrete project may require practitioners to design unique storage policies. Practitioners should

¹⁴⁸ Ibid.

¹⁴⁹ Secondary Traumatization, Andrea Northwood, Ph.D., Center for Victims of Torture is a resource on this topic.

¹⁵⁰ Ellsberg, *Researching Violence Against Women*, 163.

¹⁵¹ Ibid., 163.

develop and follow a protocol to protect data in storage and in publication to ensure that respondents can neither be identified nor associated with the information they gave. The level of security measures will depend on the scope of the project and the issues being investigated. For example, information gathered in a small community may require greater anonymity and more detailed security procedures than a broader survey.

In developing a data management scheme, the practitioner must weigh several other considerations, asking questions such as the following:

- What resources are available to the organization for secure electronic and/or physical storage?
- What is the size and scope of the project?
- What level of information security is necessary to adequately protect confidentiality and uphold the principle of do no harm?
- Is long-term archival preservation of the first-hand accounts collected part of the project mandate?

A more detailed discussion about storage options and considerations can be found in Appendix C.

CHAPTER 4. ADDITIONAL MONITORING TOOLS



Effective human rights monitoring uses multiple methods to gather and verify information about human rights violations and abuses. While interviews often form the core of the fact-finding, additional monitoring tools help corroborate, provide context for, or fill in gaps in information obtained through interviews. In some situations, they may even provide information that may not otherwise be obtainable through interviewing.

Practitioners can draw upon a variety of tools to complement the information obtained through interviewing, including: 1) gathering information through focus groups and community meetings; 2) documentation and case file review; 3) visual inspection of specific locations; 4) observation of events, including processes such as trials or elections; 5) media monitoring; or 6) legislative monitoring.

A. GATHERING INFORMATION THROUGH FOCUS GROUPS, TOWN HALL FORUMS, AND COMMUNITY MEETINGS

Focus groups, town hall forums, community meetings, and other group discussions create a dynamic interaction among participants that may bring forth information not elicited in individual interviews. Observing as people share information and compare different points of view can provide insight into community norms and values. Participants in a group meeting may also raise new issues for researchers.

While group fact-finding methods have value, practitioners must consider whether such methods will be appropriate, productive, and safe for participants. Practitioners should consider whether a group setting is likely to elicit the answers sought or whether it will be a barrier to honest participation. Will fear of either real or perceived infiltration or retaliation influence the answers given or willingness to participate? The identities of the participants, the power relationship between them, and the setting will influence the outcome. For example, a group meeting of inmates about prison rape conducted within the prison and under the observation of guards will likely produce different results than private interviews with former inmates no longer in the physical control of their guards.

The *focus group* is a specific methodology best suited to assess attitudes and influences that impact people's behavior. Focus groups may be useful in the formative stages of project planning, to identify areas for further investigation, or to document attitudes and opinions that impact either the findings or the recommendations. Focus groups involve small numbers of people—approximately 8-10 participants¹⁵²—and participants generally share similar characteristics, demographics, or experiences.¹⁵³ Practitioners should work with at least two groups with the same characteristics and questions to develop the best data.¹⁵⁴ Practitioners should prepare a series of open-ended questions ahead of time to both guide and promote the discussions.¹⁵⁵ The questions and responses should be memorialized, either by using a note-taker or recording and transcribing the conversation. Again, the fact-finder may consider the impact this will have on participants' willingness to speak freely or at all.

Fact-finding may also take place in less structured group meetings, community forums, and group interviews. Group discussions such as these may help identify patterns and themes or additional avenues of investigation. In addition to the statements made by participants, fact-finders may document their observations about the dynamics of the groups themselves. As with focus groups, the conversation should be memorialized through notes or transcripts. Observations about group dynamics, domination of the conversation by powerful or intimidating participants, presence of infiltrators or perpetrators of human rights violations or abuses, and other such factors all must be noted and factored into the analysis.

¹⁵² Robert Shumer, *Youth-Led Evaluation: A Guidebook* (Clemson, SC: National Dropout Prevention Center, 2007), 40.

¹⁵³ For example, participants that are similar in terms of social class, age, level of knowledge, gender and cultural/ethnic background. See, e.g., Brian Katulis, *Women's Rights in Focus: Egypt* (New York: Freedom House, 2004), 34.

¹⁵⁴ Ellsberg, *Researching Violence Against Women*, 133.

¹⁵⁵ Richard A. Krueger, "Planning Guide for Focus Groups," available at http://www.tc.umn.edu/~rkrueger/focus_planning.html, accessed Nov. 10, 2010.

Los Angeles Community Action Network: Gathering Data

The mission of Los Angeles Community Action Network (LA CAN) is to help people dealing with poverty create and discover opportunities, while serving as a vehicle to ensure they have voice, power, and opinion in the decisions that are directly affecting them. LA CAN's constituency is homeless and extremely low-income people living in downtown Los Angeles. LA CAN uses multiple approaches such as impact litigation, community education and empowerment, and leadership development to address issues related to homelessness, health, housing, and discrimination.

LA CAN also conducts community-based monitoring and documentation. One example is LA CAN's Taken for Granted: Ignoring Downtown Food-Insecurity (2005). For this Community Assessment Report, LA CAN's main goal was to gather data from a variety of sources, using a variety of methods, to create a comprehensive picture of the conditions and needs of Central City East of Los Angeles. To collect information from various sources to answer five research inquiries about food insecurity and barriers to accessing nutritious food, LA CAN used eight monitoring tools:

1. *Mapping*: GIS and mapping technologies to generate maps showing retail food venues, residences, and population density.
2. *Sidewalk surveys*: Trained surveyors to visit food venues and fill out forms documenting prices, food selection, business hours, sanitation, acceptance of Electronic Benefits Transfer cards, and other factors.
3. *Interactive exercises*: Four exercises with 60 residents that use visual cues to obtain residents' perceptions of foods' nutrition, determine their food preferences, gauge residents' financial restrictions to buying food, and learn about local food availability.
4. *Food journals*: Eighteen residents document the food they eat on a daily basis for one week.
5. *Surveys*: Trained volunteers administer pilot-tested surveys at locations throughout the community for two weeks. 196 people voluntarily participate and receive tokens of appreciation.
6. *Focus groups*: Focus groups with senior citizens, families with children, homeless people and people living with disabilities. The same eight questions are asked for each focus group.
7. *Interviews with charitable food providers*: Interviews with food providers about the logistics of providing free meals, the nutritional content, accommodations for special dietary needs, and the financial aspects of running the service.
8. *Community forums*: Sharing of the initial findings with community residents to gather their feedback on how to improve food insecurity and garner healthier and economical food to residents in the community.

Based on the findings from these monitoring tools, LA CAN evaluated the information through statistical analysis, coding, identification of themes, and visual presentations of food availability. LA CAN presented the final results along with recommendations in its report, which is available on its website at <http://www.cangress.org/archive-documents/foodreport.pdf>.

Compiled from: Los Angeles Community Action Network. www.cangress.org; Interview with LA CAN, by The Advocates for Human Rights, March 5, 2010; Taken for Granted: Ignoring Downtown Food-Insecurity, LA CAN, October 2005.

B. COLLECTION AND REVIEW OF DOCUMENTARY EVIDENCE

Document and case file review involves the collection and review of documentary evidence. Documentary sources include laws, regulations, or other government documents; letters; transcripts; court, police, and prison records; videos and photographs; medical records; and forensic evidence.¹⁵⁶ Secondary documentary sources include news reports, books, articles, and other written resource materials.¹⁵⁷ Practitioners should always be mindful of the credibility of these sources, and where appropriate, ensure the evidence is signed or similarly certified.¹⁵⁸

Besides being a direct source of information, documents and case files can also provide insight into the dynamics of the human rights violation. For example, examining trial transcripts and decisions can expose a judge's reasoning, enabling the practitioner to gauge whether the judiciary has an understanding of the human rights issue or whether its reasoning reflects harmful misperceptions. Case files can also provide the practitioner fact patterns as examples of the human rights violation, as well as efforts undertaken by victims to seek protection or a remedy.

Practitioners can also apply simple quantitative analysis to documentary evidence to estimate prevalence of a particular violation or evaluate how laws or policies are working in practice. For example, if police records indicate a high number of assaults, but prosecution records show a low number of cases opened or convictions obtained, this disparity may indicate a breakdown in the justice system.

Secondary sources often provide important historical context for understanding the information gathered through other fact-finding methods. In addition, looking at the media's treatment of issues may provide insight into the social or political climate relating to the abuses or violations.

C. OBSERVATION

Observation of sites, processes, and events provide fact-finders with invaluable information. While observation often requires an on-site presence, television and webcasts make it increasingly possible to conduct remote observation of some events, such as trials.

An on-site investigation mission requires advance planning. Practitioners should prepare by conducting background research and preliminary interviews prior to the visit. To maximize efficiency, interviews should be scheduled prior to the visit when possible; additional follow-up and scheduling can continue on-site. Practitioners should evaluate any special expertise needed to assess the particular conditions and carefully select team members with special skills based on those needs. For some kinds of visual inspection (such as detention facilities) or process observation (such as trials), practitioners may need to request permission from the authorities in advance in order to gain access.¹⁵⁹ Logistical planning will also be needed for accommodation, transportation, and interpretation or translation needs.

¹⁵⁶ Prestholdt, *Familiar Tools, Emerging Issues*, 9.

¹⁵⁷ *Ibid.*

¹⁵⁸ Ravindran, *Handbook on Fact-Finding*, 14.

¹⁵⁹ See OHCHR, Part Three: The Monitoring Function, *Training Manual on Human Rights Monitoring*, 137.

Practitioners should make careful, objective notes about every aspect of the event that they are observing, including number of participants, timeline of activities, names of public figures, content of discussions, and other relevant observations. Diagrams, sketches, or maps of details may be helpful, as well as descriptions of gestures, physical appearance, or movements. Informal conversation and interaction with participants may also yield insights and should be recorded in notes.

Process Observation: Observation of processes, such as legal proceedings or elections, can be used to gather information about how laws and policies are implemented in practice. Observation can reveal gaps or failures in systems that lead to human rights violations, but may also show positive practices. Observation of all components of the system enables

practitioners to better understand how the system works or fails to work and how to make practical recommendations.

Process observation undertaken in conjunction with fact-finding interviews and document review is particularly effective in the areas of administration of justice and elections. Observation can be an important tool in assessing the independence of the judiciary, the effectiveness of domestic remedies for violations, and in determining the extent of impunity.¹⁶⁰ Trial observation can also help to bring attention to cases of human rights violations and provide support to the victim.¹⁶¹

Practitioners should consider how their presence may influence the process they are observing. When process observation is used as a method of fact-finding, the purpose of observation is not to determine the guilt or innocence of the person standing trial, but to assess the fairness of the proceeding.¹⁶² The presence of observers may be used, however, not only to document problems but to encourage adherence to existing rules or standards.¹⁶³

WATCH: Court Monitoring Makes a Difference

Founded in 1992 in Minneapolis, Minnesota, WATCH engages in court monitoring to make the justice system more effective and responsive in handling cases of violence against women and children, and to create a more informed and involved public. Its mission is premised on the principle that public scrutiny will help ensure a just and fair court system.

WATCH's court observation provides an example of process observation to protect the rights of women and children. WATCH is able to carry out widescale monitoring by using trained volunteers to observe and report on more than 5,000 hearings per year in the Hennepin County court system. These volunteers carry red clipboards to maintain a visible presence in the courtroom and record important data and observations on specially designed forms.

Using the information observed through daily court monitoring, WATCH is in a unique position to document problems and make recommendations on how the courts can improve safety for women and children. Based on its court monitoring work, WATCH has published a report on the judicial response to victim impact statements during sentencing, established a fatality review task force to review domestic homicides and address gaps in the county system, and advocated for the creation of a domestic violence county court. One judge had this to say about WATCH, "They hold up a mirror [to us]...and sometimes we don't like what we see."

Compiled from: WATCH. www.watchmn.org; Interview with WATCH, by The Advocates for Human Rights, May 17, 2010.

¹⁶⁰ D. Ravindran, *Handbook on Fact-Finding*, 51.

¹⁶¹ International Commission of Jurists, *Trial Observation Manual*, http://www.jsmp.minihub.org/Reports/otherresources/Trial_Observation_Manual.pdf, 2002, 3.

¹⁶² D. Ravindran, *Handbook on Fact-Finding*, 51.

Prior to undertaking observation, practitioners must have sufficient information about the process they intend to monitor and the standards to which those processes should adhere so that they can understand what is happening, what should be happening, and what is missing from the proceedings they are observing. Practitioners should understand the rules governing access to the location, recording of proceedings, interaction with participants, and conduct during proceedings. Election and trial monitors risk ejection from the site if their conduct fails to conform to existing rules, and they must consider such rules when developing their tactics.

Observers should consider how they wish to appear while observing, including where they sit or stand, and whether they wish to be identifiable as observers. Court monitoring notes should be treated as any interview findings and, where appropriate, should safeguard the confidentiality of the parties involved.¹⁶⁴ Practitioners who are undertaking a large court monitoring project should develop standardized forms to promote consistent adherence to observation protocols and improve data collection. If possible, observers may seek to obtain copies of the case files of the proceedings they observe.¹⁶⁵

On-site Inspection: Practitioners seeking to monitor human rights often visually inspect sites, conditions, photos, and other evidence. Going to the site of the human rights abuse allows the practitioner to visually inspect the site, conduct face-to-face interviews, speak to more community members, take photographs, and obtain greater access to documents, news reports and evidentiary material. Inspection used along with interviews and other methods can corroborate and ascertain the credibility of information obtained.

Practitioners must always consider the effect of their presence on-site.¹⁶⁶ Will their presence do harm by bringing unwanted attention, opening up victims to retaliation, or creating false expectations for victims? Alternatively, will sending a fact-finding mission help generate greater solidarity for victims and persuade the government to take steps to address the violations? Monitors must be careful to avoid creating false expectations or making promises to victims that the monitor will be unable to keep.

D. AUDIOVISUAL TOOLS

Technological improvements and decreased equipment costs have greatly increased the ability of practitioners to use audio, photographic, and video tools to monitor human rights. MP3 recorders, video cameras, and digital cameras are inexpensive and easily transported, increasing opportunities to use them to create powerful images of human rights abuses. Online tools such as YouTube and Flickr, as well as social media sites such as Twitter and Facebook, make it easy to distribute these images.

Practitioners should pay careful attention to the principles of human rights monitoring when using audiovisual tools, particularly the principles of do no harm and confidentiality. Before making any audiovisual recording, practitioners should ensure that they advise the individual as to what they plan to do with the recording and obtain informed consent for its use.

¹⁶³ For resources on monitoring other kinds of processes, please see Chapters 14 and 15 of the OHCHR Training Manual on Human Rights Monitoring on Election Observation and Monitoring Demonstrations and Public Meetings; National Lawyers Guild Legal Observer Training; and the Election Defense Alliance Comprehensive Guide to Monitoring Computerized Elections.

¹⁶⁴ International Commission of Jurists, *Trial Observation Manual*, 15.

¹⁶⁵ See the Section on Collection and Review of Documentary Evidence discussed above.

¹⁶⁶ See OHCHR, Part Three: The Monitoring Function, *Training Manual on Human Rights Monitoring*, <http://www.ohchr.org/Documents/Publications/training7part59en.pdf>, 136.

Practitioners can use audio and video to record stories and experiences directly from victims and witnesses. Because these recordings can be made immediately and universally available through websites, audio and video can be powerful tools for use in advocacy and education as well as in human rights fact-finding.

Photography has long been a powerful means of documenting human rights abuses. Practitioners can use photos to tell a story, either simply through the imagery itself or by creating photo galleries with accompanying captions. Photographs can also be used in a report to help illustrate findings. Where the content may be particularly troubling or difficult to read, use of photos can help make the document more accessible to readers. When photographs will be used as documentary evidence, some human rights practitioners recommend ensuring that photographs are signed or otherwise certified.¹⁶⁷

USHRN and the Testify!Project: Using Video to Bring the Stories of Human Rights Abuses to the United Nations

In an effort to bring to the stories of ordinary citizens affected by human rights abuses to the United Nations, the US Human Rights Network (USHRN) launched an innovative video contest called the Testify! Project. The United States' human rights record was reviewed for the first time by the new UN Human Rights Council in November 2010 as part of the Universal Periodic Review (UPR) process. Even though the UPR took place in Geneva, Switzerland, the Testify! Project made it possible for the USHRN to contribute a grassroots portrayal of the status of human rights in the United States.

Participants in the Testify! Project were asked to create a one to two minute video to answer in their own words the questions: “How are human rights violated in your community?” and “What should the U.S. Government do to protect these rights?” More than 60 individuals and groups submitted videos on human rights issues that ranged from access to adequate health care to the denial of rights of indigenous communities, to immigration issues faced by the gay and lesbian community. After a public vote narrowed down the finalists, a panel of judges with expertise in human rights and video activism selected two winners. Romeo Ramirez's video described how he and his fellow migrant laborers work to put food on the tables of families across the U.S., yet could hardly feed their own families and face sub-poverty wages and frequent abuse from employers. The second round winning video, submitted by the La Jolla Band of Indians, highlights a community walk bringing attention to the disproportionately high rates of rapes and assaults on native women.

In September 2010, the USHRN held an event in Geneva to bring these stories to the Human Rights Council delegates who would be questioning the United States during the UPR. A compilation of the top ten videos was also screened, followed by a panel discussion, at an event in Geneva during the week of the United States' Universal Periodic Review in November 2010. “The Testify Project is a chance for the voice of people in the community who have suffered the indignities and violations of their human rights to be heard,” said Ajamu Baraka, Executive Director of USHRN. All of the Testify!Project videos can be viewed at <http://ushrnetwork.org/testify/>.

Compiled from: Testify Project! US Human Rights Network. <http://ushrnetwork.org/testify/>.

¹⁶⁷ See D. Ravindran, *Handbook on Fact-Finding*, 14 for a discussion of the level of proof in fact-finding.

Practitioners can plan to take their own photographs to document images as part of the fact-finding process. When taking photographs, monitors should at all times remember to observe the monitoring principle to do no harm. Monitors should never take photos of identifiable individuals without discussing the intended use of the photos and obtaining informed consent. In addition, practitioners should take photographic images of sites of human rights abuses, signage, landscapes, maps, venues, large groups of people, etc. to add depth to the monitoring process.

Some websites also offer free use of photographs, but practitioners should exercise caution in selecting appropriate photos for use in reports and advocacy as using a photo unconnected to the material could undermine credibility. Organizations may also consider working with professional photographers who are willing to donate their photographs for use in publications. Photographs are subject to copyright, which generally belong to the original photographer. Practitioners should seek written confirmation of the photographer's permission to use the photograph and or assignment of copyrights.

E. MEDIA MONITORING

Media monitoring involves the systematic collection, review, and analysis of radio and television broadcasts, print media publications, or online information sources. Practitioners can use media monitoring to track patterns and new developments; corroborate and enhance findings from interviews and other fact-finding methods; provide insight into how the media deal with a particular issue or group; identify messages and examine how those messages are framed; and develop an understanding of public perception and misperceptions. Media monitoring can provide practitioners with insight into the best way to address and improve coverage of human rights issues, as well as to develop subsequent advocacy around those issues.

Media monitoring has undergone a radical transformation in recent years. News sources have multiplied dramatically with the advent of the Internet, and most media outlets now post their content online. This content, in turn, is indexed by free search engines and made accessible to users around the world. These new search technologies make media monitoring not only more accessible, but more efficient and powerful. While information search tools do not process or analyze information, they do provide a means for quickly and easily obtaining information from media sources. The following descriptions are not an exhaustive list but a starting point to provide an overview of the tools available to conduct media monitoring.

i. Web Alerts

Google,¹⁶⁸ Yahoo!,¹⁶⁹ and Bing¹⁷⁰ all provide free news monitoring services. These web alert services send automatic e-mails that provide practitioners with the latest news stories related to the interests specified in the user's subscription. Web alerts enable a media monitor to avoid duplicative search efforts on multiple sites by automatically transmitting specific information.¹⁷¹ If the search query is broad or will garner a large number of results, practitioners may want to open a new email account specifically for these results to prevent overwhelming their regular accounts.¹⁷²

¹⁶⁸ Google Alerts, Google, <http://www.google.com/alerts>.

¹⁶⁹ Yahoo! Alerts, Yahoo, <http://alerts.yahoo.com/>.

¹⁷⁰ Bing News, Bing, <http://www.bing.com/news>. Note that the media monitoring functionality of Bing is found under the news alerts link.

¹⁷¹ Jérémie Pernet, *Media Monitoring, Information Scanning and Intelligence for Human Rights NGOs* (Versoix, Switzerland: HURIDOCS, 2009), 18.

¹⁷² *Ibid.*

ii. Newsletters

Newsletters are publications regularly published by organizations and institutions to disseminate information. Newsletters are often available on the internet and provide regular information about an issue.¹⁷³ Key organizations or other bodies working on the issue may also publish regular newsletters for subscription.

iii. RSS

Really Simple Syndication (RSS) enables monitors to link information from informational websites. Information from a website feeds into and appears as displays on the individual's page as widgets. Widgets present the first few phrases of information, allowing the reader to grasp what information is available on the source website. A monitor can create a dashboard of personalized information to incorporate in his or her website using tools, such as Newsgator Feed Demon or Google reader. Netvibes, iGoogle, PageFlakes, Webwag, Bubbletop, and Yahoo Pipes can screen the information received.¹⁷⁴

iv. Blogs

Blogs, short for weblogs, are another tool in monitoring information on the web. Blogs can enable the monitor to learn of user-generated content that is not reported as news or an alert, such as Google Blog Search, Blog Pulse, and Technorati. They are also used by activists and journalists facing restrictions of their freedoms of communication.¹⁷⁵

Monitors should use blogs with some caution, however, as a blog is essentially an online diary. While factual content in the blog should generally not be regarded as authoritative without secondary support, blogs can provide monitors with the latest commentary on a variety of topics from varying perspectives to gain an understanding of public perception and context. Monitors can sort out comments and opinions of users who do not write full blogs to gauge reactions (Backtype). Board Reader enables monitoring discussions on message boards. Monitors can also follow microblogging, such as Twitter, by using tools like Twingly microblog search.

F. MONITORING LEGISLATION AND RULEMAKING

Monitoring legislative developments can help practitioners track the progress of legislation they oppose or support, and prepare for new opportunities or threats to human rights in their communities. While legislative processes can often be inaccessible, practitioners can stay apprised of legislative developments with adequate planning and the right monitoring tools.

Legislative monitoring may have tax implications for non-profits that practitioners should keep in mind. As addressed in the advocacy section of the manual, non-profits are not completely barred from engaging in lobbying, but are restricted in the scope of their lobbying activities. Simply hiring a lobbyist to monitor legislative activity does not constitute lobbying. However, the way practitioners use the information obtained through legislative monitoring might constitute lobbying in some circumstances. For example, while it is acceptable for practitioners to author a report to the United Nations analyzing the compliance of U.S. legislation with international law, creating legislative scorecards analyzing the human rights voting record of individual lawmakers might pose

¹⁷³ Ibid., 19.

¹⁷⁴ Ibid., 20.

¹⁷⁵ Ibid., 9.

a problem.¹⁷⁶ In general, however, bill monitoring—and even the use of a lobbyist to do so—will not constitute lobbying. See the section *Advocacy* on page 93 for a more detailed discussion of lobbying.

i. Legislative Bodies

Because every legislative body is different, the mix of tools best suited to monitor legislation will depend on which level of government is being examined. When monitoring legislation at all levels of government, first-hand information from people involved in the legislative process is essential. Apart from this rule of thumb, the mix of approaches practitioners might employ will vary depending upon the size and nature of the legislative body they seek to monitor.

Bill-tracking websites are an excellent source of information if users both understand the procedural framework of a given lawmaking body and are aware of the bill's name, number, or sponsor. Bill-tracking websites provide the user with up-to-date information on the procedural posture of a given item of legislation. Bill-tracking websites are usually tailored for use by experts and generally do not allow searching for bills by subject matter or content. Bill tracking is discussed in further detail in sections below.

a. Local (Municipal and County) Governing Bodies

The actions of city councils, school boards, county commissions, and similar units of government often have an important impact on the human rights of residents in their communities. Less formal procedures, smaller staffs, and limited technology often result in the consideration of measures without a great deal of notice. Depending on the local government in question, a combination of media monitoring and use of contacts within the community might prove an effective strategy. Some local governments are large enough to host their own bill-tracking web sites,¹⁷⁷ although this is the exception rather than the rule.

Local governments vary in size and level of sophistication, and in general, the actions of larger local government units will be better documented than those of smaller ones. The actions of larger local governments might generate greater press coverage, and council meetings might even be recorded or televised. Although smaller units of government may be subject to less scrutiny by the press, community members may in fact be better informed about the actions of local government officials.

b. State Governments

All fifty state legislatures provide some form of online bill tracking through their websites.¹⁷⁸ State legislatures typically contain numerous committees and sub-committees, and feature busy legislative agendas. In contrast with the proceedings of local governments, state legislative sessions often receive thorough press coverage. Practitioners monitoring state legislation might use a mix of media monitoring, bill-tracking websites, lobbyists, and contacts with legislative staffers to keep abreast of the latest legislative developments. State capitals usually have a greater concentration of public policy non-profits than is typically found in other communities, creating a greater possibility of partnering with other advocacy organizations.

¹⁷⁶ Judith E. Kindell and John Francis Reilly, *Lobbying Issues*, <http://www.irs.gov/pub/irs-tege/eotopicp97.pdf>. See the Section on Lobbying on page 93 for further discussion.

¹⁷⁷ For example, see The New York City Council, <http://legistar.council.nyc.gov/Calendar.aspx>.

¹⁷⁸ See *Links to State Legislature Tracking*, Center for Association Growth, <http://www.tcag.com/connect/consider-this/advocacy/legislature-links>, for a complete list of state bill tracking websites.

In addition to state legislation, practitioners may want to follow state rulemaking processes. While administrative rulemaking, or the process of creating the regulations which govern how state agencies implement legislation, generally is open to public participation through submission of comments or public hearings, it often receives less media attention.

c. Congress

The Library of Congress maintains an easy-to-use online resource of legislative activity at www.thomas.gov.¹⁷⁹ In addition, many media outlets and independent bill tracking websites monitor congressional activity.¹⁸⁰ Contacts with legislative staffers, relationships with policy non-profits based in Washington, D.C., and monitoring of subject-specific listserves and blogs can help practitioners to keep abreast of the latest legislative developments.

Practitioners may want to follow the federal rulemaking processes of agencies. Federal law requires that proposed regulations be published in the Federal Register and that the public be given an opportunity to comment on regulations prior to their becoming final. Because federal regulations dictate how a law is actually implemented, a regulation's impact on human rights obligations can be significant. If the issue of concern is subject to regulation, monitors may need to regularly track developments in the Federal Register. The free government website, www.federalregister.gov, provides an RSS feed and a number of sorting and tracking tools to make the rulemaking process accessible.

ii. Media Monitoring in Legislation

Media monitoring is an excellent, low-cost method of following new legislation and legislative debate. Many media outlets monitor legislative developments as a core component of their news gathering mission. Newspapers, in particular, often send reporters to local, state, and national legislative meetings to cover the latest political developments, and their news stories provide a vast, free collection of legislative information which is in turn searchable by free, well-designed search engines (see the Media Monitoring section on page 60).

One drawback of using the media to track legislative developments is that news outlets may not provide the specific information practitioners wish to obtain. Newspapers cover all types of stories, and there is no guarantee that a given outlet will devote resources to cover the specific type of story most pertinent to a given human rights campaign. Additionally, there is no guarantee that a news outlet will provide timely notice of measures under debate: a newspaper might only cover a certain legislative action after it has been enacted into law.

iii. Listservs and Contacts in the Community

Many different organizations and agencies maintain their own listservs and newsletters. By maintaining contacts in their own and other communities through these listservs and newsletters, practitioners may receive updates on emerging legislation. Particularly in smaller communities, where word of municipal ordinances is not always well publicized by the media, reports from community organizations can deliver timely information about new legislation.

In addition to partnering with other organizations sharing similar human rights goals, practitioners may also look to the listservs and web alerts of opposing groups to keep apprised of new legislative developments. By reading the

¹⁷⁹ Thomas, Library of Congress, <http://thomas.loc.gov/>.

¹⁸⁰ For example, see <http://www.opencongress.org> and <http://www.govtrack.us>.

publications of other non-profits addressing the same policy areas, practitioners may learn about new legislative developments at minimal expense.

iv. Contacts Embedded in the Legislative Process

Because of the complicated nature of the legislative process, monitoring legislative bodies beyond the local government level often requires the services of a professional. Though some lobbyists will work for non-profit organizations on a *pro bono* basis, most will expect to be paid. One option for smaller organizations lacking the means to engage a lobbyist is to partner with a larger non-profit organization already engaged in the legislative process. For example, the Progressive States Network conducts legislative monitoring on a number of topics.¹⁸¹

Another option is to maintain working relationships with legislative staff members. By building relationships with sympathetic staff who are involved in the process, practitioners can improve their access to news of the latest legislative developments. While staff may not be able to specifically track a particular legislative item in the way a lobbyist would, they can serve as a valuable source of information on legislative changes.

¹⁸¹ About Progressive States Network, Progressive States Network, <http://www.progressivestates.org/psn>.

CHAPTER 5. DOCUMENTATION: WRITING THE REPORT



A. DRAWING CONCLUSIONS

Analyzing monitoring data and reaching conclusions is perhaps one of the most challenging and important stages of a monitoring and documentation project. It requires the practitioner to examine what could be voluminous amounts of information and determine what those findings mean. Drawing conclusions is a process of synthesizing information, identifying patterns, themes, relationships, and causes. It requires continual verification,¹⁸² and practitioners should be able to identify information that fits or contradicts the pattern as it emerges.¹⁸³

Documenting human rights violations requires practitioners to evaluate the relationships that exist between data to identify and verify the themes.¹⁸⁴ Ultimately, practitioners documenting human rights violations should evaluate the data that has been gathered, identify gaps or limitations in the information, compare the findings, and present

¹⁸² Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis* (Newbury Park, CA: SAGE Publications, Inc., 1984), 22.

¹⁸³ *Ibid.*, 216.

¹⁸⁴ *Ibid.*, 224-26.

them in a final report of some kind.¹⁸⁵ Practitioners should remain flexible and revisit the data frequently. They should also expect that they may need to organize and reorganize the draft report more than once to develop the most effective delivery of the findings.

The following steps are meant to serve as a basic guide for practitioners to follow as they seek to draw those conclusions. They may find all or some of these steps helpful, and they should adapt these steps as necessary to fit the context of their own project. Even with these steps, however, practitioners should remember to trust their instincts. Practitioners may have an initial impression, or instinct, about a conclusion. This intuition is extremely valuable, particularly from those people most involved in the monitoring project. It requires other checks to verify and support the conclusion, but practitioners should incorporate their intuition and judgment into the process.¹⁸⁶

Step 1. List Possible Themes Emerging from the Findings.

Making an initial list of themes helps with the organization and analysis of large amounts of information. This process¹⁸⁷ is the first step for practitioners to begin identifying patterns and issues in the findings. Examples of themes include:

- Systems responders: Who are all the possible players, such as police, judges, health care providers, immigration officials, child protection agencies, or private business owners?
- Victim population: Who are the groups of people affected by the human rights violations?
- Human rights violations: What kinds of human rights violations were committed? How frequently?
- Major events in the timeline.
- Location: This can be as specific as a venue, such as housing, schools, airports, or broader as a geographical boundary, such as neighborhoods and cities.
- Causes of the violation.
- Effects of the violation.

Practitioners should be aware of underlying factors that reinforce, link, or undermine the theme. Practitioners may identify several causes, but find different levels of connection between some causes and effects. For example, in the case of girls who are victims of sex trafficking, practitioners may find that direct causes include poverty, gender-based violence, chemical abuse, gang involvement, lack of education, mental health issues, sexual orientation, language barriers, and age.¹⁸⁸ In addition, they may discover other facts such as time limitations on the availability of transitional housing. Because of this restriction, many of the girls are pulled back into trafficking networks when their transitional housing expires. The short duration of transitional housing is an example of an intervening variable: it is not necessarily the direct cause of the sex trafficking, but it aggravates the situation by sending the girls back to the streets.

Practitioners should be open to changing this list of possible themes as they work through their findings. Practitioners may find that themes initially identified lack substantiation and should be eliminated from the list. Similarly, as findings are analyzed, new themes may emerge. Practitioners may discover that a particular theme actually consists of sub-categories and may want to split the theme into smaller, more specific themes.¹⁸⁹ For

¹⁸⁵ Ibid., 79.

¹⁸⁶ Ibid., 216-17.

¹⁸⁷ Ibid., 216.

¹⁸⁸ The Advocates for Human Rights, *Sex Trafficking Needs Assessment* 2nd ed. (Minneapolis: The Advocates for Human Rights, 2008), 21.

¹⁸⁹ Miles, *Qualitative Data Analysis*, 222.

example, practitioners may find that married and unmarried women have very different experiences of sexual harassment. In this case, it may make sense to split the theme of women into two subsets of married and unmarried women.

Step 2. Read and Re-read the Data and Information.

The data gathered during human rights monitoring dictates the documentation process and the ultimate form of the written report. Human rights documentation, therefore, requires complete familiarity with the data gathered. When used in tandem, the techniques of data immersion and of data coding help marshal large amounts of data and ensure that the information gathered is exhaustively considered.

i. Data Immersion.

The practitioner should read and re-read the information gathered, such as interview notes and documents.¹⁹⁰ This process is known as data immersion and is a crucial step to gain familiarity with the information.

When reading through the data, practitioners should look for patterns that reflect critical issues, exceptions to patterns, and extremes in either direction. They should look at connections, such as the relationships between events, victims, perpetrators, the information source, and the response.¹⁹¹ They can also read for relationships, analyzing whether violations tend to occur in a certain location or point in time.

Practitioners may find it helpful to read through documents reviewing one theme at a time. For example, a practitioner monitoring the right to education may read through interview notes a first time looking for student experiences, a second time for parental involvement, a third time for teacher roles, and so on. Multiple readers should be involved, as one reader may recognize what another has missed.

Where there is a great deal of information, data immersion can sometimes result in the initial documents receiving the highest degree of scrutiny and the latter documents the least. To avoid such bias, practitioners should consider reading through findings in a different or random order each time.

Human rights documentation often involves difficult subject matter. While data immersion is a necessary step in the documentation process, practitioners should recognize and take steps to minimize potential vicarious or secondary trauma that can result from exposure to traumatic stories and can interfere with the reader's ability to objectively analyze the data.

ii. Data Coding.

Clustering or sorting information into categories helps practitioners systematically review the data and draw conclusions. Clustering violations, events, acts, processes, actors, and settings allows practitioners to view subsets of data based on similar attributes.¹⁹² Data coding can assist practitioners in reviewing and analyzing large amounts of data. Data coding need not be elaborate or high-tech. Practitioners essentially label pieces of information with codes that correspond to different themes, patterns, or relationships¹⁹³ allowing them to analyze the information.

¹⁹⁰ Ellsberg, *Researching Violence Against Women*, 204.

¹⁹¹ Manuel Guzman, *Getting the Facts Down: Documenting Human Rights Violations* (Bangkok: Asia Forum for Human Rights and Development (FORUM-ASIA), 1997), 20-22.

¹⁹² Miles, *Qualitative Data Analysis*, 218-221.

¹⁹³ Ellsberg, *Researching Violence Against Women*, 204.

Practitioners first must identify and make a code list of the themes, patterns, and relationships they are seeking. Next, the practitioner tags text within the data with the applicable codes. Practitioners can simply write the codes directly on the hard copies to be later pulled out into individually coded documents, or if the documents are in electronic form, word searches for key terms can facilitate the data coding process.¹⁹⁴ As discussed in the section on interview protocol, controlled vocabulary is essential if relying on electronic key word searches.

Once the text is coded, information may be handled using a variety of tools from the simple to the elaborate. Practitioners can copy and paste text into word processing documents sectioned by code themes. They can use a spreadsheet program to create row and column headings for each code, corresponding text, sources, and notes. Coding software programs exist, including a number of free, available programs.¹⁹⁵ Using computer-based software requires an initial investment of labor and time to create and enter the data and may be best used for large scale monitoring projects.¹⁹⁶ Where access to electronic software is limited, the author can also cut and paste or handwrite each of the texts onto individual coded cards, a more labor-intensive process but still workable. In all cases, authors should ensure that a citation (coded or not) is included so the original source is known.

Step 3. Data Analysis.

Documentation of human rights violations requires analysis of information and the identification of patterns and relationships. Human rights documentation goes beyond the numbers and may find significance in rare events that reveal a failure to protect or fulfill human rights standards.

Simple counting of types of data can help identify patterns and trends in qualitative information. Counting reduces qualitative data to numbers, helping practitioners to identify findings or themes with higher or lower frequency. It provides a quick synopsis of what is contained in massive amounts of information, it can corroborate an idea, and it can safeguard against unintended bias.¹⁹⁷

Factoring, or the compression of a larger set of data into a smaller set of descriptive, unobserved variables, may also be helpful in revealing relationships and patterns. Factoring condenses mass amounts of information into fewer themes. Practitioners take a set of information or variables and list short descriptive factors for each one until they find the factor(s) common to everything in that set. The practitioner applies this approach to each set of information or variables to determine the common factors for each set. By comparing the different factors across information sets, practitioners can illuminate contrasts between those factors and ask if those factors make a difference.¹⁹⁸

Depending on the type of data gathered, data displays (such as graphs, flow charts, or diagrams) may help practitioners examine and understand the data and the relationships.¹⁹⁹

¹⁹⁴ Ibid., 204.

¹⁹⁵ Ibid., 209. See: <http://www.phmed.umu.se/english/divisions/epidemiology/research/open-code/>, <http://www.cdc.gov/hiv/topics/surveillance/resources/software/ez-text/index.htm>, and <http://www.cdc.gov/hiv/topics/surveillance/resources/software/answr/index.htm> (noting that free open coding programs Open Code, CDC EZ Text, and AnSWR are available).

¹⁹⁶ Ellsberg, *Researching Violence Against Women*, 209.

¹⁹⁷ Miles, *Qualitative Data Analysis*, 215.

¹⁹⁸ Ibid., 223-24.

¹⁹⁹ Ellsberg, *Researching Violence Against Women*, 204, 209-11.

Step 4. Breaking the Findings Down to the Conceptual Level.

Once data has been analyzed, the practitioner can begin to draw conclusions. This process, known as data reduction, boils down raw data to the concepts²⁰⁰ as a way of drawing conclusions.²⁰¹ Another way to think of data reduction is as a process that allows the practitioner to see the forest for the trees.

Practitioners can draw connections where there is a pattern of multiple, varied respondents each suggesting a relationship among the same elements.²⁰²

Step 5. Maximizing Validity and Reliability.

A process of information gathering is *valid* when it reflects the reality of the situation as accurately as possible. A process of information gathering is *reliable* when it generates the same results over and over again. Thus, processes may be reliable but invalid, and vice versa. Multiple people may make the same observation, but it may still not be true because of a number of factors.

Validity and reliability are greatly enhanced when:

- Monitors are well-trained and follow protocols consistently;
- Multiple methods are used so that data from different sources can be compared—known as triangulation of data;
- The length of the monitoring is sufficient to provide the fact-finder with solid knowledge of the issue;²⁰³
- Conclusions are reviewed both by experts on the issue and by people who are new to the issue;²⁰⁴
- Perceptions and facts are clearly distinguished in the final product; and
- An audit trail is created to ensure that the process can be replicated.²⁰⁵

Practitioners should establish a uniform mechanism for assessing the validity of interview information through corroboration processes with independent sources.²⁰⁶ Practitioners can corroborate information from respondents with other interviews or secondary sources before drawing conclusions.

Centre on Housing Rights and Evictions (COHRE): Writing a Human Rights Report

The Centre on Housing Rights and Evictions (COHRE) is an international human rights organization that works for the protection of housing rights and the prevention of forced evictions around the world. COHRE has produced a number of human rights reports on housing rights around the world using fact-finding through interviews and research. COHRE's documentation process provides an example of how to analyze research findings to draft a human rights report.

²⁰⁰ Miles, *Qualitative Data Analysis*, 21; Ellsberg, *Researching Violence Against Women*, 209.

²⁰¹ Miles, *Qualitative Data Analysis*, 21.

²⁰² *Ibid.*, 227-28.

²⁰³ Sharan B. Merriam and Associates, *Qualitative Research in Practice*. (San Francisco: Jossey-Bass, 2002), 26.

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*, 27. An audit trail documents the monitoring methodology, the determination of codes and themes, the analysis of the findings, and the drawing of conclusions. It essentially tracks how and why the practitioner uses the collected information.

²⁰⁶ The Advocates for Human Rights, Monitoring, fact-finding, reporting (unpublished powerpoint presentation on file with The Advocates).

Reviewing the findings for patterns and trends

After the monitoring stage, COHRE conducts a broad examination of the research findings to identify the most pressing trends and most relevant facts for a human rights report. There are several steps that can facilitate this selection process: knowing the data set very well, thinking through how to present that information in a way that is audience-appropriate, considering what main messages the report should communicate, and knowing what issues should be the lead stories. Another important consideration at this stage is to evaluate how to structure the report. For COHRE, thinking about the report organization and issues and drafting a preliminary table of contents early on, even before the methodology is developed, can help writers in handling their findings. Indeed, as a COHRE staff member acknowledges, organizing the findings in a coherent manner can be one of the biggest challenges in writing a report. It takes practice and experience to apply a human rights framework to findings in their raw form and then reconfigure that data in the new form.

Handling conflicting findings

Practitioners may encounter conflicting findings in their research. For example, different groups of interviewees may have each articulated different needs that conflict with each other. When this happens in its research, COHRE closely examines its findings to discover where the disconnect lies. Questions a practitioner might ask in this instance are:

- Why are there conflicting findings?
- Is it a fundamental flaw in methodology?
- Are we asking questions in different ways to people and getting different answers?
- Or are these conflicts more indicative of the real differences of people?

COHRE asks where these discrepancies are and delves deeper to see what aspects of different people's experiences impact how they have answered the questions.

Drawing conclusions

Once the main issues from the findings are identified, the next step is to develop conclusions, or a more analytical summary of the main findings. Drawing conclusions requires practitioners to identify the trends that were the most dramatic and visible in the results. Conclusions are generally very broad, but wrap up the report, highlight the main themes, and revisit the main messages that the audience should take away from the report.

Promoting validity and credibility

COHRE also takes steps to uphold transparency about its methodology and the limitations as a way of promoting validity and credibility in its reports. To do so, it ensures the methodology discloses details, such as the number of people interviewed, where the interviews took place, what kinds of questions were asked, and other elements. In its report Women, Slums and Urbanisation, COHRE explains that it used focus groups and one-on-one interviews with women living in approximately twenty slum areas in six cities. In each of the cities, it named the slum communities visited, described the relevant characteristics of the women interviewed, and noted any limitations in the fact-finding and possible reasons for these limitations. Such transparency about the fact-finding methods is particularly important for human rights research aimed at advocacy, where such reports can sometimes create the misperception that the research is biased or not reflective of the whole truth. Thus, addressing those issues and presenting the soundness of methods in a report is important to enable readers to understand these facts were found through tested research.

Compiled from: Interview with COHRE staffperson, by The Advocates for Human Rights, Nov. 10, 2010; Women, Slums and Urbanisation, COHRE, 2008.

B. DEVELOPING THE OUTLINE

There are numerous ways to structure a report, and authors should consider the possible variations. One place to start is to consider the different sections needed to present the information. A report can contain multiple components, such as:

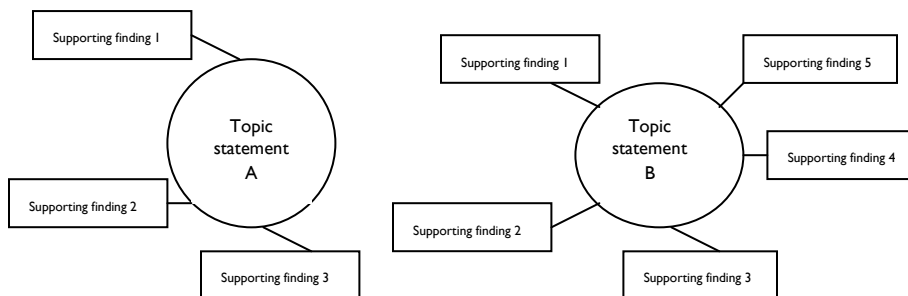
- Title page
- Copyright information
- Foreword or preface
- Authors and acknowledgements
- Table of contents
- Executive summary
- Methodology
- Introduction
- Findings
- Analysis of findings
- Recommendations
- Conclusion or afterword
- Appendices, such as:
 - Laws and policies
 - List of tables
 - Template forms
 - Glossary
 - Acronyms list
 - Timeline of key events
 - Photos and other evidentiary items
 - Bibliography or reference list
- Index

Most of the substantive findings, however, will be found in the main body of the report. Practitioners should commit time to planning how best to present the findings and analysis in the publication. On a basic level, authors can structure their report based on their initial research questions. Yet, that structure may not appear immediately logical to an outside reader, nor may it be the most effective way of presenting the information. Indeed, knowing the report's purpose and audience can help practitioners choose the right format.

A report may have multiple purposes, and practitioners should clearly identify what they want theirs to be. A report can serve to educate readers about a general human rights violation, inform them of the project's findings, make recommendations, and serve as a basis for an advocacy campaign. Knowing the report's purpose(s) will help guide authors in developing its structure.²⁰⁷

²⁰⁷ See Section Step 1. Determine Your Objectives.

A good starting place in developing the outline is to begin with a rough outline sketch. The rough outline can be developed in a variety of ways. Practitioners can draft a rough outline by listing topic statements with the supporting findings.²⁰⁸ Another tactic is to diagram clusters of ideas:²⁰⁹



Once the practitioners have a rough sketch of the outline, basic topic statements, and supporting findings, the next step is to create a full outline. As with other stages of the project, authors should remain flexible and recognize they may need to step back and re-write the outline throughout the report-drafting stage. When practitioners have a written draft, it may become clear that the selected outline is not the most effective way of presenting the information, and they should be prepared to shift the report structure to better present their findings.

Knowing who the target audience is will also help inform the structure of the report. Organizing the report chronologically may make the findings clearer for a general audience with less understanding about a human rights framework. If drafting targeted recommendations for different professional bodies, organizing the report by sector allows readers to go directly to their section of the report.²¹⁰ Or, where the audience is a body that works within a human rights framework, presenting the information according to each human right aligns with the target audience's objectives and is a more appropriate format.

The following are some possible structures for the main body of a human rights report. They are neither exhaustive nor exclusive, and practitioners can combine them to fit the purpose and audience.

i. By Human Rights Issues

Authors may choose to organize the report by each human rights violation. This approach compartmentalizes the information into each of the various violations. Under this structure, a report that examines a criminal justice system would have separate sections addressing each of the associated rights, such as the right to due process, right to liberty and security of person, and freedom from discrimination.

For readers seeking information on specific abuses, this structure provides a direct pathway to that information. Constructing a report based on human rights violations can be challenging, however, because there may be a great deal of overlap among violations, resulting in redundancy or confusion. Also, presenting one violation after another may lead to reader fatigue.

²⁰⁸ Diana Hacker, *A Writer's Reference*, 4th ed. (Bedford/St. Martins: New York, 1999), Section C1-d, 10-11.

²⁰⁹ *Ibid.*, 6, 10.

²¹⁰ The Advocates for Human Rights, interview by The Advocates for Human Rights, March 10, 2010.

ii. Chronologically

Authors may choose to organize the report chronologically. This approach may be appropriate where the project is examining abuses related to an event or series of events. Chronological organization also can facilitate information flow and make it easier for a reader to track the information. Authors may face the challenge, however, of incorporating human rights violations that did not occur just one time but span the entire timeline repeatedly. They also should consider how to incorporate nuanced factors that lack a distinct place on the timeline, such as economic or political dynamics.

iii. By Government Actor Response

Organizing the report by government actor response may be an appropriate format where the project is focused on a particular human rights issue, rather than a historical event, and the organization is seeking legal or systems change. Examples of the content of each section are the respective roles and responsibilities of each government actor, response processes, positive actions, and problem areas. For example, a report examining sex trafficking of victims might include chapters that discuss the role and responses by law enforcement, immigration authorities, prosecutors, judges, civil society organizations, social services, child protection, and health professionals.

C. WRITING THE REPORT

i. Audience

Authors should be aware of their audience. Knowing the audience will help inform authors' decisions regarding what content to include, how best to present it, and to whom to target recommendations. Some basic questions to ask include:

- Who is the audience, and how many potential audiences are there?
- What are the authors' relationships to the audience? How will the content and tone impact these relationships?
- How informed is the audience? Do they have an advanced reading and vocabulary level? Are they experts in the field and familiar with jargon? Aiming for an eighth grade reading level is a good standard when the audience is broad or the general public. Some word processing software includes tools to gauge the reading level of the document.
- What does the audience need to know from the report?
- How receptive will the audience be to the information? How much time is the audience prepared to invest in reading the publication?
- What information does the audience most want to know? What information is the most important to communicate to achieve the project mandate?
- What information is new or adds value to the current knowledge in the field?
- What should the audience know or discover about the human rights issue?²¹¹

²¹¹ Adapted from Audience, The Writing Center, University of North Carolina at Chapel Hill, <http://www.unc.edu/depts/wcweb/handouts/audience.html>; Hacker, *A Writer's Reference*, Section C1-b, 4.

ii. Report Tone, Style and Credibility

Practitioners should carefully analyze how to present their findings. Practitioners should consider explaining their methodology for collecting information and making recommendations to readers while respecting confidentiality. This transparency helps assure readers the results are valid, credible and based on sound fact-finding.

An important consideration is to exercise caution when presenting project findings and avoid reporting them as established facts unless they have been verified as such. Nevertheless, even perceptions without grounding in fact may have value. When interviews reveal an uncorroborated finding, they may not deliver a hard fact but they do expose perceptions or patterns that can be indicative of a truth. The perceptions held by interviewees can be reflective of the fears that stem from broader human rights abuses. Where the authors find a pattern that is prevalent enough to be included, authors should rephrase to more accurately reflect the finding for what it is: a perception, pattern, or a trend. Prefacing findings with interviewees reported or interviews revealed can help promote accuracy and maintain the report's integrity. Disclaimers notifying the reader of certain considerations, cite-checking processes, and leaving an audit trail are important measures to promote credibility.

Wording can also influence the report's tone, which can have a long-reaching impact on the advocacy phase of the project. For example, stating that a government has failed to comply with its human rights obligations has the same meaning as stating that a government is not in compliance with its human rights obligations. Yet, both statements send a slightly different message. The first phrase conveys a slightly more confrontational and accusatory tone, while the second reflects a more objective stance. Both can have different consequences for working with government officials in the advocacy phase. Organizations should consider these long-term effects on actors and aim for accuracy and objectivity in language.

iii. Using Stories and Experiences

Using stories and experiences of interviewees can be a powerful tool. It can help illustrate the magnitude of the problem, as well as buttress a conclusion. Authors can present these stories as narrative or as block quotes. When doing so, however, they should remember to do no harm and ensure that parts of the story have been redacted to protect the source. Particularly when interviewees fear for their safety, authors should avoid using a traditional interview citation, and instead code the interviews for reference purposes.

iv. Understand Potential Consequences

Human rights reports often have a major impact on the communities involved in the violation. The tone, choice of words and presentation of the information can greatly affect the message and the positive or negative impact on the community. For example, where stereotypes are prevalent, identifying a key feature of the source or victim, such as ethnicity, might reinforce those stereotypes and diminish the effectiveness of the message. For example, in a report on battered immigrant women, The Advocates for Human Rights made a conscious decision to omit information about the ethnicity of the interviewee. The organization omitted this particular identifier because the barriers to safety and accountability in the justice system were consistent across ethnic groups. Identification of the ethnicity or country of origin of the interviewee would possibly reinforce negative myths and distract from the issues being highlighted.

In addition, practitioners must consider the impact the report will have on subsequent advocacy efforts. They should keep in mind the possibility that they may be later working with the same people they are currently criticizing, leading to an uncomfortable or challenging work relationship. Practitioners should consider the

potential damage to relationships in releasing a credible and critical report. Some options for practitioners are to evaluate the roles they and other stakeholders can play. If one organization carries out the monitoring and documentation, then another partner organization assumes the advocacy role. Another alternative is to engage a non-local partner organization without any potential community-based conflicts of interest to conduct the monitoring and documentation.

v. Editing

Practitioners should be prepared to revise and rewrite the report as needed. They should build in sufficient time for the drafting but also regard it as an ongoing process of evaluation. Authors should ensure that the report is original work, and any sources used are properly paraphrased and cited. It may be helpful to draw up basic citation guidelines for authors and editors. There are various methods of citation styles, including the Chicago, American Psychological Association (APA), Modern Language Association (MLA), and Bluebook styles, that the organization can use as a reference. Authors will likely need to conduct broad revisions to ensure the report meets the project goals and detailed revisions, such as copy editing. In addition, authors should build in time for expert review.

D. DRAFTING RECOMMENDATIONS

When developing recommendations, practitioners should use an international human rights framework as the standard for defining the problems and developing proposed solutions. Although practitioners will use state and other laws as reference points, human rights standards can provide the overarching framework. Practitioners should apply their findings to this framework and evaluate whether the relevant human rights standards are being fulfilled. They should be prepared to recognize two kinds of violations: 1) where the language of the law itself violates international human rights standards; and 2) where the laws and policies appear to comply with international human rights standards, but in practice, have an impact that violates these standards.

When authors have identified what those problems are, they should evaluate each of the desired outcomes. In other words, what do they want to see happen that would meet the human rights standard?

The next step is to determine the changes necessary to remedy the human rights violation. Does the change require training, funding, victim assistance and protection, offender accountability, or legal reform? Would that measure remedy the problem and help realize the human right? Practitioners should also consider whose involvement is required for those measures. Does the change require the involvement of lawmakers, law enforcement, judges, prosecutors, health care providers, media, civil society organizations, state agencies, or private enterprises?

The following are some tips for practitioners to keep in mind when drafting recommendations:

- Talk to the affected population. Consult with the affected population or those who work directly with them to get their opinions about what measures will best remedy the situation.²¹²
- Identify and highlight the most important changes necessary for the desired outcome. Consider identifying and highlighting priority recommendations, particularly where there are numerous recommendations.

²¹² Kaplan, *Human Rights Documentation*, 57.

- Provide support for the recommendations. Another effective tactic is to precede each recommendation with the corresponding finding giving rise to the need for change.
- Be creative. Practitioners can be creative where appropriate to fit the particular context. Including no-cost recommendations with symbolic value is one way to address situations where money is scarce or the human rights violations no longer require a tangible remedy. For example, recommending that the government issue a formal apology or that the city declare a local holiday or name a street in commemoration of victims are important symbolic gestures.

E. REVIEW

i. Substantive Review

Authors should consider having experts review the report, either in its entirety or in sections. Reviewers can include experts in the community who the authors know and trust, or they can include outside experts, such as field practitioners, academics, or authors of related works. Authors may also consider using a reviewer without expertise on the subject matter to test the report's coherence for the average reader.

This review phase takes substantial time, as it requires identifying experts who are available, allowing for their substantive review, and incorporating their comments. The time for substantive review will depend on various factors, such as the length of the report, the expert's schedule, the author's schedule, the extent of the expert comments, and amount of additional research required to address them. Authors should allocate sufficient time to this phase of the documentation process and contact the experts well in advance to accommodate their schedules and give them sufficient time to thoroughly review the report.

When the review is finished, organizations should use their best judgment and keep the project mandate in mind when incorporating experts' comments. In some cases, practitioners may find it appropriate to disregard their suggestions. They may not always agree with the expert opinion, or it may conflict with the organization's overall position.

ii. Editorial Review

Authors should incorporate an editorial review of the report before publication. In general, editors can review the report for:

- clarity,
- readability,
- spelling,
- grammar,
- punctuation,
- parallel structure,
- consistent verb tense,
- formatting,
- consistency between table of contents, heading sections and page numbers, and
- general layout concerns.

Authors should inform editors of which style method they are using, such as Chicago or MLA. Authors can consider providing editors with their own guidelines for editing or refer editors to other resources. There are several resources available online, such as <http://www.bartleby.com/141/index.html> and <http://goodtools.net/pages/SUNstyle/copyedit.htm>.

a. Roundtable Discussions with Government Officials

Holding a roundtable discussion to present the findings to officials and leaders prior to the formal release of the report can be an important strategy in legitimizing the process. In some cases, it is more than a common courtesy as it affects all the key stakeholders and grants them the opportunity to react to the report and engage in dialogue before its release to the public. The pre-release to the stakeholders promotes accuracy and allows them to provide comments to the report and to prepare to respond publicly to the report when it is released.

Some comments provided by outside stakeholders may be extremely helpful and contribute to the overall accuracy of the report, while others may be self-serving and compromise the integrity of the report. Practitioners must be prepared to defend their findings and explain why some of the comments may not be incorporated into the report. Hosting a roundtable discussion with representatives from stakeholder groups may also result in angry responses from the participants, particularly where the report is critical of those groups. Practitioners should

The Advocates for Human Rights: Holding a Pre-Release Roundtable for the Battered Immigrant and Refugee Women’s Documentation Project Report

The Advocates for Human Rights documented the government response to domestic violence in immigrant communities at the request of Immigrant and Refugee Battered Women’s Task Force. The report focused on the Minneapolis – St. Paul Metropolitan area. After extensive interviews and research, The Advocates prepared a detailed report of its findings. One week prior to finalizing the report, The Advocates sent an embargoed copy of the report to the directors of the government agencies that were highlighted in the report as having particular responsibility related to battered immigrant women. A few weeks prior to receiving the report, an invitation had been sent to these agencies to a roundtable discussion about the report. The purpose of the roundtable was to give these agencies an opportunity to respond and discuss issues with The Advocates before the report became public. At the roundtable, these agencies were invited to point out any inaccuracies, concerns or disagreements they had with the findings. This process allowed The Advocates to correct any errors that might have been misleading. It also gave the government agencies not only the opportunity to address any concerns they had with the report but also to prepare for the media attention the report generated. It is important to note that The Advocates did not represent that it would make any change requested by the agencies but rather that it was open to discussion and further information about issues presented in the report and would consider changes requested.

The roundtable discussion was extremely productive. Senior government officials attended, including the county attorneys of Minneapolis and St. Paul, the head of the local U.S. Immigration office, the police and sheriff’s departments, as well as one of the Justices of Minnesota’s Supreme Court. The Advocates was able to clarify some minor points in the report, and each agency was able to express how the problems in the government response impacted them. While not everyone agreed with all of the individual findings, there was a consensus that the report was accurate and the government response should be improved. It was the beginning of an effective collaborative effort to address some of the breakdowns in the system response to battered immigrant women, making the cities safer for victims of domestic violence and providing greater accountability for violent offenders.

anticipate and be prepared to respond to this hostility and consider scheduling follow-up meetings with those representatives afterward. Open communication is essential to the effective use of the roundtable format in a monitoring project.

F. FINAL STEPS

i. Copyright Information

Practitioners should also consider copyright issues. An understanding of copyright law is important both to avoid infringing the copyrights of others and to protect the copyright in a practitioner's own work. When quoting materials written by others, practitioners should cite the source and obtain permission when appropriate.

The following discussion provides a general overview of copyright. Like any summary of a complex subject, the following discussion is not complete and is subject to exceptions. Practitioners may want to consult an attorney or visit the U.S. Copyright Agency's website for more information, at www.copyright.gov. Copyright Office Circular 1, available at <http://www.copyright.gov/circs/circ1.pdf>, is the source of much of the information contained in this summary.

Copyright protects the authors of original works of authorship fixed in a tangible form of expression, e.g., written, recorded, or videotaped. An author has the exclusive right to reproduce the work, create derivative works from the work, sell, rent, lend, or transfer copies of the work to the public, and perform and display the work in public. The author has the right to grant permission to others to do the same with the work.

Works of the U.S. government are not protected by copyright. Ideas are not protected by copyright; rather, only the tangible expression of ideas is protected by copyright. An important exception to the exclusive rights of an author is the fair use exception, available under certain circumstances for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.²¹³ Whether the fair use exception applies is often difficult to determine.

Copyright belongs to the person who created the work (the author). The author of a work made for hire is the employer or other person for whom the work was prepared. Work is made for hire if the work was created by an employee within the scope of his or her employment, or if the work is one of several types specifically identified in the copyright law, including a contribution to a collective work, that was specially ordered or commissioned and that the parties agreed in writing was a work made for hire.²¹⁴ A report drafted by practitioners and volunteers for an organization may be a work made for hire. To ensure the organization owns the copyright, practitioners should obtain a written agreement to that effect. Ownership of a copy of a work does not confer ownership of the copyright in the work.

Copyright is an automatic right that begins upon creation of the work. The duration of copyright varies, depending on when the work was created and other factors. For works created after 1977, copyright ends seventy years after the author's death or, in a work made for hire, the earlier of 95 years after publication or 120 years after creation.²¹⁵

²¹³ 17 U.S.C. § 101, United States Copyright Office, *Fair Use, Circular 102* (Washington D.C.: United States Copyright Office, October 2009).

²¹⁴ United States Copyright Office, *Copyright Basics, Circular 1* (Washington, D.C.: United States Copyright Office, August, 2010), 2.

²¹⁵ United States Copyright Office, *Copyright Basics, Circular 1* (Washington, D.C.: United States Copyright Office, August, 2010), 5.

Practitioners need take no action to obtain copyright in a work they have created—it vests immediately when the work is created. Registration of the copyright and notice of copyright on the work are not required to confer copyright.²¹⁶ There are, however, advantages to printing notice and registering copyright of the work.

Printing notice of the copyright on the work advises the public of its copyright protection, names the copyright owner, documents the publication year, and can serve as important evidence in a case of copyright infringement. A proper notice of copyright includes the following elements:

© or Copyright year of the first publication copyright owner's name

For example: © 2011 The Advocates for Human Rights

For unpublished works, the practitioner may still want to print a notice of copyright:

For example: Unpublished work © 2011 The Advocates for Human Rights

Publishing a work involves distributing copies of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication. A public performance or display of a work does not itself constitute publication.²¹⁷ Publication can affect copyright protection, and it obligates the owner to deposit the work in the Copyright Office.

Registering a work with the Copyright Office involves sending an application, filing fee, and a copy of the work for registration to the Copyright Office. Registration has several benefits, as it:

- Establishes a public record of the claim of copyright ownership;
- Is a prerequisite for bringing a copyright infringement lawsuit;
- May be evidence of the validity of the copyright;
- May entitle the copyright owner to recover greater damages in a lawsuit, as well as attorney's fees.²¹⁸

ii. ISBN Information

Practitioners who publish their own works should obtain an International Standard Book Number (ISBN), a 10-digit number that serves as a unique identifier of books. The United States ISBN Agency, Bowker, is the official supplier of ISBNs for publishers. Importantly, the ISBN publisher identifier is unique to each applying publisher.²¹⁹ Once the practitioner obtains its exclusive ISBN publisher prefix and associated list of ISBNs, it can assign those ISBNs to publications for which it holds publishing rights. A publisher may not re-assign, sell, or transfer any of the numbers obtained to another publisher.²²⁰ This rule protects the integrity of the ISBNs and prevents misrepresentation of the actual publisher of the work. Therefore, practitioners should be cautious about buying ISBNs from sources other than the ISBN Agency.

²¹⁶ Ibid., 3.

²¹⁷ Ibid.

²¹⁸ Ibid., 7.

²¹⁹ General Questions, Bowker U.S. ISBN Agency, accessed August 30, 2010, http://www.isbn.org/standards/home/about/faqs_main.html.

²²⁰ Ibid.

To apply for an ISBN, the practitioner can fill out an ISBN application at Myidentifier.com and receive an ISBN instantly. The practitioner should ensure that all copies of the report have the assigned ISBN listed.

iii. Printing the Report

Practitioners can make the report available in an electronic format to be distributed through online channels. The advantages of this method are that it is highly cost-effective and can promote distribution of the report. On the other hand, practitioners will either need to make the report available for download free-of-charge or set up a payment system. Charging for report sales can trigger sales tax, and the organization will need to obtain tax advice on tax implications.

Practitioners should be strategic in scheduling the timing of the report's release. For example, releasing the report in anticipation of or on a significant anniversary date can draw heightened attention. Timing a report to coincide with dates, such as human rights day (December 10), World Day against the Death Penalty (October 10), 16 Days of Activism against Gender Violence Campaign (November 25 to December 10), or anniversary dates of major events, can provide a strong incentive for media, officials, and the public to pay attention. If the report's completion is toward the end of the calendar year, practitioners may want to consider waiting until January to release the report to avoid the appearance that the publication is outdated by having a date in the previous year.

Practitioners can also design and produce print copies of the report. Having print copies can be costly, but it also provides a powerful visual aid that they can distribute to stakeholders, funders, and affected populations. Practitioners can check with local printers or explore a number of online options for best price, options, and quality.

Practitioners can also explore online publishers that print, distribute, and sell the report. For example, CreateSpace is an online publisher that allows anyone to print and distribute a work on a private website, amazon.com, and other retailers. For a membership fee, practitioners can upload and create their product, receive a proof copy, place an order for any minimum number of print copies, and sell the finished product through retailers. Benefits and drawbacks of using an online publisher will vary depending on the company, but a few advantages and disadvantages are noted below:

Advantages:

- Can easily use and upload the publication.
- Can obtain ISBN from publisher.
- Removes the printing, sales processing, and shipping burden from the practitioner if he or she chooses to sell through the online retailer.
- Receive sales updates and royalty checks from publisher.
- Gives wider distribution through online retailers, such as Amazon.com.
- Can order prints as needed, with no minimum requirement, and no bulk step shipping costs.

Disadvantages:

- Must pay a fee.
- Must work within the online publisher's formatting and design parameters.
- Can take time to receive print copies of the proof and final copies.
- Must pay shipping costs for prints ordered.
- Must do the initial layout or use the services of an expert designer to achieve a professional look.

iv. Releasing Your Report to the Public

It is important to include members of the community or affected population when planning for the release of a report. Just as communicating the report findings and recommendations to lawmakers and service providers is an important part of the process, so too is conveying that information back to the participants who shared their experiences in the first place.²²¹ Practitioners may want to include plans for outreach events and community meetings, creative messaging such as dramatic performances, and translated and/or simplified language versions of the report.

Practitioners should carefully analyze how to maximize the impact of the report. A first step is to list the target audience for the report, including members of the community or affected population.²²² Practitioners should next consider and evaluate all options of communicating their findings to these target audiences. There are a myriad of mechanisms practitioners can use to publicize their findings, whether through report dissemination, the media, workshops, group meetings, symposia, and other outreach initiatives. At a minimum, practitioners can draw upon several means already at their disposal:

- Draft a story about the report for placement in the organization's newsletter.
- Announce it on the organization's website.
- Create an urgent action advocacy piece around the report.
- Email an announcement to the organization's list of supporters and partners.
- Have copies of the reports at organizational events.
- Conduct workshops or outreach campaigns around the report's findings.

a. Media

One commonly used publicity option is the press release. Issuing a press release communicates to news outlets that the report is newsworthy. Practitioners can send press releases to print media, online media, radio stations, television stations, and commercial distributors. Generally, the practitioner should strive to release a succinct and comprehensive description of the event, whether it is the project's finalization or release of the report. Another option to garner publicity is to hold a press conference. A press conference provides organizations with a means of communicating information to the media in the manner chosen by the organization. See the *Advocacy* section on page 90 for further discussion on press releases and conferences.

²²¹ Ellsberg, *Researching Violence Against Women*, 221; interview with COHRE staffperson by The Advocates for Human Rights, Nov. 10, 2010.

²²² Ellsberg, *Researching Violence Against Women*, 217.

Practitioner's tip on press releases:

The following are some basic tips to follow when drafting a press release.

- Include the date and indicate whether the document is for immediate release or to be embargoed for another specific date.
- Include the name and contact information of a person for follow-up questions and comments.
- Position the organization's logo at the top, and include a 2-3 sentence basic description of the organization. Avoid including the mission statement in the description.
- If submitting the same release to multiple sections within a news source, note on the release.

Writing style and format tips:

- Be concise. Keep sentences short. Aim for one and not more than two pages.
- Grab attention with the headline and within the first paragraph. The headline should summarize the newsworthy event and draw the reader into the release. The release should cover the most significant information first in the lead paragraph, then less important information toward the end of the release.
- Address the five Ws and H within the initial paragraphs: who, what, when, where, why, and how.
- Be accurate, and check all facts and spellings. Avoid jargon.
- Include one or two quotes.
- If the release is longer than one page, state "more" at the end of the page and include identifying information on subsequent pages.
- At the end of the press release, state "end," "-30-," or "###" to signal conclusion.
- Submit the release in a timely manner. If mailing or emailing, submit the release ten days prior to the target date; if faxing, submit the release five days before the target date.
- Prioritize releases to determine which need follow-up phone calls. If calling, make the call within three days of the target date. The purpose of a follow-up call is not to check if the journalist received the release; rather, the purpose of a call is to refresh the journalist's memory and sell the story.¹

CHAPTER 6. ADVOCACY



Advocacy is a set of organized actions aimed at influencing public policies, social attitudes or political processes. Advocacy can include the following:

- Enabling and empowering people to speak for themselves;²²³
- Giving support to a policy and persuading those with power to act in support of the policy at local, national, and international levels;²²⁴
- Gaining and exercising power to influence a political action; and²²⁵

²²³ Equitas, *International Human Rights Training Program Resource Manual* (Equitas: International Centre for Human Rights Education: 2009), 317. Also available at http://www.equitas.org/english/ed-manuals/pdf/IH RTP_Resource_Manual.pdf.

²²⁴ Women, Law & Development International and Human Rights Watch Women's Rights Project. *Women's Human Rights Step by Step*. Washington, D.C.: Women, Law & Development International: 1997, 116; Global Rights: Partners for Justice. *Legislative Advocacy Resource Guide: Promoting Human Rights in Bosnia and Herzegovina* (Washington, DC: Global Rights, 2005), 4.

²²⁵ I Know Politics, *Advocacy & Lobbying*, International Knowledge Network of Women in Politics. <http://www.iknowpolitics.org/en/taxonomy/term/29>. Para. 2.

- Organizing efforts by citizens to influence the formulation and implementation of public policies and programs by persuading and pressuring state authorities, international financial institutions, and other powerful actors.²²⁶

Careful human rights monitoring and documentation can help identify systemic failures to protect, respect, or fulfill human rights obligations and can give rise to recommendations to solve those problems. But advocacy is required to maximize the impact of monitoring and documentation. Advocacy ensures that solutions are implemented and that the victim's right to a remedy for violations is realized. Practitioners undertaking human rights documentation and monitoring should consider in the project's early stages how to use the report to accomplish their advocacy goals.

This chapter provides practitioners with a general overview of advocacy strategies, as well as guidelines on implementing specific advocacy tactics. It is meant to serve as a general overview and foundation for advocates who are new to advocacy. More seasoned practitioners may wish to consult additional sources for further guidance. The chapter describes the steps involved in planning an advocacy campaign, from writing goals to evaluation. The chapter then focuses on some of the following broad human rights advocacy tactics:

- Public education;
- Media advocacy;
- Lobbying and legislative advocacy;
- Litigation;
- Domestic human rights complaints; and
- Advocacy before international human rights bodies.

A. THE ADVOCACY PROCESS

The advocacy process involves a number of interrelated actions strategically designed to effect change at various levels. These actions might include increasing community awareness of the issue, creating constituent pressure to push for reform, improving the state response to preventing and punishing human rights violations, and influencing law and policy making.

Before initiating action, advocates for change should identify the purpose of the advocacy campaign. The purpose may range from solving a specific problem by changing a law or policy to raising general awareness about human rights violations in a specific community.

i. Defining Advocacy Goals: What is Success?

A successful advocacy campaign will look different depending on the issue and the context. Practitioners should define what constitutes success in their context and, in other words, set goals for the advocacy campaign.

A goal is a description of the change one wants to see as a result of advocacy efforts. An advocacy goal statement should do the following:

²²⁶ Washington Office on Latin America. *Manual for Facilitators of Advocacy Training Sessions*, 2001, 12. Also available at http://www.wola.org/media/Advocacy%20Training/manual_chap_1_2.pdf.

- Relate back to the human rights monitoring mandate;
- Reflect the findings from the documentation phase;
- Be developed in collaboration with partners and other stakeholders;
- Express desired change in terms of human rights language; and
- Identify the target of the advocacy efforts (e.g., school, public, lawmakers, etc.).

Writing goals that reflect a human rights framework can help ensure a program's success is measurable and meaningful. For example, instead of saying that the goal of a program is to *change the school's bullying policy*, one might write a human-rights based goal such as *the school's new anti-bullying policy will reflect the inherent dignity of all children and will enshrine their right to education in a safe, respectful environment*. Written in this way, the goal already reflects international human rights standards.

ii. Developing an Advocacy Strategy

After the goal is established, the practitioner should design the strategy for achieving it. The strategy will draw on available tactics, such as those described later in this chapter.

While the recommendations arising out of the monitoring and documentation provide a roadmap for what needs to be done, each recommendation may require a specific strategy. Some recommendations may require a phased approach to be most effectively implemented. Practitioners should identify the necessary first steps to facilitate progress to the next phase. For example, an organization that works on sex trafficking might define success in the first phase of advocacy as raising awareness among legislators about the need for victim housing. Later in the advocacy process, success might mean passing legislation directing the government to allocate funds to such housing.

Creating objectives—statements that define the necessary steps to meet the goal—will provide direction for all team members and can be used as markers of success. Amnesty International recommends that objectives be SMART:

- Specific;
- Measurable;
- Achievable;
- Relevant;
- Time bound.²²⁷

To be most effective, an organization should evaluate its capacity to carry out a specific strategy. Organizations should evaluate their resources, staffing, experience, and skills to determine advocacy strategies that are feasible. For example, organizations seeking to change public policy and laws affecting victims might assess factors such as the following:

- Ability to interact constructively with the government;
- Willingness and commitment to coalition-building with other groups;

²²⁷ Amnesty International, *Making Rights a Reality: Campaigning to Stop Violence Against Women* (London: Amnesty International Publications, 2004), 11-12; VeneKlasen, Lisa and Valerie Miller. Planning Moment #5: Mapping Advocacy Strategies, *A New Weave of Power, People & Politics: The Action Guide for Advocacy and Citizen Participation*. Sterling, VA: Stylus Publishing, 2002, 198. Also available online at <http://www.justassociates.org/chap10%20mapping%20strategies.pdf>.

- Knowledge of the functioning of judicial, legislative, and executive branches;
- In-depth understanding of the political context;
- Access to research and information and the capacity to utilize it to inform policy-making;
- Clearly defined and agreed upon roles and responsibilities of individuals and organizations involved; and
- Human and financial resources to accomplish the advocacy goal.²²⁸

iii. Leadership and Organization

When deciding on leadership, practitioners should take into account capacity and expertise, relationships that can be leveraged or might be threatened, and the mission of the organization. In some cases, the same group that undertook the monitoring and documentation may take the lead on advocacy. In other cases, advocacy is best led by others. Questions practitioners should ask themselves when deciding on leadership structure include the following:

- Is the implementation effort best led by a single organization?
- Is a coalition needed to build support and exercise the needed power?
- What natural or new alliances can be fostered?

The success of advocacy depends in large part on those involved in both formal and informal leadership positions. It is important to select an individual or two who have a passion for the issue and the organizational skills to accomplish the goal as the formal leaders. At the same time, the formal leaders should recognize that other leaders will emerge from within the coalition and stakeholder groups, and that those leaders should be encouraged and supported in their work. The following leadership qualities should be sought:

- Ability to identify and initiate advocacy effort;
- Ability to inspire and attract interest;
- Ability to manage process; and
- Ability to mobilize support.²²⁹

At times, leaders may emerge whose goals are not in line with the overall advocacy strategy. When this occurs, it is important to discuss the diverging goals in private rather than in front of the target audience of the advocacy.

iv. Communication and Education

Practitioners should craft a message that resonates with the target audience of the advocacy effort.²³⁰ There is no one-size-fits-all message, and practitioners should consider what will motivate the target, i.e. the person or entity with the power to make the desired change. A well-written goal statement should be readily adaptable into a human rights-based message.

²²⁸ Washington Office on Latin America. *Manual for Facilitators of Advocacy Training Sessions*, 15-17.

²²⁹ The Advocacy Process, ENDAVAW, UNIFEM, Legislation, The Virtual Knowledge Centre to End Violence Against Women and Girls, <http://www.endvawnow.org/?legislation&menu=347>.

²³⁰ For resources on crafting advocacy messages see Advocacy U, American Library Association, <http://www.ala.org/ala/issuesadvocacy/advocacy/advocacyuniversity/index.cfm>; About Advocacy, Alliance for Justice, <http://www.afj.org/nonprofits-foundations/about-advocacy/>.

Practitioners also should consider how to carry their message to the target. The kind of communication that will be most effective will be different for each situation. Is this a case that requires change of societal norms and attitudes? Or is this a matter to correct how a government agency interprets an administrative rule? Will that government agency be most swayed by the political process or by litigation?

v. Mobilization and Action

The mobilization and action phase is the outcome of effective goal and objective development and is linked with communication and education. It requires mobilizing constituents, the public, and stakeholders to act on the issue.

During this phase, the following activities may occur:

- Recruiting advocacy volunteers and partners;
- Educating staff, volunteers, and stakeholders about the goals, objectives, and tactics of the advocacy plan;
- Carrying out the advocacy strategy and plan;
- Legal and political actions;
- Interested and affected groups taking action to secure change;
- Monitoring and evaluating the process; and
- Continual reexamination and adaptation of the advocacy plan and messaging.

Practitioner's tip: Take into account how the potential message can undermine or strengthen ongoing or future efforts. For example, using a public shaming campaign may motivate public constituents and build pressure, but it may alienate lawmakers, making future advocacy efforts more difficult. Practitioners need not compromise their message in light of these considerations, but should explore ways to overcome these challenges. They may want to designate an advocacy partner as the visible messenger who interfaces with the public and another partner to interact with the legislators.

vi. Measurement of Progress toward Goal and Achievement of Objectives

Any advocacy plan should include the ongoing measurement of progress toward the goals and objectives. Evaluation, both throughout the effort and at its conclusion, helps the advocate understand what is working and identify when adaptation is needed.²³¹ Regular collection of evaluation information should be focused on producing useful feedback on the effectiveness of the advocacy effort. Evaluation need not focus exclusively on the question of whether the human rights violation has been fixed.

Ideally, the evaluation plan mirrors the overall advocacy plan and reflects the goals and objectives defined at the outset. The evaluation plan helps keep track of the steps taken toward the ultimate goal. The Harvard Family Research Project suggests broad categories for evaluation measures.²³² Evaluations can measure the impacts achieved, such as more programs or better services. They can also measure the policy goals accomplished, such as the passage or blocking of proposed legislation. Finally, evaluations can measure the outputs and activities undertaken during the effort, such as the number of members recruited to a coalition or sign-on letter.

²³¹ Focusing, Mapping, Prioritizing, Designing: A User's Guide to Advocacy Evaluation Planning, Harvard Family Research Project, <http://www.hfrp.org/>, 3.

²³² *Ibid.*, 17-20.

B. TYPES OF ADVOCACY

Advocacy can take many forms. This section provides more detailed information to help practitioners decide which advocacy tactic will best meet a particular goal. The advocacy tactics described here start out with relatively familiar and accessible strategies, such as conducting public presentations, and move on to more complex and less familiar strategies, such as bringing complaints before human rights monitoring bodies at the international level.

i. Public Education

Education involves disseminating information to increase awareness and ultimately stimulate action. Public education focused on human rights issues or human rights education can be presented in hundreds of different ways. Many organizations begin by doing public presentations on the findings that emerged from their monitoring and documentation work. This is one of the simplest means of public education. Other strategies may include the following:

- Poster/billboard campaigns;
- Conferences;
- Public demonstrations and protests;
- Small group meetings with stakeholders;
- Large community meetings;
- Staging public hearings in which victims can testify about their experiences;
- Creating books or pamphlets documenting victim experiences;
- Staging public tribunals or mock trials, in which evidence is presented and violators are symbolically held accountable;
- Intergroup dialogue (led by experienced facilitators);
- Working with local movie theaters or libraries to host film screenings of documentaries or human rights-related films and arrange post-film talkbacks;
- Hosting a photograph or art exhibit at a public venue, such as a gallery or coffee house;
- Working with a local museum to create and lead human rights-themed art tours;
- Starting a book club with a human rights theme;
- Creating a blog on a human rights issue;
- Starting a Twitter account about the issue;
- Working with local music venues to host events with cultural and human rights themes;
- Showcasing original poetry, songs, stories, or essays written by victims of human rights abuses;
- Creating games and other interactive tools to teach about an issue; and
- Adding human rights information to an organization's website.

Regardless of strategy, the key to success is knowing the audience and keeping in mind the following guidelines:

- **Not all participants have prior human rights knowledge.** Do not assume participants have any prior knowledge about the human rights topic(s) at issue. Try to relate to what human rights knowledge the participants may already have, and what they may already know about the human rights topic(s).

- **Do not focus solely on the violations of human rights.** Highlight the values, beliefs, and attitudes that serve as the building blocks of human rights. Show how human rights law establishes international standards and norms rather than upsetting and alarming participants by focusing on human rights violations.
- **Connect participants' experiences to the principles discussed.** Create opportunities for participants to relate their personal experiences to the human rights issues and principles explored.
- **Highlight at least one human rights document.** Engage participants in an activity or exercise that involves a human rights treaty or other description of standards, such as the Universal Declaration of Human Rights. Give participants a copy, if possible. Participants should understand the international law that defines and guarantees the human rights being examined.
- **Provide opportunities to take action.** Participants should be provided with opportunities either during or after the educational event to take action. This emphasizes the importance of individual responsibility for human rights.
- **Give participants something to read, share, and take away.** Provide participants with fact sheets, reading lists, local organizations involved with the topic, or websites for more information on particular human rights issues.²³³

a. Online and Social Networking Tools

Rapid flow of information around the globe makes it simple to link a U.S. human rights issue to similar human rights concerns anywhere in the world. Adding a human rights component to existing websites will ensure that individuals anywhere who search on the issue can find the organization's advocacy work. As a result, using human rights language on websites is an important component of public education. Referencing international treaties such as the UDHR or various issue-specific conventions can bring people to a website who otherwise would not have found it.

Another important way to get connected locally and globally with the human rights community is to use social networking tools, such as Facebook and Twitter. Status updates, postings, event invitations, emails, profiles, and

Practitioner's tip: The Advocates for Human Rights and several other organizations produce toolkits and other educational materials free of charge on various human rights issues. Toolkits on general human rights, the rights of women, migrants, persons with disabilities, the death penalty, and the rights to food, housing, health care, and education are available from The Advocates for Human Rights on www.advrights.org. Each of these toolkits contains multiple components to educate and engage people, including a fact sheet, take action guide, resource list, lesson plans, PowerPoint presentation, and quiz. In addition, practitioners can find numerous educational materials that address human rights issues. Several organizations have sample curricula and lesson plans available online, including the following organizations:

- The Advocates for Human Rights (www.advrights.org);
- Amnesty International (www.amnesty.org/en/human-rights-education/resources);
- Human Rights Education Associates (www.hrea.org);
- Human Rights Resource Center (www1.umn.edu/humanrts/edumat/);
- Human Rights Education Info (www.humanrightseducation.info/);
- United Nations (www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx).

²³³ Nancy Flowers, *The Human Rights Education Handbook: Effective Practices for Learning, Action and Change*, part 5, section B, Human Rights Resource Center, University of Minnesota, 2000, last accessed September 3, 2010, <http://www1.umn.edu/humanrts/edumat/hreduseries/hrhandbook/part5A.html>.

photographs on the websites all share information, which is then disseminated within the networks established through the websites. Members of the public may choose to like or become followers of the organization's page on the social networking sites, allowing them to see postings with news updates, event listings and other information shared by the organization. The great advantage of social media is that size and money are less important.²³⁴ Practitioners can be successful in meeting their goals in the online world with limited staff and financial resources.²³⁵

Practitioners should be aware that the public must first like or follow the organization to see the information. Advocates and organizations should be committed to updating their social networking sites regularly to provide current information. Also, if members do not check the social websites frequently or receive update alerts, these websites may not be the most consistent means of communicating information with members.

As with social networking sites, blogs are a simple, cost-effective way to share information updates, to publicize events, or to release information about monitoring and documentation. It is easy to start a blog on sites like Blogger and Wordpress. The blogger is self-publishing, so he or she can determine the content and tone. The blog address needs to be shared with the public so members know they can read the blog for information. As with websites, the public will not visit the blog as a source of human rights information unless they know about it. Practitioners should be prepared to update the blog regularly. Yet, bloggers cannot rely on a blog alone as definitive communication as readers may not check blogs frequently even if they are members. If the public is allowed to comment on blogs, there is the potential for biased, insensitive, and uninformed comments to be posted in response. The advocate or organization should have a policy for handling any such comments and promptly removing them.

ii. Media Advocacy

Media advocacy is the process by which an organization presents information to the news media to affect public opinion on an issue and to address policymakers.²³⁶ The news media may be the most effective outlet for human rights practitioners to reach a broad audience and potentially influence those individuals responsible for public policy. Media advocacy requires a carefully planned strategy, effective messaging, an understanding of the relevant media outlets, and an awareness of which media tools will best suit the strategy.

Prior to any communication with the media, the practitioner must develop a media strategy. For each issue, the practitioner should isolate a specific problem to address, provide a set of possible solutions to that problem, suggest what steps can be taken to achieve those solutions, and identify the people who can take those steps.

In addition, certain organizational steps can facilitate effective media advocacy, such as designating a spokesperson. A spokesperson is an individual within an organization selected to communicate with the media. The fewer people a practitioner permits to communicate directly with media, the more likely its message will be presented consistently and clearly.²³⁷

²³⁴ Causes, interview via telephone by The Advocates for Human Rights, May 5, 2010.

²³⁵ Ibid.

²³⁶ UCLA Center for Health Policy Research, *Media Advocacy: To Advance Public Health Policy Workshop Workbook* (Los Angeles: Regents of the University of California, 2002), 13. Also available online at http://www.healthpolicy.ucla.edu/healthdata/tw_media2.pdf.

²³⁷ American Public Health Association (APHA), *APHA Media Advocacy Manual* (Washington, D.C.: APHA), 5. Also available online at http://www.apha.org/NR/rdonlyres/A5A9C4ED-1C0C-4D0C-A56C-C33DEC7F5A49/0/Media_Advocacy_Manual.pdf.

a. Strategy and Framing

Framing is the act of arranging facts and opinions to tell a story from a certain viewpoint.²³⁸ A practitioner who artfully and thoughtfully presents an issue will be more likely to attract media attention (framing for access) and to guide the media approach to the issue (framing for content).²³⁹

Framing for access is the process of determining which element of a story will appeal to media.²⁴⁰ In determining what stories to cover, journalists look for certain elements. Possible hooks include a striking conflict or controversy, a local angle, or eye-catching photographs or images.²⁴¹ Be careful to avoid sensationalizing a human rights issue or breaching the principles of do no harm and confidentiality with stories and photos.

Framing for content is the process of shaping facts and opinions into a story told from a particular perspective.²⁴² Effective framing for content can transform a set of circumstances into a compelling story that demonstrates the need for policy change.²⁴³ Practitioners who frame the content of a story effectively can promote their chances of seeing their viewpoint reflected in the media coverage.

b. Familiarity with relevant media outlets

The more practitioners understand relevant media outlets, the more fruitful their interactions with media are likely to be.²⁴⁴ Different broadcasts, newspapers, and online media outlets approach stories differently and target specific audiences, while certain reporters are more likely to take an interest in certain issues.

A contact list, which organizes the contact information of relevant producers, editors, and reporters, can be a useful tool in managing media communications. Practitioners can compile such information directly from a station, newspaper, or other partner organizations. Practitioners should keep the contact list updated as often as possible.

c. Traditional Media Tools²⁴⁵

- **Press release:** Grab attention for the human rights issue within the headline and first paragraph. The headline should summarize the newsworthy event/issue and draw the reader into the release. The release should cover the most significant information first in the lead paragraph, then less important information toward the end of the release. For sample press releases, see Appendix E.
- **Press conference:** Think carefully about the objectives—have a newsworthy reason to hold a press conference for reporters to hear the message in person rather than through a press release.
- **Letter to the editor:** Letters that are concise, link human rights to local issues, and that refer to stories the newspaper or magazine has already published are more likely to be selected.
- **Op-eds:** By allowing the author to address an issue in greater depth than in a letter to the editor, an op-ed invests more authority in that viewpoint. Publications often provide guidelines for such articles, and practitioners can speak with the editorial staff to clarify expectations if necessary.

²³⁸ UCLA Center for Health Policy Research, *Media Advocacy*, 13.

²³⁹ *Ibid.*

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*, 13-14.

²⁴² *Ibid.*, 14-15.

²⁴³ *Ibid.*

²⁴⁴ American Public Health Association, *APHA Media Advocacy Manual*, 5.

²⁴⁵ For more information on this topic see *Advocacy Toolkit- Media and Publicity*, Physicians for Human Rights, <http://physiciansforhumanrights.org/toolkit/media-and-publicity/>.

- **Editorial board meeting:** Try to win the support of a newspaper's editorial board on a human rights issue. Request a meeting with editorial staff, design an effective presentation in line with the overall media strategy, and provide written information for the board members to review.
- **Interviews:** To prepare to give a radio or television interview, practitioners should familiarize themselves with the format and style of the program for which the interview is conducted. In addition to presenting their own viewpoint, practitioners should also prepare to counter opposing arguments in a professional and credible manner.

Practitioner's tip on press conferences:

The following tips are a useful guide in holding a press conference.²⁴⁶

1. Determine the goals of the press conference. Practitioners should think carefully about their objectives: is the press conference to publicize the project's findings? Demonstrate clout? Empower constituents and/or the affected group? Garner public support and involvement? Communicate a point to stakeholders? Practitioners should have a newsworthy reason to hold a press conference for reporters to hear the message in person rather than through a press release.
2. Determine the message. Identify what is sought from the target audience and tailor the message accordingly. Also, practitioners should ensure that all speakers understand their roles and what each person's message is to avoid repetition.
3. Select a venue, date and time. The location for the press conference will depend on the organization's needs. When deciding on a venue, practitioners should consider factors such as symbolism, the best angles, backdrop, and technical requirements, such as lighting, electrical outlets, and sound systems. In addition, practitioners should think about the venue's accessibility, including location and parking availability. Consider whether there is an overflow or a smaller space nearby in case turnout is not as expected. When selecting a date, practitioners should consider deadlines for journalists and rival events, and bear in mind that mid-week days are generally better for obtaining media coverage.
4. Send invitations. Practitioners should draft a press advisory to invite both media personnel, as well as partners, allies and sympathetic officials. They should use their list of reporters or begin to build a list by calling newspaper editors—ideally in the morning—to learn who would be the appropriate reporter. Practitioners should also seek to build relationships with the local Associated Press and Reuters reporters, and call them once they have the basic conference information to request they add the conference to the daybook. Establish a realistic goal for the number of people to expect. Recruiting volunteers to help conduct outreach is one strategy to maximize turnout. If the news outlet is unlikely to send a reporter, call the photo desk to check whether they can assign a photographer to cover the event. Invitations should be sent generally between two to seven days before the news conference, followed up by reminder phone calls before the conference.

²⁴⁶ Compiled from How to Hold a Press Conference, Western Organization of Research Councils (1996), <http://www.npaction.org/resources/WORC/pressconf12.pdf>; Tips on Planning a Press Conference/Event, http://citizenstrade.org/pdf/pc_pressevent.pdf.

5. Prepare materials. Practitioners should prepare a press packet, including background material, the press statement, facts sheets, copies of the report, and visuals, to hand out at the event. They should also send the press packet to journalists who did not attend the conference. They should prepare visuals to depict message at the conference, such as charts, signs, photos, graphics, maps, banners, and props. Practitioners can prepare a take action activity for attendees during the conference. Finally, practitioners should prepare the statements that will be made at the press conference.

6. Prepare everyone for their roles. Practitioners should aim to have one to two people speak for no more than 10-15 minutes each. Pre-planning and trial runs are a good way to ensure that speeches are succinct, understandable, and non-repetitive. Practitioners should also select and prepare a facilitator or host to welcome reporters, maintain control, and keep the conference focused on the topic. Prepare and have a master list of speakers' contact information.

7. Conduct the press conference. Allow sufficient time to set up the venue and be prepared to receive reporters fifteen minutes before the start time. Greet reporters as they arrive and ask them to sign in with their contact information. After the statements, take questions from the audience. Some considerations for creating an effective impression:

- **Television:** Pay attention to how to portray the visual image. Place spokespersons and audience near each other where they can all be seen within the frame. Strategically seating audience members, such as affected populations, in view of the camera is another strategy. Use visuals that have a strong impact and clearly communicate the message.
- **Audio:** Take steps to ensure that the sound is clear by having only one person speak at a time to the media and using another area separate from any noisy action to speak to the media.
- **Print journalism:** Be credible in communications to the press and refrain from discussing topics that are not relevant or that the organization is unprepared to address. Use pithy and high-impact quotes and distribute press packets to the reporters.

iii. Lobbying and Legislative Advocacy

A third kind of advocacy is lobbying or working to change laws. Legal reform is often a very real and desired outcome after the monitoring. Before embarking on this advocacy tactic, practitioners should consider their organization's legal status and resources. The following section provides a general overview for practitioners to understand what constitutes lobbying under law.

What does the tax code say about lobbying?

The Internal Revenue Service defines lobbying as any attempt to influence legislation, either by contacting members or employees of a legislative body, or encouraging others to do so in favor of or in opposition to legislation. In this case, legislation refers to any acts, bills, resolutions, or similar items put forward by the United States Congress, state legislatures, city councils, or other governing boards.²⁴⁷

²⁴⁷ Lobbying, IRS.gov, <http://www.irs.gov/charities/article/0,,id=163392,00.html>.

The rules for lobbying differ based on the type of organization involved and the type of activity. For example, a 501(c)(3) tax-exempt organization may participate in some lobbying, but taking part in too much lobbying activity could result in a loss of tax-exempt status. Generally speaking, the federal government uses one of two tests to determine if a 501(c)(3) group is performing an acceptable amount of lobbying:

1. Expenditure Test. Lobbying activity is measured in terms of amount of expenditures relative to the size of an organization.²⁴⁸
2. Substantial Part Test. A number of factors, including amount of employee and volunteer time, in addition to expenditures, are measured to determine if the amount of lobbying is substantial.²⁴⁹

In addition to federal regulations, individual states and local units of government may have their own lobbying regulations and requirements. As an example, lobbyists operating in the State of Minnesota are governed by the Campaign Finance and Public Disclosure Board.²⁵⁰ It is a good idea to research additional rules before beginning lobbying.

It is important to note that lobbying is different from advocating, which involves promoting a particular cause. The Minnesota Council of Nonprofits²⁵¹ identifies five categories of activity that do not constitute lobbying:

1. Self-defense;
2. Technical advice;
3. Non-partisan analysis or research;
4. Examination and discussion of broad social or economic problems; and
5. Regulatory and administrative issues.

If an organization is unsure as to its status or activities, staff should consult a qualified attorney immediately.

All lobbying is not created equal. In fact, the IRS lists clear distinctions between direct and grassroots lobbying, described here by the Minnesota Council of Nonprofits.²⁵²

Direct Lobbying: Direct lobbying is when a practitioner states his or her position on specific legislation to legislators or other government employees who participate in the formulation of legislation, or urge their members to do so. In order to count as direct lobbying, it must refer to specific legislation and express a view on it.

Grassroots Lobbying: Grassroots lobbying is when a practitioner states his or her position on specific legislation to the general public AND asks the general public to contact legislators or other government employees who participate in the formulation of legislation. If the communication to the general public does not include a call to action, it is not lobbying.

²⁴⁸ Measuring Lobbying Activity: Expenditure Test, IRS.gov, <http://www.irs.gov/charities/article/0,,id=163394,00.html>.

²⁴⁹ Measuring Lobbying: Substantial Part Test, <http://www.irs.gov/charities/article/0,,id=163393,00.html>.

²⁵⁰ Home Page, Minnesota Campaign Finance and Public Disclosure Board, <http://www.cfboard.state.mn.us/>.

²⁵¹ Frequently Asked Questions about Nonprofit Lobbying, Minnesota Council of Nonprofits, http://www.mncn.org/policy_lobby_law.htm#whatisnt.

²⁵² Ibid.

a. Developing a Lobbying Strategy

At its very core, lobbying is a process of trying to convince others that they should adopt the lobbyist's position on an issue. There are several key components to consider when crafting a lobbying strategy.

Defining Goals and Successes

The first question to answer when taking on any lobbying endeavor is what result are you hoping to achieve? These goals can range widely from simply raising awareness of an issue, to establishing the organization as an information resource in a particular area, to actively passing or blocking pieces of legislation. Defining clear goals early in the process is important. If another organization unexpectedly wants to weigh in or offer changes to the proposal, for instance, it is helpful to be able to refer back to an initial goal in order to stay focused.

After setting goals for the agenda, the practitioner should also determine specific intermediate benchmarks to chart any progress made. The practical reality of politics is that the process of changing and making laws is often long and drawn out. Hundreds of issues are placed before members of Congress and state legislators every year for their consideration, and issues frequently have to be reviewed and approved by a variety of committees with jurisdiction over even small portions of a bill. Most groups trying to actively pass bills into law find that it requires months and often years of work to complete. As a result, many times a successful lobbying endeavor does not immediately result in a new law being passed, but rather achieves certain benchmarks of progress.

Assessing Political Dynamics

Since politics often cannot be separated from policy, the political landscape of the body being lobbied plays a crucial role when developing strategies.

First, practitioners should ascertain which political party is in control of the various lawmaking entities in government—the House, the Senate, and the executive. That fact, along with how large the controlling margins are, is important because the majority party will control what issues receive work and attention in the various committees. Take note of certain key legislators, such as committee chairs or members in leadership positions.

Second, practitioners should survey the political landscape for opponents to the proposal. No legislative strategy is complete without a complete analysis of the potential opposition. Who are they? What are their concerns? How can you potentially respond to their concerns? Practitioners should try to ascertain whether the opponents disagree with the basic principles of the proposal or whether compromises could make the proposal acceptable.

At this point in the strategy development, it is critical to begin thinking about the bottom line. Practitioners should consider what compromises would be acceptable, what concepts could be abandoned, and what critical pieces must not be compromised, even at the cost of not passing the legislation.

Legislative Timing

All levels of government, from the United States Congress to local city councils, have their own operational timeframes. When an organization begins thinking about how to advocate for its issue, it is important to determine what the calendar is for the legislative body it intends to engage. For example, Congress takes several intermittent breaks during the year, while some state legislatures only meet every other year. Determining when a legislative body is meeting, or in session, will directly affect how to plan and develop a lobbying strategy.

Developing a Message

A clear and cohesive message is invaluable when lobbying for a cause. Not only will it provide decision-makers a clear point of focus, it will help keep staff, volunteers, and allies focused on the goal before them. If and when practitioners are working within a coalition, it is especially important that everyone utilize the same message. Practitioners should remember that the initial advocacy goal, if written using a human-rights-based approach, can serve as a great starting point for a powerful message.

b. The Process of Lobbying for a Bill

Just as there are different forms of lobbying, there are also different kinds of lobbyists. Some lobbyists are professionals in the area of government relations, with many years of experience and a more complete understanding of the intricacies of the process. There are others, however, who are referred to as citizen lobbyists — *i.e.*, individuals who have taken an interest in, and work to advocate for, a particular issue. These citizen lobbyists are not necessarily expected to have the same level of institutional knowledge or know-how inside the capitol building, however, it is a good idea for practitioners to have a sense of what will be expected and what actions can help their lobbying efforts go more smoothly.

Identify a Legislative Author

After the organization has identified its policy proposals, its next step should be to identify a sitting legislator to be the bill author. In order for a bill to be introduced for consideration by the legislature, a legislator must agree to submit it under his or her name. Bill authors do not actually perform the writing of the bill, rather, the author is responsible for navigating proposals through the legislative process and helping to advocate for that particular issue with their elected colleagues.

Finding a bill author can be challenging, but there are several helpful strategies:

1. A personal relationship between a legislator and the organization or its members is often the most effective when looking for an author. Lobbying and politics are often as much about relationships as they are about policy.
2. Most elected bodies keep detailed electronic archives of previously introduced legislation—research can help reveal if any legislators have worked on this specific issue in the past.
3. Look for legislators who have had prior experience working on similar issues. Legislative bodies divide themselves up into committees that focus on distinct policy areas which can help narrow a search for an author.

Drafting Legislation

After the practitioner has an agreement with a legislator to carry the bill, the next step is to transform the proposal into formal legislation. All legislative bills, regardless of subject matter, must be drafted to adhere to certain legal language standards before they begin to move through the legislative process.²⁵³ Each legislative branch will have a research or revising office that will help format the proposal into this legislative language. However, practitioners should always remember to keep legislative timelines in mind—this bill is not the only one on which staff members will be working on and their workload often accumulates quickly after a legislative session begins. It is a good practice to submit legislative language to them as early as possible.

²⁵³ As always, be sure to check on the specific bill drafting procedures for the legislative body you will be lobbying.

Getting Endorsements and Creating Coalitions

Receiving endorsements and creating a stakeholder coalition around the issue is a sign of strength, which is often useful if or when opposition to the bill is raised. An effective tactic for achieving this goal is to gather public support for the position from other groups, associations, or influential individuals. Using a human rights framework in messaging can help bring additional members to a coalition. Being able to show that the proposal is supported by stakeholders other than the organization is important—it is good for the organization to have a meeting with a legislator about its issue, but it is great to have many other groups contact or meet with that same legislator to echo the same position.

Finally, it is important for a coalition to have regular meetings and continuous information-sharing. It is damaging to any coalition effort when members of the coalition, either because of lack of leadership or poor or inadequate communication strategies, do not act in a coordinated manner and with a singular message. Internal struggles acted out in public are damaging to a coalition, to its members, and to the relationship with policymakers.

Dealing with Opposition

Hearing opposition to one's ideas can be uncomfortable and sometimes intimidating. Although difficult at times, it is important to try to remain respectful to the opposition. Everyone has a right to make his or her respective cases, but legislators are less likely to listen objectively to any arguments if they believe a debate has spiraled into a personal fight.

Although most lobbyists prefer to have their initiatives pass without any opposition, disagreements can also be very useful tools. Practitioners should listen carefully for opportunities to clarify or correct misrepresented information or any inaccurate facts. In some situations, these discussions can lead to solutions for policy concerns that may not have been anticipated in the beginning of the process.

Meeting With Legislators and Staff

Meeting face-to-face with legislators is one of the most effective ways to lobby for an issue. However, it is not advisable to simply drop by legislators' offices, particularly when they are in session. Instead, make an appointment and provide the following information:

1. Full name;
2. Organization;
3. Issue the meeting is about; and
4. Contact phone number or email.

The following is an example of a message to leave for a legislator: *Hello, this is Joe Smith with the ABC Foundation. I would like to make an appointment to meet with Senator Jones to discuss _____.* *This issue will be heard in committee in two weeks, and I would very much like to have his support. You can reach me at (123) 456-7890. Thank you very much.*

If the practitioner is able to meet with a legislator when not in session, the legislator will likely have more time to fully discuss the issue, provide pertinent background materials, and answer questions. However, if meeting during the legislative session, legislators often will only have a very brief amount of time to talk, often only 10-20 minutes,

and in some cases, may have a staff member meet instead.²⁵⁴ With these shorter meetings, practitioners should remember the following:

1. Be prepared—bring a brief one-page summary of the issue and its key components along with other detailed background information.
2. Know before a meeting what the goal is. Are you just looking to provide information, or asking how they intend to vote? Some senators and representatives may not immediately reveal their intentions, possibly because they have not yet made up their mind, or they need more information. Again, practitioners should offer to provide any additional information to answer any questions and should respond quickly and accurately.

Getting a Bill Heard in Committee Hearings

After the bill has been introduced, it will be referred by legislative leadership to the appropriate committee. Practitioners should not assume that their bill will automatically be given time on a committee's agenda. Instead, they should investigate the proper protocol for requesting time on a committee's docket, and research whether the bill must be heard by additional committees. The bill author can be a helpful resource in this situation.

After the bill has been assigned to a committee and a hearing has been scheduled, practitioners should attempt to meet with each member of the committee before the hearing takes place. During the course of these meetings, practitioners should determine if the bill has enough votes to pass. If it appears that the committee is split, or there are insufficient votes to pass the bill, consideration should be given to rescheduling the bill. It is better to delay a vote that may not win than to push it forward and risk losing the vote on the bill. Bills voted down in committee are far less likely to be taken up again in the near future.

During a hearing, the bill author and a representative of the lobbying group will present the bill to the committee. Typically, this presentation consists of a brief discussion of the provisions in the bill and any necessary background information.

Seeing it Through

The committee hearing is often just the beginning of the process. As bills come out of committee, lobbying efforts will continue, using the same tactics described above. One-on-one meetings with legislators will continue to be important, as will mobilizing the organization's base to make calls in support of the bill.

At the end of a lobbying campaign, practitioners should take time to review all that has happened

Practitioner's tip: When appearing before a committee, it is important to be organized:

1. Double-check where and when the hearing will be held so interested parties can arrive on time.
2. In preparing materials to distribute, provide enough copies so that every member of the committee and the audience can get one.
3. Decide in advance of the hearing who will testify to the committee. Inform committee staff before the hearing who will be testifying for the group, so their names can be added to the agenda.
4. Testimony should be succinct and straightforward—what does the bill do? Why is it important? Who else supports the bill? Testifiers should feel free to bring prepared notes with them to the witness table.
5. Be prepared for members of the committee to ask questions.

²⁵⁴ Meeting with staff should not be seen as a slight, it is simply a practical reality that when legislatures and Congress are in session lawmakers have many more demands on their time.

in order to evaluate the appropriate next steps. Analyze which tactics were effective, and, if necessary, consider changing a strategy.

Lobbying for an important cause can be a very rewarding and fulfilling experience. Beyond the facts and arguments, however, practitioners should remember that their most important asset in the capitol building or city hall will always be their reputation. To that end, practitioners should constantly strive to act professionally and provide accurate information to all parties.

c. Commenting on Legislation

Even when an organization does not propose its own legislation, there are opportunities to participate in legislative advocacy. Policymakers may draft legislation in response to the recommendations from important reports or studies. Part of that process often involves contacting appropriate groups or agencies to get comments on the bill's substance. This can be a valuable opportunity to influence policy decisions.

Organizations should carefully observe notices released by public agencies to closely follow actions that will affect their issues. Often state departments will publish requests for comment on initiatives, which are important opportunities to influence public policy on the regulatory level. Organizations should also watch legislative calendars. Often legislative committees will hold hearings on topics of interest. Testimony and other information provided at those hearings can influence future legislative proposals, and ultimately, the resulting law.

iv. Litigation and Legal Aid

Human rights abuses often violate not only international principles of human rights, but specific state and federal constitutional laws. Practitioners may decide that litigation of the rights of individuals and groups, or the provision of legal aid, should be a part of an overall strategy.

Human rights monitoring may reveal that individuals who have experienced human rights violations need assistance in stopping ongoing violations, obtaining remedies, or accessing services. By taking a case to court or starting an administrative process, affected individuals may be able to obtain several benefits:

- Services designated for people who have experienced such a violation;
- Injunctions (where a judge orders someone to stop doing something);
- Protective orders (used in cases of domestic violence, stalking, harassment, etc.);
- Money damages (available in a wide variety of cases such as discrimination, sexual harassment, police misconduct, property damage, etc.);
- Criminal penalties (the state will prosecute individuals when there is evidence that they have engaged in criminal behavior);
- Immigration benefits (asylum, work authorization, family reunification, residency, etc.); and
- Other remedies.

Human rights practitioners should consider whether to engage an attorney early if it appears the laws are being violated or that the appropriate remedy may be obtained through litigation.

a. Legal Aid (Legal Services)

The primary purpose of legal aid is to provide information and advice to help clients navigate legal processes. Legal processes may include filing lawsuits, filling out forms at an administrative agency, applying for benefits, or accompanying someone to court for support. Broader human rights goals may come into play, but the focus is on helping the client achieve its goals.

Legal services regimes exist throughout the United States, but many are overburdened or inaccessible to those who need services. In trying to obtain legal services for clients, it is important to consult existing resources first, such as local legal aid agencies, law school clinics, and non-profit organizations that provide legal assistance for specific types of cases. If these services do not meet the needs of the population, it may be feasible to develop a legal services program in partnership with another organization or *pro bono* law firm.

b. Impact Litigation

Impact litigation uses the justice sector to achieve legal and social change through test cases. Impact litigation is designed to have an impact beyond the actual outcome of the case. Organizations may decide to engage in impact litigation as part of a broader campaign on a human rights issue. Nevertheless, impact litigation requires full disclosures to the client about the process, the risks and the likelihood of success. Regardless of the broader goals, the client’s interest must be paramount in any litigation process.

Impact litigation can be used to:

- Amend law or policy that violates the U.S. Constitution or international human rights norms;
- Identify gaps between domestic legal standards and international human rights standards; or
- Ensure that laws are correctly applied and enforced.²⁵⁵

Impact litigation has been used for many years in the United States to advance civil rights, women’s rights, the rights of native peoples and other minorities, the rights of prisoners, the rights of children, housing rights, and many other issues. Historically, impact litigation has led to momentous legal decisions in the United State related to free speech, interracial marriage, school integration, abortion, and gay rights. But, like any advocacy strategy, impact litigation holds potential risks as well as benefits.

Potential Benefits of Impact Litigation	Potential Risks of Impact Litigation
<ul style="list-style-type: none"> • Win a desired outcome for the client or group of clients • Set important precedent • Achieve change for similarly situated people • Spark large scale policy changes • Empower clients • Raise awareness 	<ul style="list-style-type: none"> • Unduly burden client • Political backlash • Risk safety of client, especially marginalized groups • Privilege political or strategic goals over individual goals • Set bad precedent

²⁵⁵ Barbara Bedont and Mona Nekoara. Public Policy Advocacy: Strategic Litigation and International Advocacy. Stanhope: Public Interest Law Initiative and Columbia University Budapest Law Center, Aug. 20, 2003. (powerpoint presentation, presented by Ed Rekosh). <http://action.web.ca/home/narcc/attach/Strategic%20litigation%20%26%20international%20advocacy%20-%20powerpoint%5B1%5D.ppt>.

<ul style="list-style-type: none"> • Encourage public debate • Highlight the lack of judicial independence or fairness on a given issue • Provide an officially sanctioned platform to speak out on issues when government may be trying to silence voices on that issue 	<ul style="list-style-type: none"> • Undermine judiciary by highlighting lack of independence or power on a given issue • Expend valuable resources on a case that may be very difficult to win
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When Should Practitioners Consider Impact Litigation?

Effective impact litigation requires that many variables align in the right way and at the right time. Impact litigation is more than a simple legal case—it is an entire strategy and involves assessing the characteristics of the client, the legal issues, media interest, partnerships with other groups, costs, timing, and other factors. The following are some key questions to consider before starting litigation.²⁵⁶

- Is there a legal issue involved that exemplifies or relates to a broader social problem?
- Would a court decision effectively address the problem?
- Are the cause and the key issue in the case easy to understand for the media and the general public?
- What is the client's goal and how can the lawyer help the client clarify the goal(s)?
- What level of commitment does the client have to achieving the goals?
- Beyond litigation, are there other methods of achieving the client's goal(s)? Are these more or less likely to be effective?
- What are the strengths and weaknesses of the client's case? What are the strengths and weaknesses of the opposition's position? What are the legal claims and how strong are those claims on the merits, within the system, and in public opinion?
- Who are the opponents and what is the estimated level of commitment to that opposition? Who are their supporters?
- Who else has an interest in the issue and what are those interests? Will they support the client's position?
- Will those with an interest be willing to work together on reaching a solution? Are other actors with a less defined interest able to support the issue?
- How difficult will it be to prove the case? How costly will it be?
- Is there an alternative or compromise that will meet the needs of both sides? Is exploration of other avenues an option?
- How likely is it that the court will look favorably on the action?
- What political repercussions will follow a win or loss in court?
- Is the legal theory clear and simple, and is the remedy easy to implement?

There also are some specific questions to consider when bringing a class action (a case on behalf of a group of similarly situated victims):²⁵⁷

²⁵⁶ Richard Wilson & Jennifer Rasmusen, *Promoting Justice: A Practical Guide to Strategic Human Rights Lawyering* 61-62. (Washington, DC: International Human Rights Law Group, 2001). Also available online at http://www.globalrights.org/site/DocServer/PJ_3-4.pdf; Patrick Geary, *Children's Rights: A Guide to Strategic Litigation*, 8 (London: Child Rights Information Network, 2009). Also available online at http://www.crin.org/docs/Childrens_Rights_Guide_to_Strategic_Litigation.pdf.

²⁵⁷ Questions excerpted from: Richard Wilson & Jennifer Rasmusen, *Promoting Justice: A Practical Guide to Strategic Human Rights Lawyering*, 62.

- Whether the interests of the individual members of the group are complementary or conflicting?
- Whether there is a benefit to a group claim rather than multiple individual claims?
- Does the group have a recognized leader or procedures for making decisions as a whole? How are decisions for the group reached?
- Is the group complete? Are key members of the group missing? Why? Will their absence affect the claim?

A critical consideration in human rights cases also pivots on how the courts respond to and interpret international law in the jurisdiction. A given case may focus on asking the courts to enforce international law domestically, or it may involve framing a violation of domestic law as a violation of international human rights, or it may push the boundaries of both.

Ethical Considerations

One of the defining features of impact litigation is that broader policy goals drive the litigation. In some cases, these broader goals may conflict with the interests of an individual client. This raises important ethical considerations that must be extensively examined and discussed with the client from the beginning of the litigation. In particular, if the litigation is unlikely to succeed but there are reasons to pursue it nonetheless, there are some critical questions that must be explored.²⁵⁸

- Should the lawyer encourage the client to continue the case despite a low likelihood of success?
- Will the client willingly sustain a long appeals process if this is necessary?
- Does sufficient financial support exist to see the case to conclusion?
- Can the case be appealed to an international human rights body?
- If the particular court is likely to be adverse, is changing the venue an option?
- Do the potential auxiliary benefits of a failure outweigh the burden of litigation the client faces?
- What extra-legal work can be done to support the case? Will such efforts undermine the judicial process? Will such efforts create a sustainable change in the situation?
- Does the lawyer have a duty to explain the overall strategy to the client regardless of whether it affects his or her case? Is it ethical to fail to inform of an auxiliary reason for the strategy? Is there ever a justifiable reason for a client to be kept uninformed of the strategy?

Procedural Considerations

Courts have formal rules of procedure that govern when, where, and how cases can be brought. Generally, cases must be filed within a certain amount of time after the human rights violation arose. In U.S. courts, this is called a statute of limitations and it varies based on the particular violation. Practitioners must understand the statutes of limitation for a particular claim before investing too much time and energy into an impact litigation strategy.

Procedural rules also control who can bring a case to court, otherwise known as standing in U.S. courts. Generally only an individual or entity that has been directly harmed can bring a case to court, although in some cases groups may be able to bring claims on behalf of their members.

Courts' procedural rules can also draw cases out for many years. This may be positive or negative from a strategic standpoint and often is very difficult to predict. In particular, if losing the case is anticipated but an appeal

²⁵⁸ Questions excerpted from: Richard Wilson & Jennifer Rasmusen, *Promoting Justice: A Practical Guide to Strategic Human Rights Lawyering*, 63.

is planned, practitioners and clients should prepare for a lengthy litigation campaign.

Logistical Considerations

Impact litigation requires two key logistical components: (1) an experienced lawyer or legal team to represent the client, and (2) funding to cover the costs associated with the case. Both of these can seem like insurmountable barriers, especially if an organization has never engaged in litigation before. However, there are many ways to find an effective lawyer and to raise funds to cover costs. In the United States, most lawyers make a commitment to do *pro bono* work as a certain percentage of their legal practice. Depending on the type of case, practitioners may find that there is a network of *pro bono* lawyers who are very experienced in handling such work. Also, practitioners may be able to draw on the support of law schools that have legal clinics to handle impact litigation. The best strategy is to reach out to organizations that are experienced with impact litigation. Many organizations in the United States and internationally have extensive experience with conducting impact litigation on various issues, including the American Civil Liberties Union, the Center for Constitutional Rights, the NAACP, and INTERIGHTS. If an organization is considering impact litigation, the first stop should be gathering input from these or similar entities.

v. Domestic Human Rights Complaints & Administrative Remedies

Individuals seeking a remedy for human rights violations may not need to litigate their cases in court. In particular, remedies for individuals who have experienced discrimination are primarily available through designated commissions that allow individuals to file complaints, get advice and support, mediate a settlement, and locate resources. Discrimination is a violation of the international human rights principle of equal treatment under the law and is expressly prohibited in several international treaties. All people have the right to be free from discrimination, and the state has an obligation to uphold this principle.

At the local, state, and federal levels, the United States has an extensive system of administrative remedies to help people who confront discrimination. Some of these commissions, especially at the federal level, can bring legal cases to court if no other solution can be found. Because most of these bodies have a specific focus on discrimination, they may not regularly address other human rights concerns. However, it is important to remember that many human rights issues in the United States can be framed as discrimination on the basis of sex, age, race, color, religion, arrest record, marital status, sexual orientation, handicap, citizenship, national origin, ancestry, unfavorable military discharge, retaliation, or sexual harassment. Practitioners can also educate members of the commission about the international human rights dimensions of the case, while arguing that the documented abuses are violations of U.S. law.

a. Federal Institutions

Institutions established at the federal level monitor and enforce U.S. civil rights laws. Unlike most countries, however, the United States does not have an overall national human rights institution that monitors compliance with the human rights treaties that the United States has ratified. Much of the treaty monitoring and reporting is carried out under the auspices of the U.S. Department of State.

Federal anti-discrimination laws generally are narrower than state laws, and thus a complaint may be more appropriately pursued at the state level. But, if the human rights issues that have been documented fall into any of the categories in the table below, it may be very important to begin discussions with the appropriate federal body. These bodies generally have more resources than local or state commissions and hold substantial negotiating

power in obtaining a remedy. The federal entity may also have local offices. For example, the Department of Housing and Urban Development requests that complaints go through a state-level affiliate before moving up to the federal office. The following federal entities receive complaints from individuals related to discrimination and other concerns:

Equal Employment Opportunity Commission	Department of Housing and Urban Development	Department of Justice Civil Rights Division
Employment discrimination based on:	Discrimination in housing based on:	Discrimination in education, employment, credit, housing, public accommodations, voting, state and local government programs, and certain federally funded and conducted programs based on:
Race, Color, National origin, Religion, Sex, Family status, or Disability as well as Age, Equal pay/compensation, Genetic information, Pregnancy, Retaliation, Sexual harassment	Race, Color, National origin, Religion, Sex, Family status, or Disability	Race, Color, National origin, Religion, Sex, Family status, or Disability Also investigates hate crimes, misconduct by public officials, human trafficking crimes, and criminal interference with those obtaining reproductive health services.

Each of these federal entities has specific complaint and investigative procedures. The best way to start is to call the phone number listed by the entity on its website and speak with someone who can explain the process.

b. State-level Human Rights Bodies

States also frequently establish human rights (or human relations) commissions, which generally focus on education about and enforcement of the state’s anti-discrimination laws. These bodies hear complaints from individuals who believe they have been discriminated against in seeking housing, employment, public benefits, credit, accommodation, or other areas. The range of covered areas depends on the particular state’s law.

Most human rights commissions maintain phone lines for individuals to call for advice, or they have online forms that can be filled in with the details of a complaint. The commission then seeks more information and tries to determine whether there has been a violation of state law. If there is evidence of a state law violation, the commission may start an investigation and will contact the other party in the dispute. Most human rights commissions encourage resolution of disputes through mediation.

Even if a particular complaint is not investigated for some reason, it may be useful to report a concern. Most human rights commissions are required to report to the legislature on a regular basis about the types of complaints they receive and how the commission has responded, thus potentially revealing patterns or policy breakdowns.

c. Local Human Rights Commissions

Many communities have established local bodies to address human rights issues in the community. For example, the state of Minnesota has a League of Human Rights Commissions

(<http://www.hrusa.org/league/LMHRCcontacts.shtml>) and posts a listing of all the local commissions in the state. Most large U.S. cities have human rights commissions, such as in Atlanta (http://www.atlantaga.gov/mayor/humrela_comm.aspx), Boston (<http://www.cityofboston.gov/civilrights/>), and San Francisco (<http://www.sf-hrc.org/>).

Local-level human rights commissions have a wide variety of competencies and roles depending on how they were established, their membership, and how they are funded. Some have a purely educational role but others have important remedial, enforcement, or reporting roles. Practitioners can explore working with local human rights commissions.

vi. Advocacy at International Human Rights Mechanisms

Selection of advocacy tactics should also include a consideration of whether to bring the matter to the attention of an international or regional human rights body. The UN and regional human rights bodies engage in a variety of activities to protect, monitor, and advance human rights worldwide. International and regional treaties provide the legal framework for international human rights protections and, together with the designated bodies that monitor and enforce them, provide activists with many potential avenues for improving human rights conditions in the United States. Governments that resist or ignore one means of addressing human rights violations might be encouraged or compelled through another mechanism.

Portland Human Rights Commission: Using Inter-group Dialogue to Address Human Rights Issues

Created in 2008, the volunteer-based Portland Human Rights Commission serves a number of functions to help combat discrimination in the community. Although it lacks civil rights enforcement authority, the Portland Human Rights Commission is guided by the Universal Declaration of Human Rights and addresses these issues through human rights education, efforts to reduce racial and inter-group tension, and policy work to address human rights violations and inequality faced by vulnerable populations. The commission meets publicly once a month for public questions and discussion.

The inter-group work particularly has been a transformational experience for participants and in addressing community relations. The Committee for Inter-Group Understanding (CIGU) was established to decrease racial tensions and mend divisions between minorities and law enforcement. As part of these efforts, 22 trained volunteers host inter-group dialogues that engage people of color, white communities, black communities, and the police. These dialogues take place over eight weeks in three-hour sessions per week. The project encourages groups to meet in a positive setting, engage in dialogue that fosters understanding, create alliances across groups, and take action together. Communications received through walk-in complainants and the website help inform the discussion topics. In structuring the dialogue's direction, the Portland Human Rights Commission chose to focus the sessions on discussion instead of reconciliation. The commission realized that if participants expect an apology and that never comes to fruition, then further disappointment and conflict could potentially result. But by facilitating conversation, these meetings have impacted participants' perspectives and allowed them to reflect on their identities, others' social identities, and opportunities. One police officer, who was present at a recent shooting that divided the community, found that engaging in the dialogue has changed his perceptions of the community for the better.

Compiled from: Human Rights Commission, Office of Human Relations.

<http://www.portlandonline.com/humanrelations/index.cfm?c=48749>; Interview with Portland Human Rights Commission member, by The Advocates for Human Rights, March 19, 2010.

International and regional human rights mechanisms allow advocates to present information about local human rights violations directly to the international community. Advocates and activists should, however, think of advocacy as far more than the submission of information to the United Nations. Reports to the international bodies can be effectively used as part of a larger advocacy strategy to change laws and policy. As many practitioners have discovered, advocacy before international mechanisms can be used effectively to gain media attention that boosts local advocacy efforts.

a. The UN Human Rights System

The UN's international human rights mechanisms enforce human rights standards, monitor, and report on human rights violations, directly improve human rights conditions, and create treaties to protect human rights. The international human rights system functions best when there is active participation by civil society organizations, the academic community, and community activists. By providing credible examples of human rights violations, advocates draw attention to systemic problems.

Although accessing the international human rights system may seem daunting, a basic understanding of the UN human rights system and procedures will allow practitioners to easily take part in international human rights advocacy.

UN Charter-based Mechanisms

The UN human rights mechanisms that derive their power from the UN Charter (the treaty that created the United Nations) include the Human Rights Council and Special Procedures. Charter-based human rights bodies have the authority to review human rights practices of all members of the United Nations.

The Human Rights Council and Universal Periodic Review

The Human Rights Council is an inter-governmental body within the UN system made up of 47 countries responsible for strengthening the promotion and protection of human rights around the world. The Council was created by the UN General Assembly on March 15, 2006 to address situations of human rights violations and replaced the Commission on Human Rights. See Chapter 2. Human Rights Background on page 5 for further discussion.

Universal Periodic Review (UPR) is a new human rights process under the auspices of the Human Rights Council. The UPR is designed to review the human rights records of each of the 192 UN member countries once every four years. The UPR provides the opportunity for each country to declare what actions it has taken to improve the human rights situations in its country and to fulfill its human rights obligations. As one of the main features of the Human Rights Council, the UPR is designed to ensure equal treatment for all countries when their human rights practices are evaluated.

The UPR involves a three-hour, interactive discussion between the country being reviewed and other UN member countries. During this discussion, any Human Rights Council member can pose questions, comments and/or make recommendations to the country under review. Often, questions come directly from submissions that have been made by non-governmental organizations. The review ends with a draft outcome document that includes recommendations to the country under review. The final outcome document is then formally adopted by the Human Rights Council at the next plenary session. The country under review has the opportunity to answer

questions, respond to recommendations, and make comments about issues raised during the review. NGOs also have the opportunity to give brief comments prior to the adoption of the country report. The national government has the primary responsibility to implement the recommendations contained in the final outcome document and must provide information on what implementation efforts when it returns for the next review. NGOs also play a role in holding countries accountable for implementing the recommendations of the final outcome document.

Civil society organizations are encouraged to participate in the UPR process through consultations with their governments and by submitting statements documenting issues of concern. Advocates and activists can provide real-life examples of the government's failure to respect human rights obligations. One advantage of the UPR process is that organizational submissions do not have to be detailed. Submissions from a single organization are limited to five pages and submissions from coalitions are limited to ten pages. The Office of the High Commissioner for Human Rights prepares a summary of credible and reliable information from stakeholders, including non-governmental organizations and national human rights institutions to form part of the official record of the review.

Special Procedures of the Human Rights Council

Special Procedures address specific country situations or broad human rights themes. Special Procedures' mandates are established by resolutions of the UN General Assembly. Special Procedures usually have the power to examine, monitor, and publicly report on human rights situations in specific locations (known as country mandates) or on major human rights issues worldwide (known as thematic mandates). Special Procedures mandate holders are either an individual (called Special Rapporteur, Special Representative of the Secretary-General, or Independent Expert) or a working group usually composed of five members that are representative of different regions.

Some of the most relevant mandates in the U.S. context include:

- Special Rapporteur on adequate housing;
- Special Rapporteur on the right to education;
- Special Rapporteur on the human rights of migrants;
- Working Group on arbitrary detention; and
- Independent Expert on minority issues.

Those appointed to carry out the mandate of a certain Special Procedure typically engage in the following types of activities: examining, monitoring, and advising various bodies on human rights situations; publicly reporting on human rights situations; responding to individual complaints; visiting countries or regions; conducting studies; providing advice on technical cooperation; and engaging in human rights promotion.²⁵⁹ Most Special Procedures receive information on specific allegations of human rights violations and send urgent appeals or letters of allegation to governments asking for clarification. In 2008, these Special Procedures sent more than 900 communications to 118 countries.²⁶⁰

²⁵⁹ Special Procedures of the Human Rights Council, Office of the United Nations High Commissioner for Human Rights, <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

²⁶⁰ Ibid.

Communications about alleged human rights violations can be submitted to Special Procedures through the Office of the High Commissioner for Human Rights.²⁶¹

For all Special Procedures communications, the submission should describe clearly and concisely the facts of the incident, including the following:

- Identification of the alleged victim(s);
- Identification of the alleged perpetrators of the violation;
- Identification of the person(s) or organization(s) submitting the communication (this information will be kept confidential);
- Date and place of incident; and
- Detailed description of the circumstances of the incident in which the alleged violation occurred.

The Campaign to Restore National Housing Rights: Using the UN's Special Procedures to Advocate for Change

The UN Special Rapporteur on the Right to Adequate Housing, Raquel Rolnik, made an official visit to the United States between October 23 and November 6, 2009. The Special Rapporteur is appointed by the UN Human Rights Council under Special Procedures to examine and report back on the housing situation of a given country. The first official mission to the United States by a UN Special Rapporteur on Housing, this visit focused primarily on gathering information about concerns around public housing and Section 8 (social housing), homelessness, and the foreclosure crisis.

The National Economic and Social Rights Initiative (NESRI) and the National Law Center on Homelessness and Poverty (NLCHP) coordinated the Special Rapporteur's visit. The Campaign to Restore National Housing Rights, a national coalition of housing rights organizations and community groups, worked in partnership with NESRI to organize city visits and collaborate nationally, which included site visits, town halls, and the participation of over 70 community-based organizations in five cities across the country, as well as Pine Ridge Indian Reservation in South Dakota. NESRI also presented an overview of the issues in a 42-page Primer for the United Nations Special Rapporteur on Adequate Housing Official Visit to the United States. NLCHP facilitated a meeting in Washington, D.C. with federal officials, including individuals from the Obama administration and members of Congress, and collected testimony (both written and video) from communities the Special Rapporteur was unable to visit.

The Special Rapporteur's visit to the U.S. received widespread media coverage, including an article in The New York Times, which helped draw attention to the issues of housing and homelessness. The Special Rapporteur's report of her findings, released in March 2010, reflected many of the concerns of the organizations who presented information to the Special Rapporteur. Organizations continue to build upon the momentum provided by the Special Rapporteur's U.S. visit. For example, one year after the Rapporteur's visit, the Campaign to Restore National Housing Rights published its own report. Our Voices Must Be Heard: A Grassroots Report on the US Mission of the UN Special Rapporteur on Adequate Housing.

Compiled from: Movement Blog for the Campaign to Restore National Housing Rights. <http://restorehousingrights.org>; Special Rapporteur on the Right to Adequate Housing Visit 2009, National Law Center on Homelessness and Poverty. <http://wiki.nlchp.org/display/Manual/Special+Rapporteur+on+the+Right+to+Adequate+Housing+Visit+2009>; UN SPECIAL RAPPORTEUR ON ADEQUATE HOUSING VISITS U.S., National Economic and Social Rights Initiative. http://www.nesri.org/programs/housing_rapporteur_visit.html

Other details pertaining to the specific alleged violation may be required by the relevant thematic mandates. Communications should not be based solely on media reports. Communications that contain abusive language or that are obviously politically motivated are not considered.

UN Treaty-based Mechanisms

Each of the eight core international human rights treaties has a committee of independent experts (known as a treaty body) that monitors the implementation of the treaty. Every country that has signed and ratified a treaty must submit regular reports to the treaty body about the human rights situation in the country and how they are complying with their obligations under the treaty. The treaty bodies review implementation of the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture, Convention on the Rights of the Child, Convention on the Protection of the Rights of Migrant Workers, and Convention on the Protection of the Rights of Persons with Disabilities.

The periodic reporting process provides an important opportunity for civil society organizations to submit separate shadow reports with additional information to the treaty body. Advocates and activists can provide the United Nations with specific, credible reports of human rights violations or lack of progress on human rights policy issues by submitting a report that shadows the issues addressed in the government's report. Shadow reports are considered along with the government's report to the treaty body and highlight issues that the government may have overlooked or wanted to exclude.

United States' Human Rights Treaty Reporting Obligations

Currently, the United States is obligated to report on human rights compliance under the International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture. All shadow reports to the United Nations should be based on factual information, written in clear, simple language, and should be mindful of formats, page limitations, and filing schedules that vary among the treaty monitoring bodies.²⁶² Specific information, including case examples or statistical information, should be included and sources cited. Submissions should include references to the specific treaty provisions violated. For example, when discussing violations of immigrants' rights in the U.S., reference should be made to Article 13 of the International Covenant on Civil and Political Rights, which discusses the rights of aliens. When preparing a submission, there is no obligation to assess compliance under every article of a treaty; rather, it is best for advocates to focus on areas within their expertise where there is evidence of a particular violation.

b. Regional Human Rights Protection: The Inter-American System

Regional human rights mechanisms play an important role in monitoring government compliance with human rights obligations. Such mechanisms have been established under treaty agreements between governments in the major regions of the world, including the Americas, Europe, and Africa.

²⁶² See Preparing Submissions to International Human Rights Mechanisms, The Advocates for Human Rights. http://www.theadvocatesforhumanrights.org/step_2_preparing_submissions_to_international_human_rights_mechanisms.html. Accessed on Nov. 15. 2010.

The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights together interpret and enforce the American Convention on Human Rights and the American Declaration on the Rights and Duties of Man. The Inter-American Commission on Human Rights (IACHR), based in Washington, D.C., investigates individual complaints, conducts independent monitoring, and refers cases to the Inter-American Court.

The United States' treaty ratifications allow for individual petitions to be filed with the IACHR, which can issue non-binding recommendations. In evaluating whether a case could be filed as a petition before the IACHR, practitioners should first determine whether any of the rights in Inter-American treaties have been violated by the U.S. federal government or a state government. The IACHR maintains extensive information about the interpretation of these treaty provisions, including decisions on past petitions, on its website (<http://www.cidh.org/casos.eng.htm>).²⁶³ Practitioners should also consider whether the individual bringing the complaint (the petitioner) has exhausted all options in domestic courts. With certain limited exceptions,²⁶⁴ the IACHR will not accept a petition until the petitioner has tried all reasonably available means to obtain a remedy in domestic courts.

An individual, group, or nongovernmental organization may file a petition with the IACHR with information about the petitioner and the human rights violations.²⁶⁵ After a petition has been submitted, the IACHR sends the U.S. government the pertinent parts of the petition and requests relevant information. The petitioner may comment on the United States' response. During this time, the IACHR may investigate, request information from the parties, and hold a hearing for the presentation of factual and legal arguments. In most cases, the IACHR will try to reach a friendly settlement between the petitioner and the United States government. Once the IACHR believes that it has enough information, it will prepare a report with its conclusions and recommendations. The United States then is given a time period for compliance with the report's recommendations. If the United States does not comply, the IACHR may prepare a second report with more conclusions and recommendations, which will be made public. Before it is published, the United States will have an additional time period to comply.

Petitions to the IACHR can be used strategically to: 1) allow for new arguments to be considered that may be barred from consideration in federal or state court for procedural reasons; 2) allow more time to negotiate domestic remedies pending IACHR review; and 3) generate important publicity on the international stage relative to the issues in the case.

Increasingly, U.S. advocates have begun using the IACHR process to bring petitions related to death penalty and immigration cases. Bringing a petition before the IACHR can also help provide an opportunity to be heard for a survivor of human rights abuses.

²⁶³ The Center for Justice and International Law (CEJIL) has extensive experience with litigation of cases before the IACHR and also is a good resource for practitioners considering filing a petition at the IACHR. It maintains a database of jurisprudence from the Inter-American system, as well as a directory of *pro bono* attorneys, NGOs, and law clinics willing to consult on cases in the Inter-American system.

²⁶⁴ Exceptions to this exhaustion requirement will be made when: the domestic legislation of the State concerned does not afford due process of law for protection of the right or rights that have allegedly been violated; the party alleging violation of his or her rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or there has been unwarranted delay in rendering a final judgment under the aforementioned remedies. (See: Rules of Procedure of the IACHR. Also available at http://www.oas.org/xxxivga/english/reference_docs/Reglamento_CIDH.pdf.)

²⁶⁵ Detailed information about submitting a petition can be found on the IACHR's website at <http://www.cidh.oas.org/>.

Jessica Gonzalez and the ACLU: Using an International Human Rights Mechanism to Hold Officials Accountable

Jessica Gonzales' three daughters were abducted by their father in 1999, in violation of a court restraining order that should have protected them. In spite of multiple calls to police in Castle Rock, Colorado, Gonzales was told that there was nothing the police could do. Later that night, Simon Gonzales drove to the Castle Rock police station and opened fire. After he was killed in a shoot-out with police, the officers found the dead bodies of the three girls in his truck.

Gonzales filed a lawsuit against the Castle Rock Police Department, asserting that the police had breached their duty to protect her and her daughters by failing to enforce an order of protection against her abusive husband. In 2005, after conflicting decisions in lower federal courts, the U.S. Supreme Court held that Gonzales had no individual right to enforcement of her order for protection and therefore could not sue. Gonzales and her lawyers at the American Civil Liberties Union (ACLU) decided to file a petition with the Inter-American Commission of Human Rights (IACHR), an international human rights mechanism that examines human rights issues in the Americas. This was the first time that an individual complaint by a victim of domestic violence had been brought against the United States for international human rights violations.

Gonzales' petition was found admissible and a hearing was held in October 2008. Gonzales was able to testify about her experiences with domestic violence and the police department's refusal to enforce the order for protection – something she was never able to do in the U.S. legal system. While a final decision from the IACHR is still pending, taking her case to an international human rights mechanism has had a beneficial impact on Gonzales. “This was the first time I had ever been heard in a court . . . it lifted a burden of having to carry the facts and the details of what I knew to be true. To have an audience with the State Department was probably the best part of it. Not just being able to say it and recount it, but that they had to listen.”

Compiled from: Jessica Gonzalez v. U.S.A., American Civil Liberties Union. <http://www.aclu.org/human-rights-womens-rights/jessica-gonzales-v-usa>; Perfecting Our Union: Human Rights Success Stories from Across the United States, The U.S. Human Rights Fund, March 2010.

APPENDIX A. UDHR AND THE U.S. CONSTITUTION



UDHR ARTICLE	TOPIC	RELATED U.S. CONSTITUTIONAL PROVISIONS
Article 2	Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty	14 th Amendment
Article 3	Everyone has the right to life, liberty and security of person.	14 th Amendment
Article 4	No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.	13 th Amendment

Article 5	No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment	8 th Amendment
Article 6	Everyone has the right to recognition everywhere as a person before the law	14 th Amendment
Article 7	All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.	14 th Amendment
Article 8	Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.	
Article 9	No one shall be subjected to arbitrary arrest, detention or exile.	5 th Amendment
Article 10	Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.	6 th Amendment
Article 12	No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks	4 th Amendment
Article 17	(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.	5 th Amendment
Article 18	Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.	1 st Amendment
Article 19	Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.	1 st Amendment
Article 20	(1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.	1 st Amendment
Article 21	1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.	15 th , 19 th , 23 rd , 24 th , and 26 th Amendments

From: The Advocates for Human Rights, Human Rights in the U.S. Also available at http://discoverhumanrights.org/Human_Rights_and_the_U_S.html.

APPENDIX B. SAMPLE HUMAN RIGHTS VIOLATIONS TOOL



Examples of Human Rights Violations in the Aftermath of Hurricane Katrina

The following is a list of rights set forth by the Universal Declaration of Human Rights and includes as examples some of the abuses documented on the gulf coast in the aftermath of Hurricane Katrina. This is not a comprehensive list of all human rights violated in the aftermath of the Hurricane, but rather a sample to illustrate the gravity of what occurred.

Freedom from Discrimination

Example: Poor, mainly African-American New Orleans residents were denied equal opportunity to evacuate prior to the hurricane and continue to be disadvantaged by the laws and policies of post-hurricane reconstruction.

Right to Life

Example: Police used excessive force in the aftermath of the hurricane. At least 10 shootings resulting in four deaths were reported. For example, six days after the hurricane, New Orleans police officers killed two unarmed civilians and wounded four on the Danziger Bridge.

Right to Recognition as a Person before the Law

Example: Detainees in New Orleans were denied due process rights. They were not allowed to make phone calls or seek adequate legal counsel. Many detainees were told by the only available public defender that they would be imprisoned if they challenged the charges against them.

Equal Protection of the Law

Example: Poor defendants, who made up 80 – 90% of all defendants, were at a major disadvantage in court. Although covering 88% of all traffic and criminal cases in New Orleans, the Public Defender's Office in New Orleans was funded at 30% of the level of the District Attorney's Office, making poor defendants sorely underrepresented.

Freedom from Arbitrary Arrest, Detention, or Exile

Example: Arbitrary, questionable, or excessive detention was common following the hurricane; for example, many were detained for curfew violations or for unsubstantiated accusations of looting. Additionally, many arrested for minor violations spent an even longer time in prison awaiting legal proceedings than they would have if they had been convicted and sentenced.

Right to Continuous Improvement of Living Conditions without Discrimination/Adequate Standard of Living

Example: Many African-American homeowners have received less grant money for the repair of their homes than white homeowners. The formula used to calculate repair funds is based on pre-Katrina property values, which are a product of years of racial segregation and housing discrimination.

Right to Adequate Health

Example: After Katrina, the city of New Orleans shut down the Medical Center of Louisiana at New Orleans, known as Charity Hospital, which was one of the city's main safety net hospitals, serving a largely poor and minority population of uninsured or under-insured persons. The cost of repairing Charity Hospital was far less than the cost of constructing a new facility in a different location far away from East New Orleans and the Lower Ninth Ward, the impoverished neighborhoods that Charity had served.

Example 2: The Federal Emergency Management Agency (FEMA) suppressed evidence of dangerous levels of toxic chemicals in the trailers it provided to hurricane victims; in spite of discovering that trailer-dwellers were exposed to formaldehyde levels that were 75 times higher than those recommended for U.S. workers, the agency refused to test further out of fear of legal liability for the resulting adverse health effects.

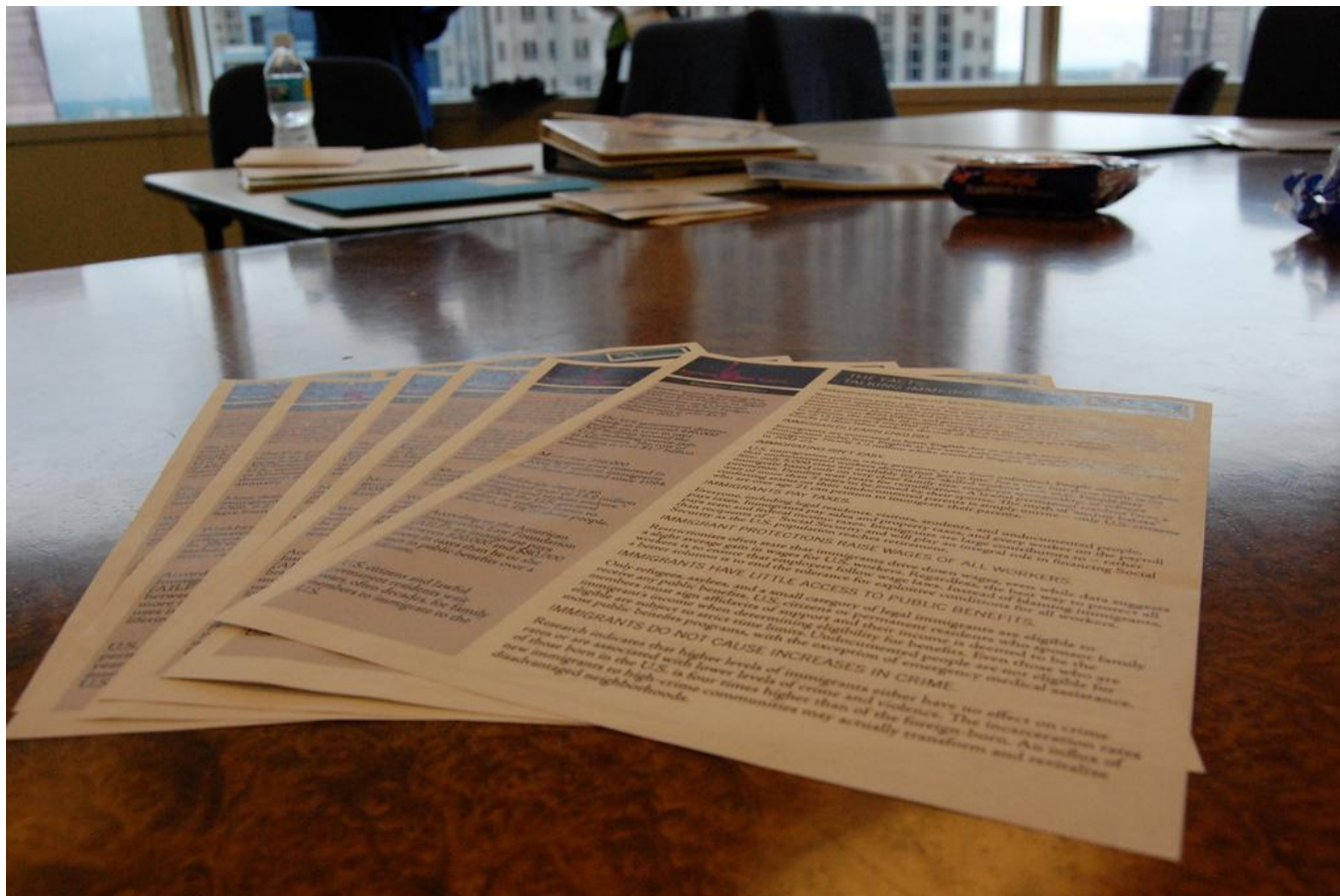
Right to Housing

Example: The government of Louisiana and the federal Department of Housing and Urban Development (HUD) are demolishing public housing units without replacing them in equal numbers, meaning that poorer residents of New Orleans will not be guaranteed housing and may thus not be able to return home to New Orleans.

Example 2: Rent prices in New Orleans have increased to 40% above their pre-Katrina levels, making it unaffordable for many poor residents to return. Although renters made up the majority of pre-Katrina residents in New Orleans, they have been awarded proportionally far less recovery funding than homeowners.

Compiled from: Amnesty International. *Un-Natural Disaster: Human Rights in the Gulf Coast*. Washington, D.C.: Amnesty International, April 2010. <http://www.amnestyusa.org/dignity/pdf/unnaturaldisaster.pdf> (accessed September 24, 2010); Bullard, Robert D. *Katrina and the Second Disaster: A Twenty-Point Plan to Destroy Black New Orleans*. Environmental Justice Resource Center. <http://www.ejrc.cau.edu/Bullard20PointPlan.html>; Centre on Housing Rights and Eviction (COHRE) and The National Center on Homelessness & Poverty (NLCHP). *Housing Rights for All: Promoting and Defending Housing Rights in the United States*. 3rd ed. Duluth, MN: COHRE, 2007, 46. Also available online at <http://www.cohre.org/store/attachments/COHRE%20and%20NLCHP%20Housing%20Rights%20Training%20Manual.pdf/>; Davis, Mike. Who is Killing New Orleans? March 26, 2006. <http://www.zcommunications.org/who-is-killing-new-orleans-by-mike-davis/>; Hsu, Spenser S. FEMA Knew of Toxic Gas in Trailers. *The Washington Post*, July 20, 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/19/AR2007071901039.html>; Jervis, Rick. Many in Miss. still lack homes after '05 storms; some uprooted by hurricanes live in woods. *USA Today*, September 25, 2009, final edition. http://www.usatoday.com/weather/storms/hurricanes/2009-09-24-mississippi-housing_N.htm?loc=interstitialskip/; Joyner, Chris. Permanent home still eludes some post-Katrina; lack of affordable housing a problem as cutoff date nears for temporary aid. *USA Today*, November 21, 2008, final edition. <http://www.usatoday.com/>; Leiwand, Donna. Hurricane suit alleges discrimination; says blacks given smaller grants to rebuild. *USA Today*, November 13, 2008, final edition. <http://www.usatoday.com/>; Lipton, Eric. Breathtaking Waste and Fraud in Hurricane Aid. *New York Times*, June 27, 2006. <http://www.nytimes.com/>; Logan, John R. "The Impact of Katrina: Race and Class In Storm-Damaged Neighborhoods." Brown University, Providence, Rhode Island, January 2006. Also available online at: <http://www.s4.brown.edu/Katrina/report.pdf>; Committee Participates in International Tribunal on Katrina and Rita. National Lawyers Guild International, September 11, 2007. <http://www.nlginternational.org/news/article.php?nid=95>; Robertson, Campbell. Police are Charged in Post-Katrina Shootings. *New York Times*, July 13, 2010. http://www.nytimes.com/2010/07/14/us/14justice.html?_r=1&scp=1&sq=%22police%20are%20charged%20in%20post-katrina%20shootings%22&st=cse/; ---. New Orleans Police Face a Swarm of Inquiries. *New York Times*, October 9, 2009; Strivers, Camilla. So Poor and So Black: Hurricane Katrina, Public Administration and the Issue of Race. *Public Administration Review* 67, supplement 1 (December 2007): 48-56; U.S. Government Accountability Office. Disaster Assistance: Federal Assistance for Permanent Housing Primarily Benefited Homeowners; Opportunities Exist to Better Target Rental Housing Needs. *Government Accountability Office (GAO)*. January 2010. <http://www.gao.gov/new.items/d1017.pdf>.

APPENDIX C. DOCUMENT STORAGE



Practitioners must decide how to store the data they collect during the monitoring process. The following provides an overview of storage techniques by medium. In general, physical data storage media are longer lasting than digital storage media, and are therefore preferable for archival purposes. However, digital storage media provide a more cost-effective way to store, disseminate, and index data. The mix of data storage techniques practitioners employ might depend on many factors, including their budget, their planned use for the data, and the level of confidentiality their project requires.

Printed documents and microfiche

Many archivists agree that printed documents are an excellent way to permanently record information, but that digital formats are more suitable for immediate use and dissemination.²⁶⁶ The estimated storage life of properly maintained documents is 500-1000 years,²⁶⁷ and 500 years for microfiche.²⁶⁸ Storing printed documents can be a resource-intensive endeavor and may not be realistic for some projects. Especially for organizations with limited space, it may be difficult to maintain files on site for any length of time. Besides occupying a large amount of

²⁶⁶ Louis Bickford, Patricia Karam, Hassan Mneimneh and Patrick Pierce, *Documenting Truth* (New York: ICTJ New York, 2009), 20. Also available online at http://www.ictj.org/static/Publications/ICTJ_DAG_DocumentingTruth_pa2009.pdf.

²⁶⁷ ASTM D 3290-00, "Standard Specification for Bond and Ledger Papers for Permanent Records, section 3.2.3.2 and Appendix X1.

²⁶⁸ Steve Dalton, 6.1 Microfilm and Microfiche, *Preservation Leaflets*, Northeast Document Conservation Center. <http://www.nedcc.org/resources/leaflets/6Reformatting/01MicrofilmAndMicrofiche.php>. Accessed on Nov. 16, 2010.

space, printed documents are more difficult to index and disseminate than digital formats. Finally, where proper storage conditions are not practical, printed documents are extremely sensitive to damage from fire, theft, and degradation.

Like printed documents, microfiche is cumbersome to index and more suitable for archival preservation of data than the convenient dissemination of information. Unlike paper files, microfiche is an exceedingly compact format and therefore very inexpensive to store. Unlike paper files, however, microfiche requires the intervention of an archival professional to convert documents into that medium – as well as the money to do so.

If practitioners seek to form a partnership with an academic archive to permanently store a project's data, they might consider converting their files to microfiche as a cost-effective way to preserve data for posterity. Because microfiche medium enables an archival organization to store a large volume of information in a small amount of space, the long-term cost of preserving data is much lower than for paper documents, which require a larger amount of space.

Also, practitioners can consider scanning physical documents and saving them in electronic form as a PDF document. They should consider their server capacity and whether the documents will overburden storage space.

Library-style documentation

If practitioners choose to store their data in paper form, it will probably be necessary to impose some unifying organizational scheme over the information. The human rights documentation NGO, HURIDOCS, provides a comprehensive set of resources detailing how to document and store information collected in the course of human rights work. The HURIDOCS website features a number of publications, from a systematic way of recording names²⁶⁹ to establishing a controlled vocabulary to use in your documentation.²⁷⁰

Databases

Databases provide the optimal medium to store, share, and analyze large amounts of information. With proper database software, it is easy to systematically document events using a standardized reporting format. Information entered into a database can be immediately shared with other database users, and the format of the database itself helps ensure that data is collected according to specified parameters. The advantage of using a database – and in particular, the advantage of using an off-the-shelf human rights database – is that the software itself imposes a scheme upon users which enables them to document comprehensively. However, practitioners who rely on paper will need to form their own method to document, sort, file, and cross-reference data. Another disadvantage of databases is that they may be excessive depending on an organization's goals: for small projects narrowly focusing on a specific inquiry, it may be unnecessary to set up a database system.

Simple databases can be constructed using software such as Microsoft Access. Also free, off-the-shelf database solutions have been specifically designed for use by human rights organizations: Martus²⁷¹ and OpenEvSys.²⁷² Both programs are specifically adapted to human rights projects because they provide a standardized format to record victim, perpetrator and type of abuse.

²⁶⁹ How to record the names of persons, HURIDOCS, accessed Nov. 10, 2010, <http://www.huridocs.org/resource/how-to-record-names-of-persons>.

²⁷⁰ Controlled vocabulary, HURIDOCS, accessed Nov. 10, 2010, <http://www.huridocs.org/resource/controlled-vocabulary/>.

²⁷¹ Information about Martus may be found online at <http://www.martus.org>.

²⁷² Information about OpenEvSys may be found online at <http://www.huridocs.org/openevsys/>.

Martus

Martus is a secure database system that enables human rights organizations to document events. Unlike OpenEvSys, Martus features strong data encryption to protect information. Organizations wishing to use Martus must first install Martus software on local computers. Users input information into the Martus database by using this software. Next, human rights organizations must either set up a Martus server locally or make arrangements with an existing, public Martus server.²⁷³ After the server infrastructure is established, practitioners may upload reports to the central server where they will become readable and searchable by others within an organization. The developers of Martus offer assistance to human rights organizations in both setting up the software and providing initial training to organization workers.

OpenEvSys and Huridocs

HURIDOCS²⁷⁴ is an NGO specializing in helping other NGOs develop human rights data management systems. As a part of this mission, HURIDOCS provides both detailed information about how to document human rights violations in addition to developing the OpenEvSys database system.²⁷⁵

OpenEvSys is largely comparable to Martus, except that it does not use secure encryption technology. As with Martus, OpenEvSys users must establish a server after installing the software on local computers. As the HURIDOCS website cautions, using a complex database system such as OpenEvSys is not a one-size-fits-all solution, and OpenEvSys may not be suitable for smaller human rights projects. Because it provides comprehensive support for human rights documentation, however, an organization can implement a data management solution appropriate for its needs.²⁷⁶

IT SOS: forming partnerships with other organizations

Smaller organizations may lack the resources and expertise necessary to implement a complex digital data management scheme. In this case, practitioners might find it helpful to seek the help of an outside organization in setting up their IT infrastructure. Beyond consulting with other human rights NGOs, practitioners might form partnerships with private firms in with extensive IT departments, academic institutions or other non-profit organizations.

Free online storage media

The proliferation of free, online data storage services offered over the Internet presents a low-cost vehicle for human rights organizations to save and disseminate data. With the advent of Flickr, Facebook, and other online networking and data sharing forums, there are numerous tools for publishing information. As with other electronic storage media, however, practitioners might consider both the level of security required for their project and their long term plans for the data before selecting an option.

The advantages of online storage media are legion. First, online storage media present a free, turnkey solution for practitioners' data storage and sharing needs. With free online services, there is a minimum of work and expense entailed in getting a project off the ground. Second, online storage media provide an easy way to share information among colleagues both in the office and in the field. Through online storage services, data collected

²⁷³ As of this writing, the Martus web site lists three public Martus servers. <http://www.martus.org/products/servers.shtml>

²⁷⁴ More information can be found at the Huridocs web site <http://www.huridocs.org>

²⁷⁵ For example, see How to record the names of persons.

²⁷⁶ OpenEvsys- for documenting violations, HURIDOCS, accessed Nov. 10, 2010, <http://www.huridocs.org/openevsys/>.

remotely may be quickly saved and relayed to the central office for examination. Finally, online storage media require neither additional physical storage space nor the expense of additional employees. Particularly for smaller organizations with limited budgets and non-existent IT staffs, online storage media may provide an attractive means to store photographs, text documents, sound files, and videos.

While free online storage media are both cheap and convenient, they do present several drawbacks of which practitioners should be aware. First, they offer limited data security in comparison with other electronic storage media. While most services allow users to password protect the data they post to their accounts, the security of this information is much weaker than encrypted private databases such as Martus.²⁷⁷ Before practitioners use free online storage media, they might consider the level of confidentiality their project necessitates. If practitioners anticipate quickly publishing all of the data they collect, online storage may be a viable option. However, if the data is being prepared in contemplation of litigation, practitioners might consider a more secure alternative.

Free online storage media also present a second problem. Like all forms of electronic data storage, online storage is not an archival medium. If an organization wishes to preserve data for posterity, it should consider using an alternative medium. Of course, practitioners need not choose one medium to the total exclusion of the other: rather, practitioners might initially store data digitally and then later preserve the information in an archival format.

Forming a retention policy

Practitioners eventually face the question of how long they should retain the data they collect. The answer to this question depends on a number of factors, including the resources available to practitioners for storing the data and practitioners' ability to form partnerships with archival organizations to permanently preserve the data. While there are several rules of thumb to guide the development of an organization's data management scheme – practitioners should, for example, make best efforts to preserve original source materials – there is no single answer to how long practitioners should keep documents.

Ad hoc organizations and the long-term preservation of data

One facet of this inquiry is the capability of practitioners to maintain files over the long term. If an organization is an established, ongoing concern with dedicated office space and permanent employees, then maintaining extensive files in-house remains a viable possibility. However, if an organization is an ad hoc group convened solely to produce a single report, then maintaining files over any length of time will require partnership with an outside organization. For example, though the Greensboro Truth and Reconciliation Commission disbanded after publishing its final report in 2006, its web site is still being maintained by a local Internet Service Provider.²⁷⁸ Copies of the Commission's final report are being held by several academic libraries.²⁷⁹ Thus, though the Commission no longer exists, its work continues to inform the public because of the Commission's partnership with outside organizations.

²⁷⁷ Martus employs an easy-to-use encryption system to protect data. See <http://www.martus.org/concept/faqs.shtml> for more information.

²⁷⁸ Greensboro Truth and Reconciliation Commission Homepage, Greensboro Truth and Reconciliation Commission, accessed Nov. 10, 2010, <http://www.greensborotrc.org/index.php>.

²⁷⁹ Greensboro Truth and Reconciliation Commission, *Greensboro Truth and Community Reconciliation Project and other public bodies on May 25, 2006* (Greensboro, NC: Greensboro Truth and Reconciliation Commission, 2006). <http://www.worldcat.org/title/final-report-examination-of-the-context-causes-sequence-and-consequence-of-the-events-of-november-3-1979-presented-to-the-residents-of-greensboro-the-city-the-greensboro-truth-and-community-reconciliation-project-and-other-public-bodies-on-may-25-2006/>.

Maintaining confidences

In the field of human rights work, NGOs often collect information on extremely sensitive topics. There are many reasons why the information a person provides could be harmful. Very real legal or extra-legal consequences may flow from the disclosure of confidential data to third parties. Thus, when practitioners design an organization's data management scheme, they must weigh how heavily they wish to emphasize the protection of respondent confidentiality.

Maintaining respondent confidentiality has several aspects. Confidential data must be protected against security breaches. Before implementing an organization's data management system, practitioners should ask themselves several pertinent questions: How is the data stored? Who has access to it? What precautions have been taken against the disclosure of confidential information? For projects entailing the use of physical data, information security is a relatively straightforward affair. However, where data is digitized and placed on a network, practitioners may have to consult an information technology specialist to adequately protect the confidentiality of a project's data.

To share or not to share? The historian's dilemma

In light of the concerns practitioners may face regarding the confidentiality of the data they collect, one further issue is whether an organization plans to share the data it collects with an archival organization. The dilemma is thus: perhaps a practitioner has promised his respondent total confidentiality, and the practitioner is thus ethically bound to prevent harm from coming to his respondent. However, the best way for a practitioner to allow future generations to remember an event is by preserving data collected from respondents, and in particular, preserving the first hand accounts of victims. Thus, practitioners may need to contemplate how they will navigate the dual imperatives of protecting their respondents and preserving the memory of an event. How will practitioners balance the need to protect respondents and respect their wishes while also preserving the memory of an event? This is not an easy question to answer, and practitioners should carefully consider this issue before making representations to an interviewee about how his information will be stored.

The importance of primary sources.

Primary sources such as interview notes, interview transcripts, observation notes, and other forms of evidence practitioners collect, should be preserved to the extent possible. This is a standard archival principal to which, for example, human rights documentation NGO HURIDOCS subscribes.²⁸⁰ Interviews with subjects, field notes, photographic documentation, and other primary sources are worth preserving after publication for several reasons. First, original sources provide credibility to final reports practitioners publish. Without original sources on hand to substantiate the claims made in final reports, practitioner publications would be subject to attack from adversaries. Additionally, original sources provide a means for posterity to understand a particular event. While a final report may contain a useful synthesis of the data it has collected, the original data itself permits future generations to develop a deeper understanding of an event. Without the preservation of original source materials, historians will be unable to re-examine the event practitioners seek to document.

Web sources: the limited memory of the Internet

²⁸⁰ Manuel Guzman and Bert Verstappen, *What is Documentation*, Human Rights Monitoring and Documentation Series 2 (Versoix, Switzerland: HURIDOCS, 2003), 18. Also available online at <http://www.huridocs.org/wp-content/uploads/2010/08/whatisdocumentation-eng.pdf>.

In many cases, it will not be necessary to preserve secondary sources because they will be readily obtainable by readers of a report. One exception to this rule is for data obtained from web sites. Because the Internet is such a highly dynamic medium, content often appears and disappears with little notice. Though some projects exist to archive the ever-changing content of the world wide web,²⁸¹ it is generally impossible to view content which has been removed from the web. For this reason, practitioners might consider retaining copies of secondary sources which they cite in their final report. As with primary sources, the principal reason to preserve secondary sources is to maintain the credibility of a final report. Because the web sites practitioners cite are less likely to be of lasting historical importance than the first-hand accounts they collect as primary sources, it may not be necessary to keep them for very long beyond the publication of the report.

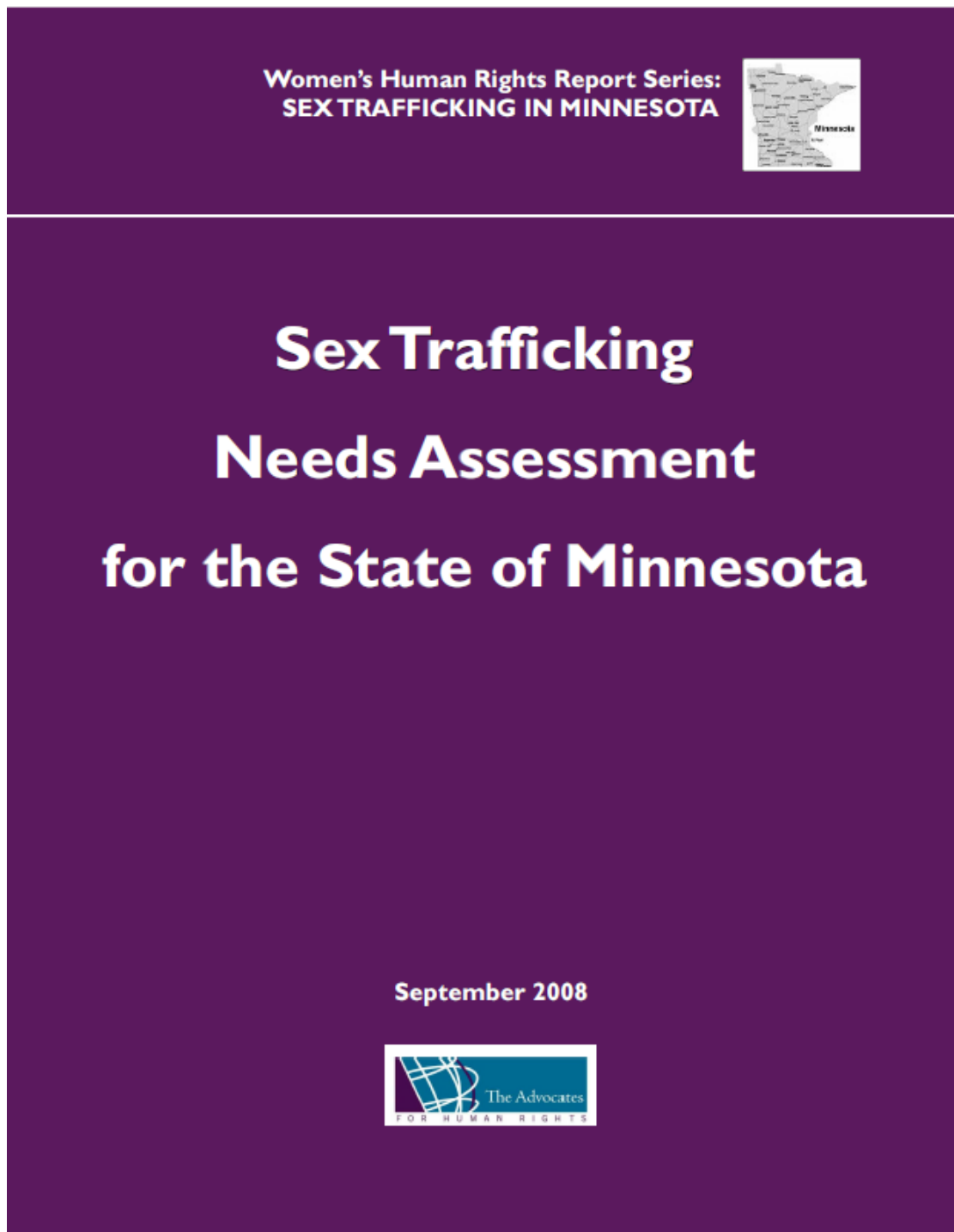
The value of partnering with outside archival organizations

Many human rights organizations are not equipped to perform the task of long-term archival storage of primary sources. If practitioners have collected data which might be of interest to posterity, they might consider making arrangements to store the data with existing human rights archives and libraries. One useful source for finding an archival repository for original sources is the Center for Research Libraries Human Rights Archives and Documentation Program (HRADP).²⁸² This program works specifically to find proper archival storage places for human rights documents. By contacting HRADP, practitioners might be able to find a permanent storage solution for their original sources.

²⁸¹ E.g., the Wayback Machine, which can be found at <http://www.archive.org/web/web.php>.

²⁸² HRADP, Center for Research Libraries, accessed Nov. 10, 2010, <http://www.crl.edu/grn/hradp>.

APPENDIX D. REPORT LAYOUT



After completing the writing portion of a report, the next step of the process is to design the layout. If resources allow, authors may be able to hire a graphic designer to complete this task for you. Other organizations, however, may need to use in-house resources to design the layout on their own. These basic guidelines can facilitate the layout of the report and achieve a final, professional document.

Software

There are numerous software options available to assist authors in the report layout process. It is important to select and use a single software option throughout your report writing and formatting. Instead of using only a word processor, an office suite will enable you to use spreadsheets, charts and slideshow tools in addition to the word processor. Microsoft Office, Lotus Word Pro, and Corel WordPerfect Suite are some integrated options among which you can decide. The practitioner should choose software that he or she already has a relationship with, as it will save time re-learning the basics.²⁸³

Page Layout

Before beginning the document layout, practitioners should already have a clear picture of what it will look like. They should remain aware of who the audience is for this report. Practitioners will need to consider the overall document design and any set formatting requirements to the report they are creating; formatting requirements will limit the author's influence over the report's design. They also have the option of working with formatting options or templates that come with the word processor. Overall, important considerations include whether the document is oriented vertically or horizontally, single-sided or double-sided, single-spaced or double-spaced, what the margin-size will be, where the page numbers will be placed and if the report will have a header and/or footer. All word processors have simple commands to assist most of these tasks.

Double-sided pages: Creating a double-sided document is slightly more complicated. In a double-sided document, the text is on the front and back of each page; the right and left page formats need to be mirror images of one another. This means that if the numbering choice is for the top, outer-edge of the page, the even-numbers will need to be on the left and the odd-numbers will need to be on the right.²⁸⁴

Breaks: It is important to keep in mind where the page will begin and end. If the author finds that he or she wants a page to end sooner or begin at another area, the author has the option of inserting a page break. Also, authors should keep in mind typesetting glitches, such as *orphans* and *widows*. Orphans are known as either a paragraph opening line that appears at the bottom of the page or a stranded word that ends the paragraph. Widows are known as ending lines or paragraphs that fall onto the following page. Orphans and widows are not aesthetically pleasing, because they separate lines from the remainder of their text or they create excess white space.²⁸⁵

²⁸³ Writing Tips: Report and Thesis, citing Dr. Robert Kelly, Score a higher grade with a professionally laid out report or thesis, *Asia One Computer Times Features*, August 7, 1996, <http://lorien.ncl.ac.uk/ming/dept/tips/writing/layout.htm>, accessed on Nov. 11, 2010.

²⁸⁴ Ibid.

²⁸⁵ Jacci Howard Bear, Save the Widows and Orphans, About.com: Desktop Publishing, <http://desktoppub.about.com/od/typelayout/a/widowsorphans.htm>.

Fonts

Since reports are formal documents, the font style should be conservative. A universally accepted standard font is Times New Roman with the use of 12 point size. A serif font and size similar to Times is also acceptable. Reports should not have more than three different fonts within the same document. Instead of changing fonts to highlight different aspects of your report, author should use the functions of italics, bold or increasing its size. Headings are often bolded, underlined or numbered in reports while quotes are often separated from the text through a uniform indent or by use of italics and/or bold. Practitioners can use these functions for the report header and footer, as well.²⁸⁶

Practitioner's tip: Practitioners should take precautionary steps when using multiple authors working on different computer systems. Different production means and styles can create challenges when merging documents into one master version. Practitioners should instruct writers on what versions of software to use, as well as other logistical guidelines, such as footnote style and headings and paragraph format.

Tables

Word processors allow the insertion of basic tables into documents. If there are more complex tables for insertion, practitioners should consider using an integrated office suite with spreadsheet capability. Spreadsheet tables can be imported into document simply by using the insert function and can furthermore be linked to the document. Links are made by inserting them into the document (using Object Linking and Embedding format), so that when changes are made in the spreadsheet, they are made in the document, as well. Word processors usually have further details on how to create links in their help sections or online.²⁸⁷

Charts

Spreadsheets also enable the creation of charts that can be imported and linked into the document in the same manner as tables. When creating a chart, practitioners should choose an appropriate model for the data. Some options include column and bar charts, line and area charts, pie charts or a Venn diagram.

Column and bar charts are used to show simple comparison data at a given point in time. The height of the bar/column represents the measured value. Line and area charts use data that is plotted in two dimensions and represent changes or trends over time. Line graphs are the most common graph and link together the data points you plot. Pie charts are used to compare parts to a whole; each part represents a percentage of the total data set. Lastly, a Venn diagram shows overlaps between sets of data and is best used to make comparisons or contrasts with data. Each data set is represented by the circle and the degree of overlap is visually demonstrated by the degree of the circles overlap. Percentages are also commonly used with Venn diagrams.²⁸⁸

**For both tables and charts, be sure to label consistently and fully. In formal documents, all images, charts, drawings and diagrams are referred to as figures. Use the abbreviation 'Fig.' to introduce the table or chart and include the chapter number and image number following to delineate its location. For example, if you are talking about the sixth table in chapter 4, it should be labeled, 'Fig. 4.6.' Additionally, use legends when necessary with*

²⁸⁶ Writing Tips: Report and Thesis Layout.

²⁸⁷ Embedding and Linking to Excel Files in Word Documents, About.com: Word Processing, <http://wordprocessing.about.com/od/workingwithotherprograms/l/blexcellink.htm>; Writing Tips: Report and Thesis Layout.

²⁸⁸ Charts and Graphs, Mind Tools Ltd, http://www.mindtools.com/pages/article/Charts_and_Diagrams.htm.

*your tables and charts. Legends can be helpful because they list the variables that are used within the chart and provide a visual representation of them. Therefore, all of the data can be identified clearly on the table or chart.*²⁸⁹

Graphics

Authors should also consider using graphics, diagrams, maps, and pictures to enhance presentation, convey data, and illustrate the narrative. Using text boxes can be an effective way of highlighting a particularly important point, recommendation or quote. Descriptive captions can help supplement the information. When using photos and others' work, authors should keep in mind copyright rules and obtain written permission or pay the requisite usage fee if they are not the original creators of the work.²⁹⁰

Graphics are one of the most difficult items to incorporate into reports. Unless using images selected from clip-art, graphics can be difficult to acquire. To create graphics, practitioners can either scan images from photographs or publications, make the needed graphics in a drawing program or sketch the graphics by hand in black and white and scan them into the computer. Again, practitioners should remain aware of copyright laws when scanning published images or pictures and check the copyright or terms of use. Scanned images need to be touched up with graphics editing software before they are of printing quality. Adobe Photoshop is a good option for high quality editing. If the organization does not have access to this software, other options include Paint Shop Pro or Adobe PhotoDeluxe. When creating graphics, practitioners should export the graphic file in a format that their word processors will recognize.²⁹¹

Final Tips

Practitioners should strive to maintain consistency throughout the report, particularly when using hierarchical sections, such as titles, subtitles, headers and subheads; and multiple levels of bullets. They should also aim for consistent bullet types and font sizes for titles and subtitles. Proofreading the entire document thoroughly, using spell and grammar check as aids, will aid readability. Practitioners should be cautioned against depending on spell and grammar check to correct all of the mistakes within the report. Before sending the document to print, an additional person should proofread the document one final time for spelling, grammar and punctuation errors.²⁹²

²⁸⁹ Writing Tips: Report and Thesis Layout.

²⁹⁰ See Section on Additional Monitoring Tools.

²⁹¹ Writing Tips: Report and Thesis Layout.

²⁹² Writing Tips: Report and Thesis Layout.

APPENDIX E. SAMPLE PRESS RELEASES



SAMPLE PRESS RELEASE 1**FOR IMMEDIATE RELEASE**

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Rights Group Reports Continuing Human Rights Violations by Ethiopia; Urges Robust Review of Ethiopia's Record by United Nations Human Rights Council

Minneapolis (December 7, 2009) – As the United Nations Human Rights Council prepares to review Ethiopia's compliance with its human rights obligations, a new report by The Advocates for Human Rights highlights a continuing and pervasive pattern of human rights violations in Ethiopia based on documentation from the Oromo diaspora.

The report, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, documents the experiences in Ethiopia of members of the Oromo diaspora throughout three successive political regimes. No one interviewed for this report was untouched by past or continuing human rights violations in Ethiopia, said Robin Phillips, executive director of The Advocates for Human Rights. The long arm of human rights violations continues to reach directly into diaspora communities, including the Oromo, Phillips noted, pointing to diaspora members' belief that e-mail communication to Ethiopia was read by the Ethiopian government, that telephone conversations were overheard, and that the Ethiopian government monitored the activities of diaspora members.

Oromos interviewed for the report also described decades of human rights violations in Ethiopia, including arbitrary arrest, incommunicado detention, torture, and extra-judicial executions. Reports of widespread surveillance and interference with rights to freedom of association, assembly, expression, conscience, and the press were pervasive. Oromos reported that the current Ethiopian government's federal system has served to isolate ethnic communities, including the Oromo, leaving them even more vulnerable to human rights violations.

The United Nations Human Rights Council reviews Ethiopia's human rights record on December 9. The United States, which joined the Human Rights Council earlier this year, will participate in the review of Ethiopia. The Advocates' key concerns were submitted to the Human Rights Council earlier this year. The Advocates calls for a robust review of Ethiopia's record when it appears before the Council. More information relating to the United Nations' review of Ethiopia, including The Advocates' submission to the Council, can be found at www.ohchr.org/EN/HRBodies/UPR/PAGES/ETSession6.aspx.

The Minneapolis-based law firm of Robins, Kaplan, Miller & Ciresi L.L.P. and a team of professional volunteers participated in the research, fact-finding, and drafting of the report.

The Advocates for Human Rights is a volunteer-based non-profit organization dedicated to the promotion and protection of internationally recognized human rights. The Advocates investigates and exposes human rights violations; provides representation to immigrants and refugees who have suffered human rights abuses; trains and assists groups that protect human rights; and works through education and advocacy to engage the public, policymakers, and children about human rights issues. The Advocates for Human Rights holds Special Consultative Status with the United Nations.

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SAMPLE PRESS RELEASE 2**For Immediate Release****September 2, 2010****Contact: Sarah Paoletti, 404-588-9761; Ajamu Baraka, 404-588-9761.****U.S. Human Rights Review Both Necessary and Worthwhile;
Civil Society Report Details Issues Still To Be Addressed**

The report on human rights in the United States submitted by the State Department to the United Nations on August 20 has been met with criticism from conservative quarters. Most recently, Arizona Governor Jan Brewer demanded that an innocuous mention of Arizona's controversial immigration law be removed from the report. The criticisms demonstrate a fundamental lack of understanding about the purpose of the report, prepared as part of the Universal Periodic Review (UPR) process that examines the human rights records of all U.N. member states every four years. Moreover, a comprehensive report of domestic human rights issues coordinated and released by the US Human Rights Network clearly demonstrates that the problems addressed in the government report are not only real, but understated.

That report, now available in hard copy as well as online, consists of 26 separate submissions by civil society groups and human rights advocates covering a sweeping range of human rights topics. The report lays out the existing human rights frameworks in the U.S.; notes the lack of a coordinating authority or other adequate monitoring and enforcement mechanisms; highlights significant and specific shortcomings in domestic compliance with international human rights standards; and makes recommendations on how the U.S. can better meet those standards and live up to its treaty obligations. More than 200 non-governmental organizations and hundreds of advocates across the country have endorsed the report, which took almost a year to research and produce and was also submitted to the U.N. as part of the UPR process.

Since the signing of the Universal Declaration of Human Rights in 1948, successive U.S. administrations and Congress have signed and ratified key international agreements that set forth a series of obligations and standards to which each participating nation must adhere. The UPR simply examines each nation's compliance with those obligations. Rather than an abrogation of national sovereignty or kowtowing to repressive regimes, as some have characterized the process, the review provides positive opportunities for self-examination and to advance human rights on the ground for all U.S. residents. Refusing to acknowledge that the U.S. can make any improvements in its human rights policies and practices misses a critical opportunity for the U.S. to demonstrate the need for governments to hold themselves accountable to their constituents at home, says University of Pennsylvania Law School Practice Associate Professor Sarah Paoletti, Senior Coordinator for the Network's UPR Project. Enhancing human rights at home will only strengthen the nation's standing and influence abroad, and we should embrace the challenge.

For more information on the US Human Rights Network report and the UPR, please visit http://www.ushrnetwork.org/campaign_upr.

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SAMPLE PRESS RELEASE 3**Human Rights Watch****US: Immigration Detainees at Risk of Sexual Abuse****Government Should Act Quickly to Increase Protection, Improve Procedures**

AUGUST 25, 2010

(Washington) - The US government needs to strengthen its protection of people in immigration detention to prevent sexual abuse and to ensure justice for victims, Human Rights Watch said in a report released today.

The 24-page report, "Detained and at Risk: Sexual Abuse and Harassment in United States Immigration Detention," describes documented incidents and allegations of abuse. It also discusses recent proposals by Immigration and Customs Enforcement (ICE) to address the issue. Human Rights Watch emphasized that the agency should make improvements swiftly to improve oversight of the entire detention system and ensure accountability.

"ICE has finally recognized the need for stronger protection of people in detention against sexual abuse, but it needs to play catch up quickly," said Meghan Rhoad, women's rights researcher at Human Rights Watch. "ICE needs to get new rules in place and make sure the rules have the teeth to ensure compliance from the hundreds of facilities across the detention system."

Human Rights Watch also expressed concern that the changes ICE proposes will have limited impact if ICE only makes changes to its standards. It has refused to issue binding legal regulations to address problems with detention conditions.

ICE has proposed many of the policy changes since allegations emerged in May that a guard employed by a contractor, Corrections Corporation of America, at the T. Don Hutto immigration facility in Texas had sexually assaulted several detainees. The guard, who was arrested on August 19, 2010, on suspicion of official oppression and unlawful restraint, allegedly groped women while transporting them to an airport and a bus station where they were being released.

The proposed policy changes include prevention measures such as prohibiting guards from searching detainees of a different gender and setting restrictions on when guards may transport detainees of a different gender. ICE also plans to publish a revised detention standard on sexual assault that contains improvements in required medical procedures in rape cases and improved procedures for data collection about incidents of abuse.

Human Rights Watch said that further policy improvements are needed to limit unnecessary searches of detainees and to ensure that victims of abuse are informed of the availability of visas that would allow them to stay in the US so that they can cooperate with law enforcement in criminal cases related to abuse.

"Giving detention standards the force of law is critical for remedying a host of abuses," Rhoad said. "ICE's reluctance on this point sends the wrong message to detention facilities, and to the detainees who are at their mercy."

The frequency with which sexual assault, abuse, and harassment occur in detention is largely unknown. The Bureau of Justice Statistics collects some data on the problem that includes incidents in facilities run by or exclusively for ICE. But it does not tabulate the numbers of assaults on immigration detainees held in state and county jails where ICE rents a portion of the bed space.

In its June 2009 report, the congressionally mandated National Prison Rape Elimination Commission said that immigrants in detention face particular challenges in reporting abuse, including a lack of information about rules governing staff conduct and fear of speaking out against the same authority that is seeking their deportation.

"The incidents we know about could easily be the tip of the iceberg because the people who may have been victims of abuse are, more often than not, deported," Rhoad said. "We urgently need ICE to improve the system for taking reports of abuse from detainees and to publish information that will clarify the scope of the problem."

Based primarily on a review of governmental and nongovernmental studies, media reports, and lawsuit filings, the Human Rights Watch report compiles documented incidents and allegations of sexual assault, abuse, and harassment in immigration detention since the formation of ICE in 2003.

In one incident, five women detained at the Port Isabel Service Processing Center in Texas were assaulted in 2008 when a guard, Robert Luis Loya, entered each of their rooms in the detention center infirmary where they were patients. Loya told them that he was operating under physician instructions, ordered them to undress, and touched intimate parts of their bodies.

In 2007, a trafficking victim was sexually assaulted in a Florida jail with which ICE had a contract to rent bed space for immigration detainees. Women detained on criminal charges who were housed in the same dormitory assaulted the trafficking victim while she was partially incapacitated by prescribed sedatives.

Key recommendations from the report include:

To the Department of Homeland Security

- Institute legally binding detention standards applicable across all types of immigration detention facilities.
- Appoint a Prison Rape Elimination Act coordinator.
- Publish information on reported incidents of sexual assault.

To Immigration and Customs Enforcement

- Ensure that reports of sexual abuse are thoroughly investigated.
- Improve the monitoring of compliance with detention standards by detention facilities.
- Expedite implementation of the detention standard on preventing and responding to sexual assault and abuse across all facilities holding ICE detainees.
- Require detention centers to facilitate on-site access for local community providers of support services for sexual assault survivors.
- Standardize procedures for ensuring access to appropriate relief measures for victims, including release from detention and visas to remain in the United States and assist law enforcement.
- Require detention facilities to have reasonable suspicion of infractions before conducting pat-down searches of detainees.

- Ensure that detainees are fully informed about their rights with respect to sexual assault, abuse, and harassment.

To the Department of Justice

- Issue regulations based on the National Prison Rape Elimination Commission's recommendations without delay.
- Review the department's experience in prosecuting sexual assault and abuse in immigration detention with a view to improving procedures and prosecution rates.

To the US Congress

- Demand disclosure of ICE records related to sexual assault, abuse, and harassment in detention.
- Pass legislation setting standards for detention conditions.²⁹³

²⁹³ Human Rights Watch, US: Immigration Detainees at Risk of Sexual Abuse, <http://www.hrw.org/en/news/2010/08/25/us-immigration-detainees-risk-sexual-abuse>. Accessed on Oct. 28, 2010.

SAMPLE PRESS RELEASE 4**DOCUMENT - USA: AUTHORITIES FAIL TO PROTECT INDIGENOUS WOMEN FROM SHOCKING RATES OF RAPE
AMNESTY INTERNATIONAL
PRESS RELEASE**

AI Index: AMR 51/071/2007 (Public)
News Service No: 070
24 April 2007

Embargo Date: 24 April 2007 15:00GMT

USA: Authorities fail to protect Indigenous women from shocking rates of rape

(Washington, D.C.) – Native American and Alaska Native women in the United States suffer disproportionately high levels of rape and sexual violence, yet the federal government has created substantial barriers to accessing justice, Amnesty International (AI) asserted in a 113-page report released today. Justice Department figures indicate that American Indian and Alaska Native women are 2.5 times more likely to be raped or sexually assaulted than women in the United States in general; more than one in three Native women will be raped in their lifetimes.

The United States government has created a complex maze of tribal, state and federal jurisdictions that often allows perpetrators to rape with impunity -- and in some cases effectively creates jurisdictional vacuums that encourage assaults. It is necessary to establish the location of the crime and the identity of the perpetrator to determine which authorities have jurisdiction, during which critical time is lost. This leads to inadequate investigations or a failure to respond.

Further complications are the lack of trained Sexual Assault Nurse Examiners (SANEs) at Indian Health Service (IHS) facilities to provide forensic exams, and the potential for law enforcement to mishandle evidence when rape kits are used. The result is that Native women often:

- Do not get timely – or any – response from police.
- May not get forensic medical examinations.
- May never see their cases prosecuted.

The high levels of sexual violence experienced by Indigenous women in the USA are compounded by failures at every level of the justice system. Amnesty International stands in solidarity with Indigenous women's demands that the United States Government provide them the protection and justice they deserve, said Kate Gilmore, Executive Deputy Secretary General of Amnesty International.

Native women are brutalized at an alarming rate, and the United States government, a purported champion of women's rights, is unfortunately contributing to the problem, said Larry Cox, executive director of Amnesty International USA (AIUSA). It is disgraceful that such abuse even exists today. Without immediate action, an

already abysmal and outrageous situation for women could spiral even further out of control. It is time to halt these human rights abuses that have raged unfettered since this country was founded.

The AI report, *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA*, warned that government figures, as disturbing as they are, grossly underestimate the problem because many women are too fearful of inaction to report their cases. According to one Oklahoma support worker, of 77 active sexual assault/domestic violence cases involving Native American women, only three victims reported their cases to the police.

The U.S. Government has undermined the authority of tribal justice systems to respond to crimes of sexual violence by consistent under-funding. Federal law limits the criminal sentences that tribal courts can impose for any one offense to one year and prohibits tribal courts from trying non-Indian suspects -- even though data collected by the Department of Justice shows that up to 86 percent of perpetrators are non-Indian.

In addition, AI's research suggests that there is a failure at the state and federal level to pursue cases of sexual violence against Native women involving non-Indian perpetrators. One former federal prosecutor told AI, "It is hard to prosecute cases where there is a Native American victim and a non-Native American perpetrator. Once a case is denied at the state or federal level, there is no further recourse for survivors of rape under criminal law.

"When elders say, 'too many of our women and children have been raped,' we know that we must come together to overcome the darkness and end the silence. What we don't acknowledge, we carry with us," said Denise Morris, executive director and CEO of the Alaska Native Justice Center and a speaker at the report launch. "The United States government has a legal and moral responsibility to provide resources to Native organizations so they can begin to develop solutions and promote healing and wellness at the community level."

The report focuses primarily on three regions that pose distinct jurisdictional challenges: Oklahoma, Alaska and Standing Rock Sioux Reservation (North/South Dakota). The report finds that regardless of the location or legal framework, the outcome is the same: many Native women who have experienced sexual violence are denied justice.

In addition to increasing levels of training, AI urged federal, state and local authorities to take other concrete steps to decrease sexual violence and increase services for Indigenous women who are raped:

- The U.S. Congress should fully fund and implement the Violence Against Women Act (VAWA) -- and in particular Tribal Title (Title IX), the first-ever effort within VAWA to fight violence against Native American and Alaska Native women. This includes a national baseline study on sexual violence against Native women, a study on the incidence of injury from sexual violence against Native women and a Tribal Registry to track sex offenders and orders of protection.
- The U.S. Congress should increase funding for the Indian Health Service (IHS) and IHS contract facilities. Such monies should be used to increase the number of Sexual Assault Nurse Examiners so that survivors may receive timely forensic medical examinations, at no charge, following sexual assault. Furthermore, the IHS should ensure that appropriate protocols are in place for the treatment of survivors of sexual violence.

- The U.S. Congress should recognize tribal authorities' jurisdiction over all offenders who commit crimes on tribal land. The federal government must provide the necessary funding for police forces in Indian Country and Alaska Native villages, with particular attention paid to improving coverage in rural areas and the funding and resources to enable tribal authorities to develop and maintain tribal courts.
- Federal and state governments should consult and cooperate with tribal nations, and Native women in particular, to institute effective plans of action to stop sexual violence against Native women.

AI will continue to campaign in partnership with Native American and Alaska Native women in the USA to address the critical human rights abuses documented in this report. This report is part of AI's global Stop Violence Against Women campaign.

From 24 April, the report *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the US*, will be available at: <http://web.amnesty.org/library/Index/ENGAMR510352007>

A briefing on Amnesty International's concerns regarding sexual violence against Indigenous women in Oklahoma, Alaska and Standing Rock Sioux Reservation (North/South Dakota), will be available at: <http://web.amnesty.org/library/Index/ENGAMR510702007>

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>²⁹⁴

²⁹⁴ Amnesty International, DOCUMENT - USA: AUTHORITIES FAIL TO PROTECT INDIGENOUS WOMEN FROM SHOCKING RATES OF RAPE. <http://www.amnesty.org/en/library/asset/AMR51/071/2007/en/43f535fb-d39e-11dd-a329-2f46302a8cc6/amr510712007en.html>. Accessed on Nov. 15, 2010.

