Chapter 15

INTEGRATING GENDER INTO HUMAN RIGHTS MONITORING

MANUAL ON HUMAN RIGHTS MONITORING
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A. Key concepts

- Integrating gender into human rights monitoring is a fundamental part of the monitoring work of human rights officers (HROs).

- Gender analysis is a tool to integrate gender in the monitoring cycle.

- At each and every stage of the monitoring cycle, specific steps can be taken to integrate gender.

- “Gender questions” can assist with this task.
B. Introduction

Integrating a gender perspective in human rights monitoring is a process to ensure that all violations against men and women of all ages and sections of society are recognized and accounted for. It is also a strategy for making women’s as well as men’s experiences and concerns an integral dimension of the design and implementation of the monitoring cycle. It helps to better understand the causes and types of human rights violations and, hence, the measures required for prevention and protection.

Integrating gender implies a proactive attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making such differences visible throughout the monitoring cycle.

This chapter presents gender analysis as the main tool to integrate gender in human rights monitoring. It then goes through the different stages of the monitoring cycle, providing practical guidance on how to integrate a gender perspective at each one.

Field presences can use some of the following questions to integrate gender in human rights monitoring work and other activities:

- How is a human rights problem affecting women and men differently? Why do such differences exist? What are their root causes?
- Do women (or men) tend to be more exposed to particular types of human rights violations?
- What is the gender dimension of human rights violations?
- Are human rights violations in the private sphere monitored? How do such violations affect women, girls, men and boys differently?
- Do female and male rights holders have different coping mechanisms and access to protection measures and to remedies?
- Are human rights monitoring reports issued by field presences gender-sensitive?
- Do corrective actions benefit women as well as men affected by a human rights problem?
- Are corrective measures adapted to the specific needs of women, men, girls and boys?

Gender mainstreaming

Gender mainstreaming is a strategy aimed at achieving greater gender equality. The United Nations adopted it in 1997.

“Mainstreaming a gender perspective [...] is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.”

Source: Economic and Social Council, agreed conclusions 1997/2.
C. Gender analysis as a tool to understand reality and recognize differences

Gender analysis is fundamental to understanding how gender affects human rights and to designing interventions accordingly.

There are two ways in which gender affects human rights:

- All forms of discrimination against women in the enjoyment of all human rights are gender-specific violations. Their legal determination is anchored in the Convention on the Elimination of All Forms of Discrimination against Women and other core international human rights treaties;

- Other human rights violations are not overtly or directly discriminatory but have a different impact on men than on women. For example, refugee women have different security and health needs and problems than refugee men, access to education can be different for boys and girls depending on the choices their parents make.

Use gender analysis to identify both types of violations: gender-specific aspects of human rights violations, as well as violations of the human rights of women.

Gender analysis makes the assessment of a situation more thorough and results in better targeted corrective actions, so that women and men benefit equally, and inequality is not perpetuated. Gender analysis also implies the use of gender-sensitive language.

Gender analysis

- It is a tool to diagnose the differences between women and men regarding their specific activities, conditions, needs, access to and control over resources, and their enjoyment of their rights.

- It entails collecting gender-disaggregated data and gender-sensitive information related to the specific situation.

- It is the starting point for integrating gender in human rights monitoring.

Gender analysis helps to understand power relations and to address “invisible” structural discrimination that would otherwise appear “natural” or “neutral” and, if not questioned or challenged, would remain part of socio-political life and social structures. It also helps to uncover human rights violations that tend to pass unnoticed when other violations occur.

Gender analysis indicates not only what the differences between women and men are, but more importantly why these differences exist and how they affect the structure, institutions and values of a given society. It goes beyond merely describing the situation.
Noting differences between how groups of men and women access their rights and seek protection from human rights violations is the first step of gender analysis.

However, it is not enough to note that such disparities exist; gender analysis provides more in-depth analysis of their causes.

It is important to note that in many contexts gender analysis is not enough. The intensity or severity of discrimination that individuals may face depends on the number and interplay of their personal characteristics that generate discrimination against them. The interplay of identities linked to gender, ethnicity, religion, race, sexual orientation, disability, national origin, age, etc. results in experiences of exclusion and disadvantage that are unique to those with multiple identities. This is known as multiple discrimination. The interplay of different grounds of discrimination is analysed by intersectional analysis, which acknowledges that human rights violations rarely occur merely on the grounds of gender but are often the result of the intersection of age, ethnicity, national origin, sexual orientation, class, health status, etc. with gender.
D. Integrating gender in the monitoring cycle

The figure below illustrates the monitoring cycle and describes the different steps and aspects of human rights monitoring. This chapter is about understanding how a gender dimension can be integrated in all aspects of the cycle.

The monitoring cycle

1 Information gathering

When gathering contextual information and information about specific human rights violations (see chapter on Gathering contextual information [7]), the data collected should be sex- and age-disaggregated, and possibly disaggregated on the basis of other parameters relevant for the identification of potential discriminatory practices (e.g., ethnicity, religion, political affiliation, disability).

It is important to understand the links between gender and other social identities. Wherever possible, data disaggregated by these and other criteria should be collected.

Disaggregating solely on the basis of gender or age is often insufficient to reveal all forms of discrimination. For example, without knowing if someone is a member of an ethnic minority, it is difficult to determine the measure for protection in a conflict or post-conflict situation. If religion, race or sexual orientation is hidden from the analysis, biases can also remain undetected.

Where gender-specific information is not available, this gap is to be explicitly acknowledged. Field presences should remember to repeatedly request data disaggregated by sex and age from all the institutions and other sources providing information.

Information on gender is to be integrated into the whole information-gathering process. While specific gender concerns can be summarized under the heading “women”, it is important to remember that, in general, women as such do not constitute a “vulnerable group”, but are half of the population and their
presence (or absence) has to be acknowledged and analysed in all spheres of life for the analysis of the contextual situation to be complete.

### Avoid the “women and children” categorization

The use of the category “women and children” should be avoided. It obscures the fact that different substantive human rights guarantees may apply to women and to children, and reinforces the historical tendency to make concern for women’s human rights derivative of their roles as mothers, rather than recognizing their status as independent rights holders.

To make an effective gender analysis, a variety of research methods can be used to collect data. For instance:

- Formal requests for information from governmental institutions;
- Legal research on protection gaps (in laws, policies and regulations);
- Interviews and surveys;
- Mapping and research through libraries and organizations;
- Household interviews;
- Individual interviews with women, who may not wish to discuss their problems or needs in the presence of men;
- Focus group sessions;
- Informal conversations;
- Walking tours observing community practices;
- Other methods with the participation of diverse groups of people, including women from different social groups and of different ages.

Many human rights violations affecting particularly women occur in the private sphere. It is important that methods for collecting information include that sphere as well.

Where appropriate, field presences can consider involving gender experts in data collection and in other steps of the monitoring cycle (e.g., actor mapping, strategic planning).

### Analysis

The chapter on Analysis proposes a three-stage analysis to understand human rights problems through the use of a variety of tools: (a) an overview of the human rights problem; (b) the human rights risk equation; and (c) actor mapping. To integrate a gender perspective in the analysis, see the suggestions below.

#### Stage 1: Overview of the human rights problem

Analysis begins with a general review of the human rights problem that is being studied, including its causes, circumstances, consequences and barriers to remedies.

It is important to examine whether the causes are gender-specific or not. For example, a high rate of illiteracy among women in a certain community can have many causes. Some may not be gender-
specific (e.g., high cost of education, distance to school, parents’ expectation that a child should provide labour), while others are (e.g., the tradition of educating boys rather than girls, higher school dropout rates in girls due to early pregnancy, parents’ fear to let a girl travel long distances to school, no labour market for educated women).

When looking at the causes of violations, remember that historically women’s gender roles have had less political, social, economic and cultural value than men’s. To varying degrees, in all societies, discrimination against women is systemic and is reflected in the structure and functioning of the legal and economic systems, political institutions and processes, religious and cultural systems, and family systems.

The circumstances in which human rights violations occur can be gender-specific or not. The public/private sphere element should be taken into account when designing a monitoring strategy. For example, the home is often where violations of women’s rights occur.

The consequences of human rights violations may be gender-specific or not. For example, the forced eviction of a community primarily composed of female-headed households calls for action and remedies that take into account the specific needs of this group of the population (in terms of education, health, housing, political participation, etc.).

Gender-specific barriers to access to remedies, such as restrictions on women’s freedom to take action without men’s consent, women’s lack of access to legal action or lack of economic resources, should be analysed.

Analysing these elements helps to identify systemic and structural problems that affect the human rights problem that is being monitored. This is particularly important when working on gender, as many—if not most—gender-specific violations or gender aspects of human rights violations are linked to systemic and structural discrimination against women.

When undertaking analysis, the relationship of culture and human rights, and the intersection of discrimination against women and other forms of discrimination (multiple discrimination) are to be taken into consideration. Cultural arguments shall never condone discrimination or violence against women.

Stage 2: The human rights risk equation

This tool helps to analyse a human rights problem by breaking it down into four components: threats, vulnerabilities, commitments and capacities.
The following “gender questions” can be used to integrate gender in this analysis:

**Threat**
- Is the behaviour of the threat’s author(s) based on gender-discriminatory laws, policies, attitudes, practices or positions?
- What are the positions of the threat’s author(s) vis-à-vis gender equality?

**Vulnerability**
- Do threats affect women and men differently? If so, how?
- Are there threats specifically targeting men or women? If so, is it because of their gender?
- Are men and women vulnerable in a different way to threat(s)? If so, how?

**Commitment**
- Do commitments made by duty bearers to respond to threats affect women and men differently?
- What are their formal and real commitments to gender equality?
- Do duty bearers monitor and act with due diligence to protect women and/or men from gender-based violations?
- Do such commitments (or lack of) influence the situation being analysed?

**Capacity**
- Are there differences between how women and men respond to threats?
- Do limitations in the State’s capacity to respond to threats affect women and men differently?
Gender questions for the analysis of attacks against human rights defenders

Threats

■ Are there threats targeting women as well as men human rights defenders?
■ If so, are they linked to the gender biases of perpetrators? If so, how?
■ Are women human rights defenders targeted differently than men human rights defenders (e.g., sexual violence)?

In the experience of the Special Rapporteur on the situation of human rights defenders, there is a trend of threats targeting women, especially when they work on women’s rights and are perceived by sections of society as challenging some cultural norms and social behaviours. When men work on women’s rights, they, too, may be specifically targeted because their work challenges cultural norms.

Vulnerabilities

■ Are men and women human rights defenders vulnerable in a different way to attacks?

If those most attacked are the leaders of organizations, men are normally exposed and, in fact, around 75 per cent of cases processed by the Special Rapporteur on human rights defenders concern attacks against men. However, a deeper analysis of these data indicates a more complicated situation and brings up questions that deserve attention, such as:

■ Are men attacked because they are leaders of human rights organizations? Are they more exposed in such positions?

In some cases, leaders are indeed more exposed to attacks but they are also more visible and therefore can have more access to protection. Consequently, attacks shift against other members of the organizations and against family members of leaders, who enjoy less protection. And in this group of less protected people and defenders there are more women.

■ Are there differences in how women human rights defenders access international protection mechanisms compared to their male colleagues?

For example, journalist defenders (normally with good access to international human rights mechanisms) are mainly men, whereas women human rights defenders are very much present among grass-roots organizations (normally with less contact with international mechanisms).

(Continued)
Gender questions for the analysis of attacks against human rights defenders (cont’d)

**Commitments**

- Do commitments to gender equality affect the State’s willingness to respond to attacks against defenders?

The existence of institutions and mechanisms for gender equality to fight violence against women can result in added protection for women human rights defenders. Conversely, public denigration of these women can make them even more vulnerable because of their gender (e.g., in a case raised by the Special Rapporteur on human rights defenders, some politicians in parliament referred to a woman human rights defender as a prostitute, an enemy of the country and as non-existing – a clear incitement to kill her).

**Capacities**

- Do protection measures (and their limitations) affect men and women human rights defenders differently?

Typically, police protection of human rights defenders is limited to the protection of leaders (mostly men) and far less of their family members.

- Do men and women human rights defenders have different capacities to defend themselves against attacks?

In many countries, women’s organizations are among the best organized parts of civil society and the human rights movement. Women human rights defenders, therefore, often have more resources, a better capacity and a stronger will to protect themselves in networks of organizations supporting each other and showing solidarity.

**Stage 3: Actor mapping**

Actor mapping is an analytical tool to identify key actors related to a given human rights problem, and the power relationships and channels of influence among them.

There are different ways in which gender can be integrated in this tool: (a) by mapping the actors on gender; and (b) by integrating a gender perspective in an actor map of the human rights problem being monitored.

(a) Map the actors on gender

Field presences should have a clear understanding of who is doing what on gender in the region or country where they operate. Mapping the actors on gender is useful not only for monitoring human rights, but also for their broader work.
The following questions can guide HROs in mapping gender actors:

- Which institutions within the State apparatus are working on gender equality?
- Which institutions are an obstacle to gender equality?
- What are their links with other institutional structures? Are they influential within the Government or not?
- Are there gender “champions”1 among the influential actors and authorities?
- Can they be targeted in advocacy strategies and corrective action?
- Are any individual influential actors and authorities ostensibly hostile towards gender equality (e.g., ministry of religion, religious police, parliament, etc.)?
- Which actors could persuade them to make a positive change? How can pressure be brought to bear? By whom, with what arguments and strategy?
- Which civil society organizations are working on gender equality? Are they influential?
- How are these organizations positioned in the civil society and human rights movement (e.g., marginal, strong, organized, present at the grass-root level or central level)? Are they part of gender networks?
- What are the positions, attitudes and behaviours on gender equality of churches, religious groups, military and paramilitary groups, non-State armed groups, public and private academic institutions?
- Who are the donors supporting programmes and organizations working on gender equality?
- Are there international organizations – governmental and non-governmental – working on gender equality? Other United Nations agencies? How do they relate to the State structure and national network working on gender equality?
- Do international and regional mechanisms on gender and women’s rights (e.g., Committee on the Elimination of Discrimination against Women, Special Rapporteur on violence against women, Special Representative of the Secretary-General on sexual violence in conflict, special rapporteurs on women’s rights of regional organizations) play a role in the country? Can they play one? Which actors can link with them? Can other mechanisms with a strong gender dimension play a role (e.g., Special Rapporteur on trafficking in persons, especially in women and children, Special Representative of the Secretary-General on violence against children)?
- How do they all interact with each other?

Monitoring gender within civil society and the human rights movement

- Assess the level of participation, organization and representation of women in civil society.
- Assess the prominence of women’s rights and gender equality on the agenda of civil society organizations and within the human rights movement.
- Analyse patterns of gender-based violations against human rights defenders and members of civil society.

1 People strongly and visibly committed to the promotion of gender equality.
(b) Integrate a gender perspective in the actor map of the human rights problem being monitored

Analyse how the actors identified in the mapping of a case, human rights problem or specific situation deal with gender issues.

Identify whether or not these actors:
- Are committed to gender equality;
- Have gender expertise; and
- Integrate a gender-sensitive approach in their conduct and actions.

Identify actors in the gender actor mapping (see section (a) above) that are influential or relevant for the human rights problem or case being monitored. Check whether gender “champions” can play a positive role in this situation.

Analyse the role of non-State actors responsible for human rights abuses

Infringements of human rights often take place because of the actions of non-State actors. This is particularly the case for the violations of the rights of women that occur in the private sphere.

Consider the following categories of non-State actors:
- Non-State actors in the family – both male and female: blood relatives (parents, siblings, members of the extended family), relatives by marriage (e.g., mothers and fathers-in-law) and partners (married, unmarried or casual);
- Non-State actors in the community – e.g., neighbours as well as unknown persons, the medical profession, employers, religious leaders or educational institutions operating outside the State system;
- Non-State actors in the context of conflict – e.g., armed groups, mercenaries or international forces carrying out acts of sexual violence.

3 Interviewing

The chapter on Interviewing provides guidance on how to plan and conduct interviews, including with women and victims of sexual violence.²

This section does not review such guidance, which is tailored to interviews with specific categories of victims, witnesses and sources of information. Rather, it flags some gender dynamics to be aware of when planning and conducting interviews.

When planning interviews, it is important to always include questions aimed at gathering information on how a particular situation may affect women, men, girls and boys differently. Remember that the gender dimension of violations often remains invisible if not properly researched.

The location is paramount. A location providing privacy may allow for the disclosure of information that would be censured if witnessed by others (members of the community, family, etc.).

When visiting communities to establish contacts, HROs should be aware of gender dynamics:

- In some cases, women find it more difficult to approach HROs than men.
- Additionally, the husbands or partners of the female witnesses HROs want to interview may be reluctant or totally opposed to their being interviewed. Be aware of this possible scenario and take measures to prevent female interviewees suffering retaliation from their families or communities. In some cases, speaking with their husbands/partners/brothers first to explain the reasons for the presence of HROs can be an effective way of making contact with the women that is accepted by all. In other cases, this course of action must be avoided to prevent retaliation against women.
- Visiting shelters and identifying women willing to speak through NGOs may be another way of contacting individual women, always keeping in mind the tensions with husbands, brothers, etc.
- Sometimes, men and boys are more reluctant to talk (typically in cases of sexual exploitation and abuse).
- In some countries, the interviewee will request or feel more comfortable with an interviewer of the same sex, depending on the violation to be discussed.

4 Reporting

When reporting on their monitoring work, field presences can use the checklist below to ensure that a gender perspective, a gender analysis and gender-sensitive language are integrated. The use of pictures or images is also important.

Not all the elements of the checklist are obligatory for a report to be gender-sensitive. Field presences need to select what is appropriate, based on the thematic focus of the report, its length, its audience (internal or external to the field presence), the methodology used in gathering information, its intended purpose, and so on.
## Checklist to integrate gender in human rights reports/documents

- Does the report or document address gender as a specific subject?
- Does the report address gender in a specific section and/or is gender mainstreamed throughout?
- Does the report contain gender-disaggregated data or information?
- Does the report use gender-sensitive language?
- If the report contains images, are these representative of the reality of women, men, girls and boys? Do they convey stereotypical images of women and men?
- Does the report address gender as an add-on or is it integrated in the subject of the document?
- Is the report only about women, or men, or about gender relations, highlighting the differences in the experiences, needs, power, positions, participation and enjoyment of human rights of women and men?
- Does the report represent the point of view of both men and women?
- Does the report consider women as victims, rights holders or both?
- If the report deals with specific cases, do these concern women as well as men, girls as well as boys?
- If the report deals with human rights violations, does it analyse how they affect girls, women, boys and men differently?
- If the report mentions human rights or development indicators, does it include indicators to measure gender equality?
- Does the report refer to:
  - International and regional human rights instruments or national legislation on gender equality?
  - Concluding observations, recommendations and reports of international and regional mechanisms on women’s rights and gender equality (Committee on the Elimination of Discrimination against Women, Special Rapporteur on violence against women, Special Rapporteur on the Rights of Women in Africa of the African Commission on Human and Peoples’ Rights, etc.)?
  - Jurisprudence on gender and women’s rights?
  - International, regional and national policies on equality and non-discrimination and on gender (e.g., Beijing Declaration and Platform for Action, national action plans on gender equality)?
  - Institutions for the promotion of gender equality (e.g., national machineries for the advancement of women) or other governmental or non-governmental actors dealing with gender issues?
  - Literature, tools or other documents on gender equality?
- Does the report portray the human rights field presence as an organization committed to gender equality?
- Does the report explicitly indicate the actions taken or the position and policies adopted by the field presence to promote gender equality or women’s human rights?
E. Corrective actions and strategic planning

The chapter on Strategic planning for human rights impact provides a number of criteria to assist field presences in setting priorities among the human rights problems they should monitor.

The following considerations can help HROs bear in mind the gender element when they set their priorities:

- Do prioritized problems affect mostly women or mostly men? If so, is the prioritization justified?
- Is the field presence pursuing the same old problems because it is easier to continue along well-trodden paths than to venture into unknown territory?
- Assess what other agencies and the authorities are doing on gender equality and if there is a need for the field presence to also work in this area. Many countries already have institutions for the promotion of gender equality but they may be weak and need support.
- Consider centring monitoring strategies on rights holders and on empowering them instead of on victims and violations.
- Consider monitoring the situation of rights holders suffering from or exposed to multiple forms of discrimination, including gender discrimination.

When devising a monitoring strategy, consider that in some cases gender can be an entry point for establishing relations and strengthening engagement with key actors:

- With the national authorities, some aspects of gender equality may be less sensitive. In these cases, the authorities may be more open to discussion and willing to work with the field presence. In other cases, especially when gender equality and women’s empowerment are perceived as threatening cultural norms and social behaviours, the authorities might be less approachable. Field presences must be aware of these sensitivities in devising their strategy.
- Within the donor community, gender equality is often a priority.
- Within the United Nations country teams, several United Nations agencies have programmes and activities to promote gender equality. The same is true for other international and regional organizations, governmental and non-governmental. Identify possible synergies.
F. Being a male or a female human rights officer matters

Being a man or a woman has an impact on one’s work as a human rights officer. In certain countries or cultures, the authorities and other interlocutors do not pay the same attention and respect to female HROs as to their male colleagues. For instance, in some cases they prefer to address the male HRO and ignore his female colleague, or even refuse to speak to a female HRO. It can also happen that male interlocutors address female HROs with sexual innuendo.

The age, seniority, race and nationality of the female HRO as well as other factors can either exacerbate or ease the situation.

This problem is multifaceted and the goals pursued through monitoring work may seem inconsistent. On the one hand, cultural and social attitudes that are gender-discriminatory have to be overcome; on the other, one of the principles of human rights monitoring is respect for the authorities and the culture and customs of the host country. Securing information and cooperation from the authorities is essential to monitoring effectively, yet promoting gender equality is one of the goals and values of the United Nations. So do we assign the task of interacting with the authorities to male colleagues if they are better received and respected? Or do we stress the point that female colleagues are equally professional and have them interact with the authorities but with fewer results?

When confronted with these difficulties, it is important to devise creative strategies to overcome them.

Here are some suggestions:

- Discuss the problem with the supervisor and other colleagues in the field presence. Ensure the issue is addressed as a team responsibility through a collective effort. It is not to be regarded as a personal problem to be tackled by the individual.
- Do not take the easy option of assigning female colleagues to other tasks to avoid confronting a situation where they are not welcome or respected.
- If similar attitudes exist among the staff of the field presence, confront them, and discuss them with the colleagues involved, the supervisor and the head of the human rights field presence.
- Liaise with other colleagues of the United Nations country team and other components of the United Nations peace operation to share experiences and practices in this area.
- Record the measures taken and their result so that others can build on the lessons learned and the good practices.
Examples of how to overcome gender-related obstacles when interacting with the authorities and others

When two human rights officers of a field presence – a man and a woman – met an official, they soon noticed that the latter never addressed the woman but only her male colleague. They therefore decided that, henceforth, the female HRO would lead the discussion and ask all the questions, while the male HRO would remain totally silent and only take notes. This visibly changed the attitude of the official, who started to treat the female HRO on the same terms as her male colleague.

In another case, the head of a human rights field presence, whose position was highly respected by the national authorities, deliberately scheduled several meetings with certain officials whom had not shown much respect towards her female staff. During the meetings, the head of the field presence emphasized the professionalism of these HROs by constantly turning to them for advice and analysis, thus showing that she respected them and valued their opinion. Subsequent interactions with these officials became more respectful and fruitful, even when the head of the field presence was not present.

This will not work in every context and may even be counterproductive. A context-specific analysis is fundamental to determining the best approach.
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.