

MANUAL ON human rights MONITORING

Chapter 07

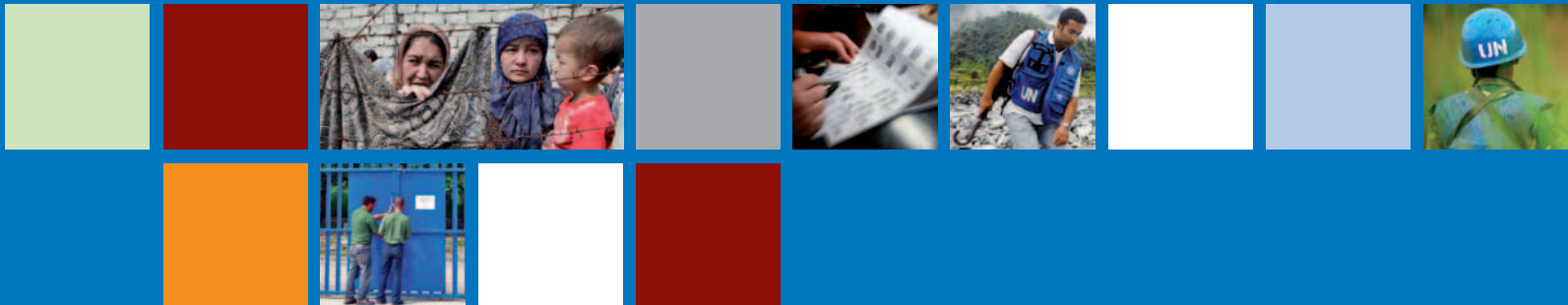
GATHERING CONTEXTUAL INFORMATION

Chapter 07 Gathering contextual information



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

GATHERING CONTEXTUAL INFORMATION



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A. Key concepts



- Human rights field presences should assemble key information about the national, regional and local context in which they operate (e.g., history, population, government, culture and customs, economy, institutions, international human rights obligations of the country).
- Building contacts requires continuous efforts. To develop an up-to-date analysis of the human rights situation, human rights officers (HROs) need to develop proactively networks of contacts and collect broad-based information from a variety of sources, such as:
 - National authorities and institutions;
 - Civil society;
 - Academics and other experts;
 - Other international actors.
- Whenever possible, data should be disaggregated by sex, age and any other relevant factor.
- To ensure that any subsequent analysis is based on credible information, HROs have to assess separately (a) the credibility and reliability of their sources and (b) the relevance and validity of the information they provide.



B. Introduction

This chapter explains the importance of HROs acquiring relevant generic knowledge about the country in which they work and the specific mandate of their field presence. It further highlights the importance of gathering more focused information on the country's context and the power dynamics among different actors whose influence can positively or negatively affect the general human rights situation, patterns, policies or problems. Finally, it provides some basic guidance on how to identify relevant sources, build contacts and effectively gather information from them. The collection and analysis of more specific information concerning particular cases of human rights violations are covered in a separate chapter of this *Manual*.¹

An effective approach to a human rights problem demands a constant process of (a) information gathering, (b) analysis, (c) strategic planning and (d) action. This should be seen as a cyclical process, where *information gathering* informs the *analysis*, which in turn is used to create or amend a human rights *strategy*. *Action* is the implementation of the strategy and the results of each action inform the next cycle, raising new questions, requiring additional information and analysis.



Even the best strategy to address human rights problems will need to be fine-tuned regularly in response to ongoing political and other changes. When there are countless possible targets to influence or support, hard strategic choices must be made. **Information gathering and analysis help a human rights field presence to use its limited resources for maximum impact.** Each choice in turn refocuses the next round of information gathering and analysis, as sub-strategies are built for each problem and each target. To do this well, human rights field presences must devote adequate time and resources to each stage of the monitoring cycle, building the necessary networks for information gathering, investing the necessary time in analysis and ensuring that HROs have the skills to implement effective strategies.

¹ See chapter on *Gathering and verifying information*.

C. General contextual country information

As a minimum, human rights field presences should **assemble some general information about the specific national, regional and local context in which they operate**. These basic data are a prerequisite for subsequent problem-specific information gathering. Many of these may already have been collected and form part of a package of background material available prior to the arrival of the HRO or could be part of an essential pre-deployment briefing.



Cambodia

The OHCHR Office in Cambodia undertook a study on impunity based on its monitoring activities, which involved the analysis of data gathered on specific violations committed in the past decade and the extent to which accountability was achieved for these crimes. To put the issue of impunity into context, the Office examined contemporary Cambodian history, including conflict that had an impact on the development of the political system (for instance, the dominant role played by a single party); the legal system and its functioning; and freedoms enjoyed by rights holders (such as freedom of expression, association and the functioning of civil society and the media). Monitoring specific human rights violations and understanding the overall context in which violations are committed are interlinked. On the one hand, the overall context, including the contemporary history of Cambodia, informed the study on impunity. On the other, regular monitoring of human rights violations further clarified the overall context.

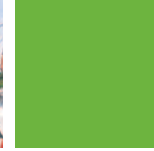
General background information should be constantly kept up to date, both at headquarters and at the field level. Heads of field presences and other managers should make sure that clear responsibilities are established for the compilation of such information. Nevertheless, ensuring the collection of sufficient background information is a shared responsibility. For example, newly deployed HROs should be briefed by their supervisors on the mandate of their field presence and how it applies in the context of the country in which they work, but they should also seek ways to fill knowledge and information gaps, and thus help the field presence to maintain up-to-date background materials.

Given the constraints on the operational capacity to keep such a range of information available and updated, and the extensive amount of necessary background information, heads of field presences and other managers must make sure to build time into the work plan of HROs, especially those who have recently arrived, for reading, research and analysis.



Sudan

When the human rights component was established within the United Nations Mission in the Sudan (UNMIS) in 2005, it became clear to its management that it was essential for all HROs to understand how the legal system had evolved after 1989, since changes brought after that date had serious implications for the protection of human rights in the country. Because of a lack of available documentation on these major changes, the UNMIS human rights component set as a priority the provision of staff training on the new legal system. The training, which was conducted by two senior Sudanese human rights lawyers, provided HROs with a broad perspective and knowledge of the political and legal systems and their functioning, the applicable law (including Sudanese criminal law and procedure) and their overall impact on the protection of rights and freedoms.



Relevant contextual country and regional information can be gathered from a variety of sources, including the needs assessment report prepared prior to the establishment of a field presence,² other OHCHR or United Nations reports, and reports from other organizations. The following is a non-exhaustive list of sources of information on countries.



Sources of information on countries

1. **OHCHR internal and public information:** e.g., country pages on the OHCHR website (www.ohchr.org), field presences' reports, technical cooperation projects.
2. **United Nations human rights documents:** e.g., reports of treaty bodies, special procedures, General Assembly, Security Council, Human Rights Council and universal periodic review (UPR).
3. **Reports of national and international human rights NGOs,** including shadow reports to United Nations treaty bodies.
4. **Reports of national human rights institutions and ombudsmen.**
5. **Reports of regional human rights organizations:** e.g., African Union (AU), Organization of American States (OAS), European Union (EU) or Association of Southeast Asian Nations (ASEAN).
6. **State reports:** e.g., national human development reports, national Millennium Development Goals reports.
7. **State reports to United Nations and other bodies:** e.g., State reports under international human rights treaties and UPR, Report on the Council of Europe's Framework Convention for the Protection of National Minorities.
8. **State plans of action:** e.g., poverty reduction strategy plans, strategy for refugees and internally displaced persons (IDPs), national human rights action plans, plans and strategies for the advancement of women.
9. **Other United Nations agencies' reports:** e.g., Common Country Assessment and United Nations Development Assistance Framework (CCA/UNDAF), development reports of the United Nations Development Programme (UNDP), World Bank country assistance strategies, risk analysis of the Office for the Coordination of Humanitarian Affairs (OCHA), International Labour Organization (ILO) reports.

Whenever possible, data gathered should be **disaggregated by sex, age and other factors relevant to the country** (e.g., religion, ethnic origin). Also, for large countries or in countries with considerable regional disparities, in addition to the overall country context, it is important to **gather contextual information specific to each region, State or province.**

When gathering general statistical data on a country, HROs should consider and refer to the list of statistical indicators developed by OHCHR on a number of civil, cultural, economic, political and social

² Before the establishment of most human rights field presences, a preparatory or needs assessment is conducted, which normally involves a mission to the country, with the aim of: identifying needs and priorities, and formulating recommendations; developing programmes to respond to those needs; planning the overall design, expected budget and time scale for mounting the field presence; and other significant planning aspects. The report resulting from missions can be very useful when assembling information about the general country context in which the field presence will be operating.

rights,³ which could be used at a later stage in the monitoring process to analyse and assess whether certain human rights are implemented (or not) in the country.

The following is a **sample list for collecting information on general contextual country information**. Field presences should further expand it and tailor it to their specific reality and needs.

i

General contextual country information

Brief history (including historical development and root causes of conflict, crisis or tensions)

Anniversary dates (historical, political or other significance)

Geography, climate, topography

Demography – disaggregated composition of the population according to:

- Age
- Sex
- Geographic distribution
- Race/ethnicity
- Disability
- Religion
- Education
- Language
- Nationality (including migrants, refugees, asylum-seekers, stateless persons)

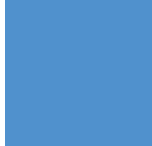
Economy

- Structure
- Production
- Resources (e.g., natural, financial)
- Major economic indicators (gross national product (GNP), unemployment rate, etc.)
- Budget allocation and analysis (highlight inequalities in distribution)
- Fields of employment

Social infrastructure and basic services

- Electricity, water, sewage, sanitation
- Air links, railways and waterways
- Health systems (public, private, traditional medicine, etc.)
- Education system
- Communication system and media
- Public transport

³ Information on OHCHR work on human rights indicators, including lists of statistical indicators on a number of human rights, is available from its website: www.ohchr.org.



General contextual country information

■ Government and politics

- Structure (national, regional, provincial, local level)
- Administrative divisions
- Division of power between legislative, executive and judicial institutions
- Ministries relevant to human rights work (e.g., health and sanitation, education, economy, interior, justice, land, agriculture, defence, housing)
- Political system
- Political parties
- Programmes, policies and national plans (e.g., in relation to administration, health, housing, property, labour, water and sanitation, food)
- Government political agenda (priorities, etc.)
- Existence of corruption
- Transparency and access to public information
- Defence and internal security forces

Civilian oversight mechanisms

- National human rights institution
- Ombudsman

Other influential actors

- Armed groups
- International, national and local civil society and community-based organizations
- United Nations (including special political missions, peace operations, United Nations agencies, treaty bodies, United Nations special procedures mandate holders, Human Rights Council)
- Other international actors (regional organizations, think tanks, etc.)
- Diplomatic representations
- Business and (multinational) corporations
- Media

Culture and customs

- Traditional norms, customs and rituals (tribal structures, chieftains, etc.)
- Existing beliefs and traditions that condone or result in human rights violations
- Customary law (especially when inconsistent with the national legal framework and international human rights standards)

General contextual country information

Legislation and policies

- International human rights treaties ratified by the State and other instruments or standards applicable to the country
- Constitution
- Family code
- Civil code
- Labour code
- Penal code
- Criminal procedure code
- Police act and other laws applicable to the police
- Security act (if any)
- Military code (if any) and other laws applicable to the army
- Codes of conduct
- Laws and regulations applicable to the judicial system
- Laws and regulations applicable to the penal system
- Other relevant laws and policies, including those relating to housing, water, inheritance, persons with disabilities, land, women, health, food, children, IDPs, access to information, consultation and participation

Penal system

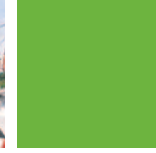
- Structure and organization
- Number, location, size, type of detention centres and temporary holding facilities
- Conditions of detention
- Treatment of detainees/prisoners
- Number and capabilities of corrections personnel (training, competence, experience, selection, nomination, disciplinary measures, etc.)
- Available resources (per cent of national budget and distribution for equipment, infrastructure, prison administration, food, medical assistance, etc.)
- Relationship of correctional functions to the judiciary and police
- Openness to inspections and monitoring by oversight mechanisms

Situation of groups needing special attention or protection (including information on de jure and de facto discrimination)

- Women
- Children
- Elderly
- Persons with disabilities
- Indigenous people
- Minorities (including sexual)
- Persons living with HIV/AIDS
- Landless persons
- Homeless persons
- Slum-dwellers
- IDPs and refugees
- Migrants

Attitude towards the United Nations

- General public perception (specify why)
- Government and other parties' perception (specify why)
- History of cooperation
- Level of expectations



These topics can be the subject of **brief written summaries, orientation sessions and/or oral presentations**. They can be supplemented with direct sources of information on the country concerned.

However, **it is not enough for human rights field presences to simply compile, photocopy and translate documentation or materials – they also require interpretation**. Heads of field presences should ensure that HROs with relevant expertise conduct such analysis so that it may be shared with all those who need it.

For instance, in addition to knowing what legislation exists and applies in different areas, HROs could benefit from an analysis of areas where the national laws or policies fall short of international standards, or where laws are not properly implemented. Another document could explain in simple terms how various institutions function in practice. For example, an overview of the criminal justice system should describe how the system actually functions, including the procedures for investigation, arrest, detention, interrogation, release pending trial, trial, appeal and so on.

Similarly, a review of the health sector from a human rights perspective should, at a minimum, indicate: (a) an analysis of relevant legislation or policies (including gaps); (b) the measures taken by the State to ensure that health facilities (including reproductive and sexual health facilities), goods and services are not only available, but also acceptable, of good quality, and physically and economically accessible to all without discrimination; (c) the measures taken by the State to ensure that everyone can seek, impart and receive information on health issues; (d) persons in vulnerable situations or groups of persons at risk and those who do not have access; (e) any available remedies. It would also be useful to note the actors that are active or influential in the health sector, such as NGOs (service provision and advocacy) and donors.

In relation to the information resources mentioned above, an effective practice is for field presences to gather a number of documents, which can become part of a **library or resource room** located in the main headquarters and in each field office. To the extent feasible, these resources could also be available to desk officers and other relevant staff at OHCHR (for instance electronically).



Timor-Leste and other human rights field presences

In Timor-Leste, the human rights field presence has created a resource centre – available to the general public and to United Nations staff – containing more than 400 documents on economic, social and cultural rights in English, Indonesian and Tetum.

Other libraries and resource centres have been created within UNMIS and the United Nations Assistance Mission in Afghanistan (UNAMA) human rights components, at OHCHR-Guatemala, OHCHR-Cambodia and at the OHCHR regional office for Latin America.

The following are examples of **resource materials which could be made available to HROs** in the relevant languages (whenever available), for instance through computer shared drives and at libraries and resource centres:

Resources

- This *Manual*;
- Other publications on human rights produced by OHCHR;
- Training materials tailored to the country of operation.

On the field presence and other United Nations entities

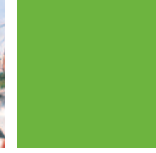
- The mandate of the field presence;
- Agreements between the field presence and the local or national authorities granting access, privileges and immunities to HROs (these should show the signature of the authorities in all relevant language versions);
- Agreements between the field presence and other organizations operating in the country (e.g., the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Criminal Court);
- The needs assessment report preceding the deployment of the field presence;
- Relevant needs assessment and other human rights reports from other institutions and organizations;
- Organization chart and reporting channels of the field presence;
- Any policies, directives, standard operating procedures, guidelines, manuals and codes of conduct issued by OHCHR, the human rights field presence, the Department of Peacekeeping Operations (DPKO) and the Department of Political Affairs (DPA) for human rights components within United Nations peace operations;
- Contact information for the central and field offices;
- A set of relevant reporting formats and other forms;
- Organization chart of the Office of the United Nations High Commissioner for Human Rights;
- OHCHR Plan of Action and Strategic Management Plan;
- Contacts at OHCHR headquarters (Geneva) and at the New York Office;
- Mandate, methods of work and recommendations of United Nations and other regional human rights mechanisms relevant to the country of operation (High Commissioner for Human Rights, treaty bodies, regional human rights courts, special procedures mandate holders, UPR, etc.);
- Information on programmes of other members of the United Nations country team.

Relevant legal instruments

- A set of international and regional human rights instruments and norms;
- A set of relevant national legal instruments;
- Other relevant statutes and treaties;
- National case law related to civil, cultural, economic, political and social rights.

On the host country

- Maps of the country and relevant areas, cities, provinces, etc.;
- Summaries of the contextual information on the country where the field presence operates (identified above);
- In United Nations peace operations, other contextual information produced by other components;
- Country-specific policies and programmes having an impact on human rights;
- Reports on the human rights situation in the country (sources include: Government, United Nations, national, regional and international NGOs and organizations/institutions, national human rights institutions);
- Public reports produced by the field presence;



- Press releases issued by the field presence;
- Organization charts or other explanations of the national and local administrative structures, ministries, police, justice, prison, army and other governmental structures;
- List of national and international NGOs and other civil society organizations dealing with civil, cultural, economic, political and social human rights issues (e.g., community-based organizations, academic institutions, trade unions);
- List of organizations providing assistance to victims of human rights violations (for referral);
- List of media (TV, radio, papers and online media) and relevant newspaper clippings.



Cambodia

OHCHR-Cambodia created a bilingual (English and Khmer) website (<http://cambodia.ohchr.org>) with links to the international human rights instruments ratified by Cambodia and information on the status of reporting to treaty bodies; United Nations resolutions relevant to the human rights situation in Cambodia; reports and statements of OHCHR-Cambodia and the Special Representative of the Secretary-General on human rights in Cambodia; OHCHR-Cambodia information notes on selected human rights issues; and OHCHR publications (English and Khmer translations).

D. Gathering analytical information from a variety of sources

In addition to gathering general contextual information, HROs need to proactively collect information which will help them to make an up-to-date analysis of the human rights situation in the country or region of operation.

This process goes beyond the collection of information on victims, their vulnerabilities and the violations they face. It also involves **gathering data on alleged perpetrators and abusive structures** (e.g., dissecting their levels of responsibility, motivations, objectives and any interests driving their decisions and policies, be they political, economic, criminal, personal, familial, ethnic or other), **as well as information on local, national and international actors who may be able to influence a human rights problem or situation.**

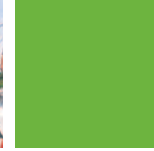
The information needed may range from an understanding of a broad military strategy of an armed group or State military apparatus, to economic and development policies (e.g., a city's master plan that leads to forced evictions of slum-dwellers), down to the local, social relationships of paramilitary gangs in a town, or the cultural and social practices that encourage discrimination. Similarly, to work with civil society more effectively, HROs must understand the strengths, weaknesses and strategies of civil society actors.

Sources of such information include statistics, testimonies, reports, as well as the opinions, perceptions and subjective analyses of others, whose credibility and reliability need to be judged. This requires from HROs the **development of a complex network of public and confidential sources and an accurate assessment of inputs received** to test their validity and relevance.

Such broad-based information (whenever possible always disaggregated by sex, age and other relevant factors) can be gathered from a wide **variety of sources**, including:

- Existing human rights and related assessments and general political, social and economic analysis (including those carried out by national organizations, humanitarian agencies, international NGOs and the media);
- Victims or witnesses of human rights violations, persons in threatened communities and organizations;
- Local organizations investigating and analysing human rights violations, including, but not only, human rights organizations and human rights defenders;
- Community, indigenous, religious, tribal, slum-dwellers' and other leaders; organizations representing minorities, persons with disabilities; and other grass-roots organizations;
- Lawyers, journalists and other professionals;
- Academic institutions, research centres, think tanks;
- Trusted government contacts, at both local and national level;
- State officials;
- National human rights institutions (NHRIs);
- Non-State actors, including members of armed groups;⁴
- Trusted local analysts who can educate HROs about subtle social, cultural and economic factors affecting political decisions;

⁴ Such contacts may have different levels of formality, and modalities may vary based on mandate and context (see chapter on *Interaction with non-State actors*).



- Domestic and international experts with a long history of analysing the country or the relevant national institutions;
- Humanitarian, development and other organizations present in the country, including members of the United Nations country team (UNCT) and the humanitarian country team;
- Embassies with networks and insights about key decision makers;
- Bilateral and multilateral donor agencies present in the country;
- In conflict situations, negotiators engaged in dialogue with the armed parties;
- Publicly available information in the media, including in local languages (this demands that field presences invest staff time in monitoring and translating relevant sources for analysis).

Given the broad range of human rights violations monitored by HROs – including those caused by long-term structural dynamics, policies, cultural practices, corruption and other complex factors – a field presence may need to **find other kinds of expertise, including anthropologists, sociologists, economists, gender experts and other local analysts and technical experts who understand the functioning and the weaknesses of the relevant branches of government, and the technical complexity of some of the options for advocacy and corrective action.**

The **national staff of a field presence** constitute another valuable source of knowledge and analysis, as well as other staff with work experience in the country of operation, since they may already have useful networks of contacts for information gathering.

Field presences should also take advantage of information gathered by other members of the United Nations system since it could complement that gathered by HROs, despite the fact that other United Nations entities may have information priorities that are unrelated to human rights.

In United Nations peace operations, human rights components can supplement their own data with information and analysis of the country situation through participation in the Joint Mission Analysis Cell (JMAC); reports of other components such as civil affairs, political affairs, justice, United Nations police, military; and any daily updates produced by the public information component and local media clippings that it compiles.

HROs should be sensitive to the fact that it may be more difficult to:

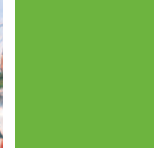
- Detect violations against certain discriminated or excluded groups or persons in vulnerable situations – such as indigenous persons, persons living with HIV/AIDS, persons with disabilities, sexual minorities, poor and small-scale farmers – through traditional channels of information gathering;
- Establish the context for some violations, especially where the local, social, traditional or religious systems prevent or inhibit contact with specific groups.

HROs may, therefore, need to expand their search in order to ensure access to such persons or groups and that sufficient information is gathered on possible violations against them.



Democratic Republic of the Congo

When sexual and gender-based violence, and rape in particular, were identified as one of the major human rights violations against women and girls, not many victims were keen to report their cases to international HROs, for fear of rejection from their relatives and the stigma attached to it, among other reasons. Therefore, HROs had to raise awareness among the population at large and cultivate trusting relationships with grass-roots and community-based organizations, which were much more trusted by the victims.



E. Developing contacts

Building contacts requires continuous efforts to identify and regularly meet a variety of individuals and organizations. Often, a trustworthy contact in one sector or institution may be able to recommend good contacts in other institutions. Moreover, **building contacts implies the cultivation of sources and the development of sustainable partnerships over time** – going back to trusted contacts for follow-up information, **without overwhelming them with excessive demands**.

Nurturing good contacts also requires some degree of reciprocity, by providing information in return, feedback on how the information was used and any steps undertaken by the HRO or the field presence on issues of concern.

Whenever possible, HROs should **develop contacts before a crisis or specific violation arises**. In fact, once a problem has arisen, it could be more difficult to build contacts and develop a relationship of trust. Moreover, building contacts also serves the field presence in addressing ongoing human rights violations.

As contact building and meetings to gather general contextual information will be undertaken by trained HROs with different levels of experience and seniority (depending on the counterpart involved), these general guidelines are directed at staff at all levels in the field presence. However, in some cases it may be more appropriate for senior staff, or specific teams, to engage in dialogue in order to obtain the best results and sustain positive relationships with key contacts.

Field presences' managers should implement mechanisms to ensure that contacts built by individual HROs will not be lost once these staff members leave, for example by recording them in a handover note or an end-of-assignment report.

The following are suggestions for general information gathering with a variety of key partners.

1 Gathering information from authorities

Gathering information from authorities is a delicate matter; unless they are approached correctly, they may not be particularly open to sharing their knowledge of the local context. Nevertheless, HROs should **develop relations with relevant government officials at all levels and throughout the country**. In this regard, it is helpful to separate information gathering from efforts to seek corrective action: the authorities are less likely to be open if they feel pressured.

While the encounter and the atmosphere should be positive and respectful, HROs should ensure they **respect the role, experience, expertise and hierarchy of the person they are meeting**. By doing so, they can achieve good results, since the authorities may be expecting a more judgemental approach by the field presence. To truly ask someone's opinion and analysis is a compliment, and most people tend to react positively to it.

HROs should ask open and non-judgemental questions, and allow enough time for the person to explain fully his or her analysis of the situation. HROs show interest in the analysis and follow up with

more questions, even if the discussion evolves in a different direction than planned. However, they should avoid asking uncomfortable questions that will inhibit future sharing of information.

The priority of HROs should always be to listen, let the other person finish and not interrupt even if they disagree with what is being said. In such encounters, HROs should avoid concentrating too much on their own message or questions since they could miss important information in the discussion.

A field presence may not always be perceived as impartial. When approaching government officials, it is **important for HROs to ascertain the perception they have of the field presence, because these attitudes could affect both the access to information and its reliability.**

During these encounters, HROs should try to **sense when the authorities are unwilling to answer a particular question or stick to a certain topic** and, rather than pressuring them, they should move to a more comfortable subject. HROs should also be sensitive when asking someone to assess other people or institutions, as this may be culturally or politically inappropriate.

At the end of the encounter, it is important for HROs to reconfirm that the authorities are open to continuing to share information in the future. This will depend mainly on how the meeting was managed.

2 Gathering information from national human rights institutions

Human rights field presences should develop and build contacts with members of a national human rights institution that has been accredited with “A” status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.⁵

Field presences shall exercise caution with an NHRI that does not have “A” status accreditation. Additionally, they need to pay careful attention to its legal status and its practical work, and avoid inadvertently legitimizing an NHRI that is neither effective nor independent. Therefore, **experienced HROs should carefully evaluate the level of independence of an NHRI from the Government**, as this may vary from country to country and could have an impact on the quality of the information it provides.

However, establishing a principled partnership with a reliable NHRI can have multiple beneficial effects, since NHRIs often have:

- A good knowledge of the role of the different State actors involved in the promotion and protection of human rights;
- A better understanding of how different governmental structures, institutions and society work within a country;
- An analytical capacity to identify gaps in the national protection system; and
- A research capacity and expertise on many human rights themes.

⁵ Whenever an NHRI is accredited with “A” status, the International Coordinating Committee deems it to be in compliance with the Paris Principles. However, “A” status accreditation may not be sufficient proof of credibility. For more information on NHRIs, see the chapter on *Engagement with national authorities and institutions*.



3 Gathering information from civil society


Civil society actors can usually provide valuable information and assist or work with the human rights field presence in many ways. They can be partners in collaborative strategies promoting human rights or corrective action. They are crucial for building a sustainable future for human rights in a country.

In their search for information that is most relevant to a specific human rights problem, HROs should **not limit their contacts to human rights NGOs, but rather seek out other strong forces within civil society** (including religious groups/organizations, unions, social movements, community-based organizations or multi-issue popular coalitions, which can be more influential and have better access to information), as well as **take advantage of the entire range of locally available expertise.**

Just as identifying how to promote corrective action requires an understanding of the actors and institutions responsible for the violations, supporting the empowerment and capacity-building of civil society, similarly, requires an understanding of how that civil society functions.

It is important for HROs to study the activities and composition of civil society, by considering:

- Which organizations have the broadest networks among the population?
- Which organizations are the most likely to provide reliable information?
- Which organizations are making the most important contributions to human rights protection and promotion?
- What is the thematic focus of these organizations?
- What human rights issues are not covered by anyone?
- Are there any organizations representing persons in vulnerable situations and how can the field presence establish contact with them?
- How big are these organizations and where are they located? Are they regrouped in networks?
- Which organizations are powerful enough to have an influential impact on government authorities (at all levels) in promoting corrective action?
- What are the political, ethnic, religious or other affiliations of different organizations?
- Which organizations are trusted by the population?
- Which are the most promising partners for collaboration?
- Which organizations should the field presence reach out to?

This general assessment serves to inform the strategies of engagement and capacity-building with civil society, which are discussed in more detail in the chapter on *Engagement and partnerships with civil society*. 

Human rights field presences should **cooperate and support the efforts of civil society organizations whose parallel activities can further human rights objectives.** This is particularly important in view of the usually limited human and financial resources of field presences. In these cases, it is crucial for HROs and the field presence to develop networks with relevant organizations that are able to provide information, so as to best conduct its monitoring functions. At the same time, in dealing with civil society organizations, field presences should pay particular attention to ensuring that their work reinforces these organizations' capacity vis-à-vis national Governments, and avoids duplicating functions, replacing their activities or usurping their legitimate role in society.



Uganda

OHCHR-Uganda worked with a national NGO which collected background research, data, statistics and advocacy on the status of economic, social and cultural rights in Uganda, with the aim of contributing to the Government's drafting of its State party report under the International Covenant on Economic, Social and Cultural Rights. With OHCHR support, HURINET-Uganda convened a national capacity-building workshop on State party reporting under the Covenant.

It is also important for a field presence to promptly identify institutions and organizations active in the country which can handle matters that go beyond its mandate (e.g., humanitarian assistance).

By establishing networks of referral possibilities in coordination with trusted partners, HROs will be able to respond to some of the needs of many victims and other groups or individuals which would otherwise exceed the field presence's mandate and capacity.

4 Gathering information from academics and other experts

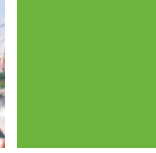
Academics are generally very keen to share their knowledge. The challenge is to find the right ones.

It is worthwhile **investing some time in academic searches** (publications and web-based), identifying and reading articles about the country's situation written by various experts, in order to choose those whose approach to the situation is both thematically relevant to the field presence's needs and human rights-friendly.

Once a few such experts are identified and contacted, HROs could ask them to share any background materials they may have on the topic(s) of interest to the field presence. As the academic community is globally networked and experts on any given country are usually acquainted with the work of others – including other organizations and institutions – HROs should also take the opportunity to ask experts with whom they are in contact to recommend others.

HROs tasked with this research should also make efforts to **locate academics within the country itself**, for example by contacting the main universities and research institutions, or by seeking the assistance of prominent NGOs for additional suggestions. Local experts can also recommend others with more specific or relevant skills, such as geographic, economic or military expertise.

In interacting with such experts, **HROs should seek to obtain information, expertise and analysis** that are **unique** and that other local contacts are unable to provide or do not possess. For instance, **experts can be key sources of information for developing a more nuanced analysis of the historical roots of a problem or situation, learning about the historical influences on a particular institution in the country** (religious institutions/groups, trade unions, army, etc.), **or understanding the complex links between a human rights problem and economic power, land tenure and international trade**. This type of detailed background can be very useful to devise effective strategies to positively influence the human rights situation.



5 Gathering information from other international actors

International actors operating in a country (such as staff at foreign embassies, the World Bank, the International Monetary Fund, United Nations country team, the North Atlantic Treaty Organization (NATO), AU, the Organization for Security and Co-operation in Europe (OSCE), ASEAN) constitute an important source of information. Very often these institutions have more personnel on the ground than the human rights field presence, and therefore more access to data and analysis that can be vital to better understanding the human rights situation in the country.

HROs should try to access and request information from these actors, while keeping in mind that some organizations may be concerned about the use that will be made of their information and may require guarantees of confidentiality.

HROs should also recognize that providing data and information:

- Is time-consuming;
- May not be a priority for other actors;
- Is sometimes not possible, for good reason;
- In the long term, is a two-way street: the field presence also needs to look for ways to provide other organizations with information that will help them in their work and – whenever possible – promptly respond to such requests.

F. Reliability of sources and validity of information

Ideally, all data collected, even if they constitute contextual information, shall be checked and verified.

This means that HROs have to:

- Assess the credibility and reliability of every **source of information**;
- Evaluate carefully all **information** for its relevance, accuracy, validity, completeness and meaning, to ensure the quality of any subsequent analysis.

1 Reliability and credibility of sources of information

Every source of information should not be automatically dismissed or accepted by HROs, but rather **be evaluated independently for its reliability** (i.e., trustworthiness) **and credibility** (i.e., capability of being believed). In fact, even a biased source may have important and relevant information, while a trusted source may unknowingly provide inaccurate information or a mistaken analysis.

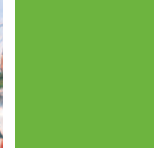
To evaluate a source of information properly, HROs should **find out the origin of the information and how their contact came to possess it**, as very often the contact may have received it from someone else. The closer HROs get to the original source of information, the better they can assess its validity or accuracy.

Evaluating a source also implies an **assessment over time of how reliable a contact is in passing on original information without adding a personal interpretation**.

HROs should also try to understand the **motivation of a particular contact to provide information**, since it could have an effect on how the field presence will use the information received and deal with the contact in the future. Especially when the information is unsolicited, HROs should look for the reasons why the contact is sharing the information with them and be aware of any expectations the contact may have on the use of such data. This is crucial to ensure that contacts are not trying to further their own purposes in a way that may compromise the analysis and information gathering by the field presence.

HROs should be aware that there is always a risk that institutions and individuals across the political spectrum will try to manipulate the field presence through the information they pass on or withhold. Sometimes reports of human rights violations may be exaggerated because a group feels isolated and is acutely in need of support. In other cases, information from one organization or group may be intended to delegitimize another.

The more nuanced the mapping that the field presence undertakes of the different actors and organizations and their objectives and motivations, the easier it will be to recognize attempts at manipulation and misinformation.



In developing and using contacts, HROs should:

- Assess their perspective and competence;
- Identify (ideally) at least some contacts who have the least apparent bias vis-à-vis the issue at hand (for example, a personal political agenda, strong cultural beliefs), although it is sometimes impossible for good reason;
- In their evaluation of contacts, understand and compensate for any bias;
- Identify sources from different political, ethnic, religious and other groups – even if they are known to be biased – since it contributes to the perception that the HROs and the field presence are impartial.

2 Relevance and validity of the information gathered

HROs should ensure that the validity and relevance of the **information gathered** are tested: this means developing at least **a prima facie analysis of the information, based on the degree of relevance** (i.e., importance), **veracity** (i.e., truth), **accuracy** (i.e., precision) and the **methodology used to gather it**.

A commonly applied test of *validity* is to **assess whether the information is logical in itself or to compare it with other known facts**, according to the commonly applied principle that **information should be consistent with material collected from at least three independent sources**.

Validity can also be assessed by the **degree to which a particular piece of information fits in with other materials which have been amassed**. Hence, HROs must consider not only the specific piece of information gathered, but also their sense of whether all the pieces of the jigsaw puzzle put together actually yield a credible story.

In their analysis of information, HROs should be careful to distinguish between the validity of the information and the credibility of the source. Even a credible source can provide inaccurate information and vice versa.

G. Conclusion

Often, information gathering efforts will seem to fall short – there is always a great deal more out there to be learned. A field presence cannot devote all its time to gathering general contextual and broad-based information or it would fail to take action to improve the human rights situation in the country.

The value of gathering information is in guiding and strengthening the impact of corrective action and empowerment. Nevertheless, insufficient or biased information will lead to poor analysis, mistaken strategies and ineffective action. It is a constant dilemma and challenge for the field presence and for HROs to strike a balance so that the human resources devoted to information gathering are sufficient to produce good analysis and strategy, but not so excessive as to inhibit or substitute for corrective action and empowerment activities.

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MANUAL ON human rights MONITORING

This chapter forms part of the revised *Manual on Human Rights Monitoring*. Following the success of its first edition, published in 2001, the Office of the United Nations High Commissioner for Human Rights has updated and restructured the *Manual*, to provide the latest and most relevant good practices for the conduct of monitoring work by human rights officers, under the approach developed and implemented by the Office.

The revised *Manual* provides practical guidance for those involved in the specialized work of human rights monitoring, particularly in United Nations field operations. This publication comprehensively addresses all phases of the human rights monitoring cycle, setting out professional standards for the effective performance of the monitoring function. It also outlines strategies to maximize the contribution of monitoring to the protection of human rights.

While each chapter has been made available separately, linkages with other chapters are highlighted throughout. A full reading of the *Manual* is thus recommended for a comprehensive understanding of human rights monitoring.

This tool has been tailored to the everyday needs of United Nations human rights officers in the field. The methodology it sets out would, nonetheless, be of equal relevance to others tasked with human rights monitoring functions. Its wider use and application by regional organizations, national human rights institutions, non-governmental organizations, relevant governmental bodies and others is strongly encouraged.



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