Training Manual on Human Rights Monitoring
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.

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NOTE TO MANUAL USERS

This manual is one component of a two-part package of materials for training on human rights monitoring for UN human rights officers and other human rights monitors. The human rights monitoring package also includes a loose-leaf trainer’s guide. The two components of the package are designed to complement each other and, taken together, provide the basis for the conduct of programmes for human rights officers in field operations and for other human rights monitors, under the approach developed by the United Nations Office of the High Commissioner for Human Rights.

This Training Manual (Component One of the package) provides practical guidance principally for the conduct of human rights monitoring in United Nations field operations, but it may also be useful to other human rights monitors.

The Trainer’s Guide (Component Two of the package) provides elements of training methodology, instructions and tips for trainers, additional exercises, and sample training tools, such as overhead transparencies, to be used in combination with the Manual in conducting training courses for human rights monitors.

Manual users interested in obtaining copies of the Trainer’s Guide should contact the Office of the High Commissioner for Human Rights.
FOREWORD

Recent years have witnessed a considerable increase in the number of United Nations presence in the field, either for post-conflict reconstruction, or with preventive and confidence-building functions, and a corresponding increase in the number of United Nations personnel employed in the field.

A growing number of United Nations field operations established in recent years, under either the coordination of the Office of the High Commissioner for Human Rights (OHCHR) or other United Nations auspices, have included a human rights mandate (in Angola, Burundi, Cambodia, Colombia, El Salvador, Former Yugoslavia, Guatemala, Haiti, Rwanda, Sierra Leone, and elsewhere). This intensification of field work is one of the most significant developments in the area of human rights protection and promotion in the last decade of the twentieth century. While the mandate of these field operations has varied, a major task they have been required to perform has been monitoring the human rights situation in the country of operation.

Human rights work — whether of a monitoring or a promotional nature — has become a specialized profession which requires adequate preparation, specific technical skills, and significant substantive knowledge in order to be effectively conducted. Human rights officers are being employed in the field on an unprecedented scale as a result of the recognition that human rights components provide a constructive contribution to the work of field operations.

It is in this context that OHCHR has been seeking ways to contribute to strengthening and professionalizing United Nations action for the advancement of human rights through field operations, an area to which I attach the highest priority as High Commissioner. The development of methodology for the effective conduct of human rights monitoring has been a central focus of work of OHCHR for several years. This Manual is offered as the culmination of OHCHR’s efforts to consolidate the United Nations experience in the area of human rights monitoring. It is hoped that officials in charge of human rights monitoring, especially within field operations established by the United Nations or regional organizations, but also from governments, national human rights institutions and non-governmental organizations, will find it a useful contribution to their work.

As part of a wider programme being conducted by OHCHR in the context of the United Nations Decade for Human Rights Education (1995-2004), the Manual is also offered as a tool to foster human rights promotion and protection throughout the world.

Mary Robinson
High Commissioner for Human Rights
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Through its increased involvement in field work in recent years, the United Nations agencies and programmes as well as the United Nations Secretariat have collectively developed a great deal of experience in both organizational and methodological aspects of field operations. Human rights monitoring has been a major and recurrent — although not the only — function of United Nations field operations. This Manual is part of OHCHR effort to consolidate and record the collective experience of the United Nations — with specific regard to human rights monitoring — in a way that it could be usefully incorporated into future United Nations efforts.

OHCHR has long been involved in developing methodology for the effective conduct of human rights monitoring. This is both in recognition of the importance of the human rights monitoring function as a tool to improve protection of human rights, as well as to stimulate dialogue with governments and contribute to the development of national capacities in this regard.

In particular, OHCHR has been engaged in several training initiatives for United Nations field personnel with human rights monitoring functions — in Bosnia and Herzegovina, Croatia, Rwanda, as well as in numerous pre-deployment training initiatives. It has also developed methodological materials for use by human rights monitors, including but not limited to those officers employed in United Nations operations, which are now incorporated in this Manual.

This Manual is intended to be a further contribution to these ongoing efforts. Undoubtedly, owing to the specificity of the country of operation, the mandate, the political context, and other factors, each field operation has its particularities which must be carefully taken into consideration when dealing with all policy and management matters related to the operation. The Manual will nonetheless be useful to provide a general framework for the methodological aspects of such operations, with particular regard to human rights monitoring.

The Manual seeks to integrate and consolidate existing expertise on the subject of human rights monitoring. It is mainly based on the experience developed by the United Nations in recent years, through the work of various human rights field operations, including, for example, the HRFOR Field Guidance prepared in 1996 by the Human Rights Field Operation in Rwanda, the Manuel d’Haïti developed in 1993 by the International Civilian Mission in Haiti — UN/OAS (MICIVIH), the Manuel de Vérification produced in 1994 by the United Nations Mission in Guatemala (MINUGUA), and La Guía metodológica para el trabajo de la división de derechos humanos de la Misión de observadores de las Naciones Unidas para El Salvador developed by the United Nations Observation Mission in El Salvador (ONUSAL) in 1992.

The Manual also incorporates the experience and materials developed by the Office of the High Commissioner for Human Rights in providing training on human rights monitoring to United Nations and other international staff (including UNCRO, UNPREDEP and UNPROFOR staff in the Former Yugoslavia in 1995, OSCE staff in Bosnia and Herzegovina in 1996, and the training programmes for peace-keeping
personnel organized by OHCHR since 1996 at the UN Staff College), as well as the experience of the various field offices established under the High Commissioner’s responsibility and entrusted with a monitoring mandate, including Cambodia, the Democratic Republic of Congo, Burundi, Colombia, Bosnia and Herzegovina, the Federal Republic of Yugoslavia, and Croatia.

In addition, the Manual draws upon the experience in human rights monitoring and field work of many non-governmental organizations, individuals and humanitarian organizations.

It is complemented by a Trainer’s Guide which is intended to assist trainers in preparing human rights officers to effectively and professionally perform human rights monitoring functions, and to apply the methodology contained in the Manual to their specific tasks.

The Office of the High Commissioner for Human Rights wishes to convey thanks to Professor David Weissbrodt, who took principal responsibility for developing the first and second draft of this Manual, but also to Jennifer Prestholdt, Ben Majekodunni, and The McKnight Foundation for their assistance to Professor Weissbrodt in preparing the manuscript, as well as to many other individuals for providing useful comments, suggestions, and information, including Patrick Ball, Claire Bellmann, Agnès Callamard, Andrew Clapham, Sandra Coliver, Pascal Daudin, Jean-François Durieux, Jon Ebersole, Jean-François Gareau, Shinobu Garrigues, Caroline Hunt, Dietrich Kappeler, Scott Leckie, Iain Levine, Leanne MacMillan, John McConnell, Hernán Reyes, Patricia Schaffer, Jacques Stroun, Michel Veuthey, Margaret Wéigers, Kirsten Young, members of the staff of the United Nations High Commissioner for Human Rights, and many whose writings are cited in the bibliography. In addition, Adama Dieng, Leonardo Franco, Kristin Høgdahl, Ian Martin, Dennis McNamara, William G. O’Neill, several heads of present United Nations human rights field operations and others have reviewed the Training Manual and given very helpful guidance.

This Manual reflects many recognized principles of human rights monitoring which should be respected by United Nations human rights field operations, and — as such — is meant to be a contribution to increased effectiveness of human rights field work. Although primarily addressed to United Nations human rights monitors, it is hoped that it will prove equally useful for human rights monitors of other organizations, whether of an inter-governmental or non-governmental nature.

As experience evolves in this relatively new endeavour of human rights field operations, the numerous suggestions and ideas in the Manual will no doubt need to be improved and applied in revised form to different situations. For this reason, the Manual is also made available in electronic format, so that it can more easily be modified, applied, and split into teaching modules as required by particular operations. All those who consult and use this Manual are encouraged to suggest ways in which it can be improved.
Part One

INTRODUCTION TO THE TRAINING MANUAL
Chapter I
INTRODUCTION

Key concepts

The developing experience, doctrine and methodology in human rights field operations, including human rights monitoring, should be made accessible to future human rights officers and should be supplemented in light of the specific mandate, circumstances and judgement of the operation’s leadership.

“Monitoring” is the active collection, verification and immediate use of information to improve human rights protection.

A. Need for the Training Manual

1. The United Nations has mounted human rights field operations in such countries as Bosnia-Herzegovina, Burundi, Cambodia, El Salvador, Guatemala, Haiti and Rwanda. A key function of all such operations has been monitoring the human rights situation in the country of operation. Each of them have largely developed their own methodology and structure for conducting field work, including human rights monitoring. This process is slow and increases the time needed for a human rights operation to become effective — six months, a year or longer. By the time the decision is taken to establish an operation, the human rights situation in the country is usually critical. Further delay must be avoided.

2. Increasingly, the United Nations has been developing considerable experience in human rights field operations and gathering a group of individuals who have served in the field. This Training Manual seeks to draw together that expertise — with particular regard to the performance of human rights monitoring duties — and make it accessible to future human rights officers (HROs) so that they can be more effectively trained for systematic and professional work.

3. The need to send staff into the field is usually so urgent that there is no time for thoroughly training HROs in advance of deployment. Also, factors such as particular language requirements, willingness to accept physical risk, and need for country expertise have sometimes resulted in the recruitment of HROs who have had disparate levels of experience with the various tasks they will pursue. For these reasons, there is a great need for the on-site training of HROs. It is critical that HROs receive comprehensive training that goes beyond education about human rights norms and procedures, and
includes guidance about techniques and practical work — including human rights monitoring work.

4. Accordingly, this *Training Manual* provides an overview of the *doctrine and methodology of human rights monitoring*, primarily as developed through the work of, and to be applied by United Nations human rights field operations. It sets forth applicable international human rights and humanitarian law; approaches to identifying human rights violations, information-gathering, interviewing, visits to persons in detention, visits to displaced persons in camps, monitoring the return of refugees and internally displaced persons, trial observation, election observation, monitoring demonstrations, monitoring economic rights, preparation of reports, interventions with local authorities and other follow-up; history of United Nations monitoring standards; etc. In addition, the Manual provides suggestions for norms applicable to the work of HROs in field operations and how they can handle the challenges of stress and security they will encounter.

5. This Training Manual is intended to be used for generic pre-deployment training of human rights monitors or as a basis to develop country-specific manuals. In this latter case, it needs to be supplemented and reviewed in the light of the mandate, factual situation, and other contexts of future human rights operations. The present Training Manual incorporates many broadly accepted principles of monitoring, which should be observed by all United Nations field operations. Each operation, however, will have a different mandate, different resources, and will be confronted by different human rights problems in a wide variety of contexts. The present Manual, in attempting to provide a methodological and training tool for such a wide range of operations, remains generic and, accordingly, needs to be supplemented for use in each human rights field operation in light of its specific mandate and circumstances as well as the judgement of its leadership. Indeed, many aspects of this Manual incorporate policy judgements which should be carefully reviewed by the head of the human rights operation to make sure that they fit the needs of the operation. Similarly, HROs should seek policy guidance from the leadership of the human rights operation on such questions.

6. Each human rights field operation receives its terms of reference or *mandate* from the authorizing United Nations institution — e.g., the Security Council or the Economic and Social Council (ECOSOC) — or on the basis of an agreement between the United Nations and the host country. Those mandates are often similar from one operation to another, but there are differences. Accordingly, the focus and the extent of a human rights monitoring mandate may vary considerably in each operation. While the present Manual can provide advice as to how such mandates can be interpreted and as to the international legal norms underlying the principal aspects of typical monitoring mandates from past operations, authoritative guidance can only be developed once the mandate of the specific operation has been determined. Hence, as soon as a field operation is authorized, work must begin to supplement this Manual by adding materials specifically relevant to the new operation.

7. The present generic Manual is intended for use in different situations and, accordingly, it does not contain country-specific data; it does, however, outline the *kinds of country-specific materials which should be provided for training of HROs* to effectively perform their monitoring tasks, including information about geography, history, economy, population, governmental system, religions, languages, ethnic conflicts, the status of refugees and internally displaced persons, culture and customs, ratifications of
human rights treaties, other international organizations present in the country, non-governmental organizations, and other information about the human rights situation. Hence, this Manual provides advice as to how it can be supplemented for use in particular country situations. In this regard, supplementary material should take into account the needs assessment which usually precedes the authorization of a human rights field operation. As soon as the operation is actually initiated, the relevant contextual materials need to be assembled. (See Chapter II: “The Local Context”.)

8. This Training Manual contains some chapters which may need to be supplemented and others which need not be used because they are not relevant to the mandate of the particular field operation. For example, some chapters, such as Chapter IX: “Visits to Persons in Detention” or Chapter XI: “Monitoring and Protecting the Human Rights of Returnees and/or Internally Displaced Persons (IDPs)”, may be supplemented through addition of country specific information. At the same time, the mandate of each field operation will be different; it is unlikely that any single operation will include within its mandate all of the different chapters of Part III “The Monitoring Function”. Hence, for example, the final Field Training Manual for a particular operation may not need several sections on such subjects as Chapter X: “Monitoring and Protecting the Human Rights of Refugees and/or Internally Displaced Persons Living in Camps” or Chapter XIV: “Election Observation”.

9. The chief for the field operation should be identified as early as possible, so that s/he can make the policy and organizational decisions which should be used to supplement and apply this Manual to the particular operation. Indeed, the chief of operations should promptly select an individual who can do the critical work of supplementing this Manual. The person who eventually takes responsibility for training in the human rights operation should ideally be given responsibility for adapting the Manual.

10. This “training officer” should work in close consultation with the chief of the operation, and with other start-up staff. Work on updating the Manual can begin at the Geneva/New York Headquarters if the training officer has access to copies of the new mandate and to information on the country of operation — including details on the human rights and political situation, as well as the local working conditions. Particular attention should be given to the needs assessment which should, and often does, precede the authorization of a human rights field operation.

11. As soon as possible, the training officer should be deployed to the country of operation. Using the chapters of the Manual as a base, and under the direction of the chief of operation, supplementary material can be developed in a few weeks. A number of contextual materials will need to be assembled. (See Chapter II: “The Local Context”.)

12. The supplementary material for the Training Manual need not be complete. Priority should be on making the most essential information available for training of new staff members as they arrive, and to use the Training Manual with the supplementary information as a means of orienting new HROs and also defining the operation’s methodology and policy relative to the particular situation.
13. Subsequently, the supplementary training material *should be updated* as the situation evolves in the country and as the field operation itself develops. Chapters may need to be updated in response to a particular event. For example, the imminent return of 100,000 refugees may require an update of training, operations policy and methodology for monitoring the human rights of returnees.

14. In updated versions of the supplementary training materials the training officer should work closely with other HROs on each chapter. Accordingly, for example, the HRO(s) responsible for monitoring detention conditions (if any) can assist in developing further the methodology and training materials for Chapter IX: “Visits to Persons in Detention”. As far as possible, HROs within the operation should be provided with an opportunity to participate in the regular updating and evolution of the supplementary training material. Every officer will have a contribution to make and the involvement of all staff members helps to ensure that the manual with its supplementary training material are a reflection of wide experience, and also that everyone is involved in improving and defining the work they do.

### B. Target beneficiaries

15. This Training Manual is intended for several direct beneficiaries and a larger indirect audience. The Training Manual is addressed first to **those responsible for training HROs in the performance of human rights monitoring functions** in United Nations field operations. The training can be conducted prior to the deployment of the HROs to the country of operation, or on-site. Secondly, the Training Manual is addressed to the **HRO of a field operation who is selected to supplement and adjust it** in the light of the mandate, circumstances and policies of the particular operation — in other words to produce a country/operation-specific version of the Manual — so that it can be used for guidance to all HROs. The Training Manual should also be useful to the chief of each human rights field operation in developing policies for the particular operation. Further, this Training Manual with its related Trainer’s Guide will be useful to the **officers responsible for providing initial or follow-up training to HROs in the country of operation**. The Training Manual with contextual supplementary materials will be useful to the those **HROs who will receive their orientation and instruction**, either prior to or following deployment.

16. The Training Manual may also be beneficial to **partner organizations** — such as the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children’s Fund (UNICEF), the International Committee of the Red Cross (ICRC), the Organization of American States (OAS) and the Organization for Security and Cooperation in Europe (OSCE) — that wish to train their staff on human rights monitoring.

17. In addition, the manual may assist **other intergovernmental or non-governmental organizations** engaged in human rights work to develop their own methodologies and train their staff.
18. The ultimate beneficiaries of the manual will be the individuals and communities whose human rights are threatened or violated and who can depend upon the assistance that may be offered through human rights field operations.

C. Objectives

19. The overall objective of the Manual is to improve the efficiency, professionalism and impact of human rights field operations in implementing their monitoring mandates. The specific objectives of the Manual are:

a) to provide information on international human standards relevant to United Nations field operations;

b) to provide information on techniques for human rights monitoring and encourage the development of the relevant skills by United Nations human rights officers and other human rights professionals.

20. The Manual is principally intended for training of staff in human rights field operations, which are on-site for a significant period of time (e.g., at least six months) with a considerable staff (e.g., at least ten and usually more) to perform primarily a monitoring function. Most of the chapters of the Manual, however, deal with techniques which may also apply to smaller, shorter and narrower human rights activities.

21. Manual users should keep in mind that the Manual is not specific to any one field operation or single country. Every field operation will be different from its predecessors, because mandates are different, and so are the human rights problems and circumstances of each country. Also, the Manual focuses on one possible function of field operations only, i.e. monitoring of human rights violations.

22. Finally, the Manual and human rights field operations do not provide a panacea for violations or conflict. HROs should remember that they often cannot change events, and should not feel responsible for things they cannot change. The actions of HROs are also limited by the international human rights norms they are seeking to implement and by basic principles of monitoring (do no harm, respect the mandate, exercise good judgement, etc.) For further elaboration of these principles, see Part V: “The Human Rights Officer” and Chapter V: “Basic Principles of Monitoring”.

D. Definition of key terms

1. Human rights” and “international humanitarian law”

23. Human rights are universal legal guarantees protecting individuals and groups against actions by governments which interfere with fundamental freedoms and human dignity. Human rights law obliges governments to do some things, and prevents them
from doing others. Some of the most frequently cited characteristics of human rights are as follow:

- Focus on dignity of the human being
- Legally protected
- Internationally guaranteed
- Protect the individual and groups
- Oblige States and State actors
- Cannot be waived/taken away
- Equal and interdependent
- Universal

24. Earlier in this century, the term “human rights” was defined as those rights guaranteed by the International Bill of Human Rights (comprising the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights with its Optional Protocols). Over the years, however, international and regional human rights instruments have made more explicit the rights set forth in the International Bill of Human Rights. “Human rights” are now defined with far more detail and specificity. International human rights law is, therefore, more protective of vulnerable individuals and groups, including children, indigenous groups, refugees and displaced persons and women. In addition, some human rights instruments have expanded the definition by elaborating new rights.  

25. “International humanitarian law” can be defined as that part of international law which is designed to ensure respect for general principles of humanity in situations of international armed conflict, and (to a lesser extent) to internal armed conflict. Growing from customary international law, early efforts at codification, and treaties adopted at the Hague Peace Conferences of 1899 and 1907, international humanitarian law has its principal sources in the four Geneva Conventions of 1949 and the two 1977 Protocols Additional to those Conventions.

26. While most human rights are perceived as individual rights vis-à-vis the Government, human rights norms may also apply to non-State actors (such as armed opposition groups, corporations, international financial institutions and individuals who perpetrate domestic violence) who commit human rights abuses. The campaign to abolish slavery, one of the oldest efforts to protect human rights, was an attempt to prevent private actors from keeping or trading in slaves. By Common Article 3 of the 1949 Geneva Conventions and their 1977 Protocols, international humanitarian law applies to armed opposition groups. Further, a series of treaties exist relating to hijackers, kidnappers of diplomats, etc. More recently, international human rights norms have been addressing the responsibility of governments to restrain individuals from committing human rights abuses in the areas of domestic violence, female genital mutilation, etc. The Maastricht Guidelines on Violations of Economic, Social and

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1 See, for example, the Declaration on the Rights of Disabled Persons, G.A. res. 3447 (XXX), 30 UN GAOR Supp. (No. 34) at 88, UN Doc. A/10034 (1975); and the Declaration on the Right to Development, G.A. res. 41/128, Annex, 41, UN GAOR Supp. (No. 53) at 186, UN Doc. A/41/53 (1986).

Cultural Rights (adopted 26 January 1997 by a group of 30 international legal experts) state:

... The obligation to protect requires states to prevent violations of such rights by third parties. Thus, the failure to ensure that private employers comply with basic labour standards may amount to a violation of the rights to work or the right to just and favourable conditions of work ...

(guideline 6)

27. In sum, currently the term “human rights” should be viewed, for the purposes of this Manual, as incorporating both the rights traditionally defined by the International Bill of Human Rights, as well as the expansion of that definition to include rights guaranteed by international humanitarian law. Further, human rights norms are now perceived to be enforceable against some non-State actors, or at least to make governments responsible for preventing certain abuses by individuals. It is important to note, however, that the mandate of many UN human rights monitoring operations may and should be defined in terms of the human rights most critical in a particular country and most capable of being addressed by a limited number of HROs.

2. “Monitoring”

28. “Monitoring” is a broad term describing the active collection, verification and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about incidents, observing events (elections, trials, demonstrations, etc.), visiting sites such as places of detention and refugee camps, discussions with Government authorities to obtain information and to pursue remedies and other immediate follow-up. The term includes evaluative activities at the UN headquarters or operation’s central office as well as first hand fact-gathering and other work in the field. In addition, monitoring has a temporal quality in that it generally takes place over a protracted period of time.

3. “Fact-finding”

29. “Fact-finding” describes a process of drawing conclusions of fact from monitoring activities. Hence, “fact-finding” is necessarily a narrower term than “monitoring”. Fact-finding entails a great deal of information gathering in order to establish and verify the facts surrounding an alleged human rights violation. Moreover, fact-finding means pursuing reliability through the use of generally accepted procedures and by establishing a reputation for fairness and impartiality.

4. “Observation”

30. “Observation” usually refers to the more passive process of watching events such as assemblies, trials, elections and demonstrations. It is an aspect of human rights monitoring which requires an on-site presence.

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5. “Human rights violations” and “human rights abuses”

“Human rights violations” include governmental transgressions of the rights guaranteed by national, regional and international human rights law and acts and omissions directly attributable to the State involving the failure to implement legal obligations derived from human rights standards. Violations occur when a law, policy or practice deliberately contravenes or ignores obligations held by the State concerned or when the State fails to achieve a required standard of conduct or result. Additional violations occur when a State withdraws or removes existing human rights protections.

“Human rights abuses” is used in this Manual as a broader term than “violations”, and includes violative conduct committed by non-State actors.

6. “Human rights officer”

A “human rights officer” is a member of the staff of a United Nations human rights organization or field operation, who performs monitoring, reporting, technical assistance, promotion, or any other professional function. As previously mentioned, this Manual focuses on only one of the possible functions of a human rights officer in a field operation, that of monitoring the human rights situation. It is in this context that the term “human rights officer (HRO)” is to be intended in the Manual. In a UN field operation, HROs may work in area offices (away from the central office) or in the central office analysing information, writing reports, conducting various activities, etc.
38. The principal work of an HRO is not generally secretarial or to provide computer, logistical or other backup assistance to the field operation. Such functions are performed by support staff. To preserve the international character of the field operation, nationals of the country in which the operation is located do not usually serve as HROs, but national staff may perform many other functions for the operation.