

MANUAL ON human rights MONITORING

Foreword and introduction



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

New York and Geneva, 2011

NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a figure indicates a reference to a United Nations document.

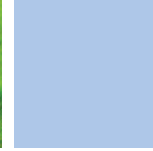
HR/P/PT/7/Rev.1

© 2011 United Nations

All worldwide rights reserved

Picture credits:

OHCHR Photo; UN Photo; UN Photo/Martine Perret; UN Photo/Martine Perret; UN Photo/Basile Zoma; UN Photo/Logan Abassi; OHCHR Photo; UN Photo/Martine Perret; UN Photo/Marie Frechen; UN Photo/Martine Perret; UN Photo/Stuart Price; UN Photo/Martine Perret; OHCHR Photo; UN Photo/Martine Perret; UN Photo/Albert Gonzalez Farran; UN Photo/Martine Perret; UN Photo/AFP; UN Photo/Martine Perret; UN Photo/AFP; UN Photo/Ky Chung; UN Photo/Logan Abassi; OHCHR Photo/Robert Few; UN Photo/Martine Perret; UN Photo/Basile Zoma; and UN Photo/Robel Mockonen.



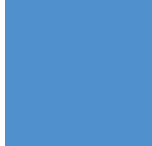
Foreword

The first edition of this *Manual* was published in 2001, at the end of a decade that had witnessed the emergence and progressive expansion of human rights fieldwork as one of the modalities used by the United Nations to engage in conflict and post-conflict situations, together with political, humanitarian and development instruments.

The following years have confirmed this trend and what may then have been seen as a novel approach, with a promising yet uncertain future, has evolved into a well-established *modus operandi* for the Organization. United Nations human rights field presences have multiplied in the past decade. Country and regional offices of the Office of the United Nations High Commissioner for Human Rights (OHCHR), human rights components of multidimensional peacekeeping operations and political missions, human rights advisers to United Nations Resident and Humanitarian Coordinators and country teams, as well as the shorter-term deployment of specialist human rights teams, have proven to be an invaluable form of engagement in countries and territories facing, emerging from or at risk of conflict, natural disasters or civil disturbance, undergoing political transitions or consolidating democratic systems, and embarking on longer-term peacebuilding, reconstruction and development processes.

Human rights monitoring is a core aspect of the protection mandate of OHCHR and a function of most human rights field presences established under its mandate or as part of peace operations mandated by the Security Council – all of which OHCHR oversees, manages and supports. Human rights monitoring is a proactive method involving the collection, verification, analysis and use of information to address human rights problems with the ultimate goal of improving protection. Advocacy and reporting are an integral part of the human rights monitoring cycle. As such, human rights monitoring has proven its value as a key tool to respond to human rights concerns and crises, identify violations, patterns, causes and possible solutions, further the accountability of States and individuals, and prevent future violations. I attach the greatest importance to independent, impartial and professional human rights monitoring. Our experience shows that timely monitoring and engagement with potential perpetrators can save lives. Public human rights reporting is an effective means of bringing violations and responsibilities to light, providing early warning and informing and influencing national and international action. The information and assessments deriving from human rights monitoring provide a solid basis for reforms and corrective action, including remedies for victims of violations.

Indicative of the growing value placed on human rights information and analyses, international commissions of inquiry, fact-finding and assessment missions, mandated primarily by the Security Council and the Human Rights Council of the United Nations and assisted by OHCHR, have also been on the rise as a way of responding to human rights crises of concern to the international community. The monitoring work of United Nations human rights mechanisms has also been significantly strengthened, with a substantially higher number of special procedures mandate holders and new mechanisms, such as the Subcommittee on Prevention of Torture, new conventions and protocols with their complaints mechanisms and related monitoring committees, and the universal periodic review (UPR). The Security Council has been dealing increasingly with human rights issues, including under its protection of



civilians, protection of children in armed conflict, sexual violence in conflict, and women in peace and security agendas, and in the context of its review of country situations. It has requested regular reporting based on ongoing monitoring as well as ad hoc emergency briefings.

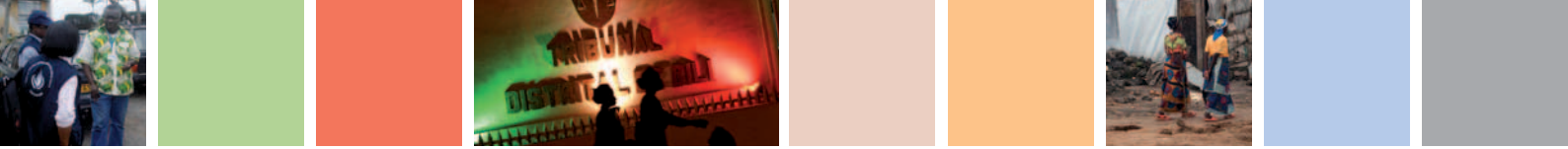
Like other aspects of human rights work, human rights monitoring is a specialized function that requires sound substantive knowledge, a distinct set of technical skills and the application of thorough methodologies. The development and updating of methodology for the effective conduct and professionalization of human rights monitoring continue to be a central focus of work of OHCHR, enriched over the years thanks to the experience gained through our increased field presence worldwide, the support provided to special mechanisms and our cooperation with national human rights institutions and non-governmental organizations.

Building on the 2001 edition, this *Manual* consolidates and expands United Nations methodological standards for the conduct of human rights monitoring and fact-finding. It is primarily intended to guide the work of human rights officers in United Nations human rights field presences, and integrates the additional experience and good practices developed over two decades of fieldwork, including by addressing areas where further guidance proved to be necessary, such as analysis, protection of witnesses, victims and sources, and monitoring of economic, social and cultural rights. The standards set out are equally applicable to the work of international, regional and national bodies, mechanisms and institutions that carry out human rights monitoring, including commissions of inquiry and human rights special procedures.

It is my hope that, like its previous edition, the *Manual* will be a useful resource in our collective efforts to protect human rights through the professional monitoring of the rights of all.

Navi Pillay

United Nations High Commissioner
for Human Rights



Introduction

Human rights monitoring and the Office of the United Nations High Commissioner for Human Rights

Human rights monitoring is a central tool in responding to human rights concerns and crises, identifying causes of human rights problems and developing possible solutions, promoting accountability and deterring further human rights violations.

The 2001 *Training Manual on Human Rights Monitoring* was a cornerstone publication and the first of its kind, providing a conceptual and methodological framework to guide human rights monitoring work. Over the years, the *Manual* has become a key resource for United Nations human rights officers and others engaged in human rights monitoring.

Since the publication of the *Manual*, the experience of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in human rights monitoring has increased considerably and become more diversified. In the past decade, the number of OHCHR field presences worldwide has multiplied. Time-bound investigative missions, created mainly by the Human Rights Council of the United Nations and assisted by OHCHR, have also increased and so has the monitoring work of United Nations human rights mechanisms, as evidenced by the establishment of new mandates.

Premised on the methodology laid out in the 2001 edition of the *Manual*, the practices developed and tested during the subsequent decade have matured into a rich laboratory of experience. In an effort to further professionalize human rights monitoring, OHCHR delivers basic, specialized and advanced training courses on monitoring and investigations to OHCHR staff, national human rights institutions, regional organizations, civil society actors and other partners working in human rights monitoring. Training has been a major vehicle to promote a common and consistent application of the highest methodological standards of human rights monitoring. It has also served to test new methods, and share good practices and lessons learned.

About the revised *Manual*

The overall objective of the *Manual* is to improve the efficiency, professionalism and impact of human rights field presences in implementing their monitoring mandates, and to provide guidance on techniques for human rights monitoring with a view to developing and strengthening the relevant skills of human rights officers.

The guidance presented in this revised *Manual on Human Rights Monitoring* is a synthesis of the wealth of experience stemming from years of field application of the monitoring methodology. The *Manual* provides a comprehensive overview of all phases of the human rights monitoring cycle, setting out the conceptual framework and methodology for the effective performance of the monitoring function. In keeping with the overall objective of the first edition, the revised *Manual* intends to reinforce the efficiency, professionalism and impact of human rights monitoring.



The *Manual* clarifies that monitoring is to be carried out within a framework of principles, like confidentiality and “do no harm”. It offers guidance on the key aspects of the monitoring function, from techniques for gathering information and interviewing, to analysis and reporting on the findings of monitoring and corrective action. Effective monitoring requires engagement with a range of actors, from national authorities to civil society, non-State actors, international actors and the media. The *Manual* explains their potential role in monitoring and how best to engage with them.

While the monitoring techniques described in the *Manual* are applicable to all rights and to a multitude of contexts, the *Manual* also includes focused guidance on selected areas such as monitoring economic, social and cultural rights, trial observation, detention, monitoring in the context of elections and in emergencies, and monitoring the human rights of specific population groups.

The *Manual* also integrates follow-up and corrective action to redress human rights violations as a fundamental step of the monitoring cycle, one where the recommendations stemming from monitoring are turned into advocacy messages to trigger and inform responses from the authorities and other forms of intervention.

While many parts of the 2001 *Manual* remain relevant, some new aspects of the monitoring methodology needed to be integrated to reflect the increased experience of OHCHR and the deeper understanding of the monitoring function. Consequently, a mapping exercise of OHCHR field presences engaged in monitoring was conducted in early 2007. It resulted in the identification of additional areas needing guidance and others requiring revision. On this basis, new chapters were developed, some revised and others updated.

The Methodology, Education and Training Section (METS) of OHCHR led the process of revising the *Manual* in consultation with many parts of OHCHR, particularly field presences, as well as external human rights experts and partners. Each new chapter was validated through consultations, a peer review and training (both during training activities and through feedback from training evaluations and follow-up surveys).

Who should read the *Manual*?

The *Manual* is primarily addressed to *human rights officers with monitoring responsibilities* in OHCHR field presences, including human rights components of peace operations and special political missions mandated by the Security Council – all of which OHCHR oversees and supports – or at headquarters. The methodology it sets out and the good practices contained within this revised edition are, nonetheless, just as important to others with human rights monitoring functions, including those working in commissions of inquiry and other fact-finding missions, national human rights institutions, civil society organizations, relevant governmental bodies and regional organizations.

The *Manual* is also directed at *managers supervising monitoring work*. It recognizes a twofold role of managers in (a) taking measures to ensure that guidance is applied by human rights officers and (b) taking management decisions in relation to monitoring, from prioritizing and strategizing to actions to preserve staff well-being, etc.

The use of the *Manual* is also recommended in the development of *training programmes on human rights monitoring*.

Finally, the *Manual* can serve as a basis for producing guidance adapted to local contexts. The *Manual* is generic in contents and is intended for use in different situations, as the numerous examples it contains show. Field presences may wish to merge it with country-specific guidance, for instance with regard to relevant legislation, procedures and policies, institutions, organizations and other actors, and cooperation arrangements with partners, such as police, military or other components in United Nations peace operations or national partners.

How to use the *Manual*

Each chapter has its own table of contents and is published separately. In the future, other updates and new chapters will also become available (please refer to the “order form” for more information on how to obtain these). Links with different parts of the *Manual* are highlighted throughout and a full reading of the *Manual* is thus recommended for a comprehensive understanding of human rights monitoring.

The following icons serve to illustrate the different types of information provided in the chapters:



Key concepts, at the beginning of each chapter



General information



Sources of information



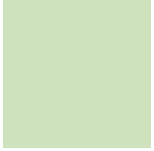
Country-specific information



Case study or example



Reference to another chapter in the *Manual*



Your feedback

The methodology for human rights monitoring will continue to evolve. Your feedback on the *Manual* can contribute to improving the methodology in future editions and forthcoming updates. We thus encourage you to send your comments, and share your experiences in human rights monitoring, tools, lessons learned and other suggestions to:

Office of the United Nations High Commissioner for Human Rights
Methodology, Education and Training Section
1211 Geneva 10, Switzerland
E-mail: monitoringmets@ohchr.org

MANUAL ON human rights MONITORING



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER