

# MANUAL ON human rights MONITORING

## Chapter 11

# INTERVIEWING

Chapter 11 Interviewing



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

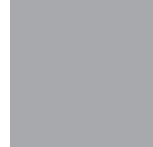
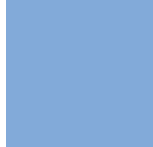
# INTERVIEWING



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## A. Key concepts



- **Interviewing is the most common method used by human rights officers (HROs) to gather information about human rights violations. It requires very good communication, analytical and interpersonal skills.**
- **Proper planning and preparations are necessary to conduct effective and secure interviews with victims, witnesses and other sources of information, as well as with the authorities and alleged perpetrators. In the planning phase, HROs have to:**
  - Be proactive to identify persons to be interviewed;
  - Clearly establish the purpose of each interview;
  - Review available background information about the circumstances of the human rights problem that is being monitored;
  - Establish what information needs to be gathered during the interview;
  - Take preventive measures to minimize the risks to the interviewees and to themselves;
  - Decide who will conduct the interview, in what language and if interpretation is needed;
  - Choose a private venue that provides the highest level of confidentiality and security;
  - Interview each person separately and individually.
- **During the interview, HROs must:**
  - Explain the mandate of the field presence and the purpose of the interview;
  - Explain the principle of confidentiality;
  - Seek informed consent to use and/or share information;
  - Ask permission to take notes;
  - Discuss the ground rules for the interview;
  - Anticipate the use which will be made of the information;
  - Let the interviewees first tell their story in their own words;
  - Ask open-ended questions;
  - Establish a mechanism to keep in touch;
  - Not make promises that cannot be kept;
  - Never pay for a testimony.
- **HROs should be aware of the particular needs and challenges related to interviewing certain categories of interviewees – including women, children, persons with disabilities, survivors of trauma, rural populations, indigenous peoples, lower-income groups, government officials and alleged perpetrators – and prepare themselves adequately.**

## B. Introduction

**One of the most common methods of gathering information** about alleged human rights violations **is interviewing a variety of sources**, including victims, eyewitnesses, persons with knowledge of the facts, government and other officials, and alleged perpetrators. Oral testimonies are essential since they usually form the core of a monitoring activity, in addition to written information and direct observations made at the site where incidents occurred. These testimonies help build a picture of what happened (or did not happen), in order to determine whether a violation occurred and, if so, what it consisted of, who was responsible and so on.

In this chapter, the various aspects of interviewing are discussed. The basic techniques of preparing, initiating, conducting and concluding interviews are examined. HROs should bear in mind that **interviews take place in many different contexts and locations** (e.g., office, prison, by the roadside, refugee camp, private home) and therefore need to be **tailored to each situation**, while taking into consideration the specific needs and experiences of each interviewee. HROs should think strategically about the information they need to collect. When working in teams, all HROs must be clear on who is doing what, and after each set of interviews the teams must debrief each other to identify gaps and contradictory information, and review the subsequent interview plan.



## C. Planning and preparing interviews

Conducting effective and safe interviews requires **careful planning and preparation**. HROs have to consider a wide range of issues, such as:

- Whom to interview and how to identify such individuals?
- Where should the interview take place and how might this affect its scope?
- How to protect interviewees and minimize any risk to them?
- What is the purpose of the interview?
- What background information is needed to prepare for the interview?
- What information needs to be gathered during the interview?
- Who will conduct the interview and in what language?
- Who will interpret and how?
- Who else will be present?
- How will the interview be recorded?

### 1 Whom to interview and how to identify interviewees?

By reviewing initial information that is already available on a case or human rights problem, HROs can identify the key people to be interviewed. If little information is available, HROs should consider the alleged violation itself: whose testimony is needed to determine the facts, corroborate information and establish responsibilities? Often, HROs are able to identify additional sources of information in the course of the initial interviews.

The way in which victims, witnesses or other sources are identified for interviews will vary in each situation. When a human rights field presence is well established in a country and has gained the trust of the local population, such persons may themselves approach HROs either in their offices or during field visits. In other instances, individuals may be reluctant to come forward and report violations because they are concerned about their security or fear stigmatization or reprisal.

HROs should **never pay for a testimony**, because of the likelihood that “false” victims would report fake violations in the hope of receiving financial compensation or interviewees would tell stories that they think HROs want to hear.

Overall, HROs have to be **proactive** in seeking out victims, witnesses and other sources, and in determining whom to interview. In doing so, they must nonetheless assess the security situation (for themselves and the interviewees), consider if there are risks of stigmatization or retraumatization, and respect local customs and the cultural context.


This approach requires **active efforts** to establish contacts and arrange meetings with a variety of local, regional and national actors. They may be human rights and local community organizations, human rights defenders, lawyers, village councils, journalists, community leaders, religious leaders and State officials. HROs can proactively identify persons to be interviewed, by:

- Conducting field missions to sites where alleged violations have occurred;
- Regularly visiting places where rights holders are most at risk (e.g., detention centres, refugee camps and camps of internally displaced persons (IDPs));



- Going to locations where they can obtain information about alleged violations, such as police stations, tribunals, hospitals, schools, rural communities, remote villages, slums.

HROs should be aware of possible **gender dynamics** when identifying people to be interviewed. For instance, in some cultural contexts women may be allowed to be interviewed only in the presence of male family members or may be less likely to come forward to report a violation on their own initiative.

If victims, witnesses or other sources do not want to be seen publicly with HROs, then they may need to be approached through **trusted intermediaries**. While intermediaries can help identifying and even establishing contact with interviewees or setting up interviews, if they do not abide by the principle of confidentiality they may expose them to risks too. It is essential that HROs avail themselves only of third parties with whom they have established a relationship of trust and who abide by the same basic principles of monitoring (see chapter on *Basic principles of human rights monitoring* )



## Nepal

OHCHR-Nepal identified victims, witnesses and other sources of information through various means:


- Interpreters and national HROs reviewed local, regional and national media daily to identify alleged human rights violations, and then contacted trusted intermediaries to establish contact with individuals who had knowledge of the facts.
- HROs undertook regular field visits, during which they were referred to or approached by victims, witnesses and other sources.
- Members of civil society, such as human rights defenders, non-governmental organizations (NGOs), journalists and others with whom OHCHR-Nepal had established a working relationship referred victims, witnesses and other sources to it.
- Victims, witnesses and other sources would report violations to OHCHR-Nepal.

## 2 Where should the interview take place?


The interview should be conducted in a **location** that will provide the **highest level of confidentiality and security** to both the HRO and the interviewee. If no such place exists, then it may be more appropriate not to conduct the interview at all. The greatest risk arises in public places such as hotels or restaurants, where interviews may be overheard and where surveillance is very likely.


The selected location should exude the proper atmosphere for the interview and also allow for a frank discussion without undue interruptions. Nonetheless, HROs should be flexible and ready to conduct interviews in less comfortable settings, for instance sitting on the floor in the sun, or after having walked or driven for hours to reach a location, or in dirty or malodorous locations (e.g., prisons).

Where possible, it is good practice to ask the interviewees to propose a location where they feel safe and comfortable to hold the interview, since generally they know the local conditions better.

Moreover, HROs have to make a separate assessment of the security and privacy of the location before agreeing on the venue. They can seek the advice of their trusted local contacts (see also chapter on *Protection of victims, witnesses and other cooperating persons* )



When **interviewing detainees**, HROs should bear in mind that in a detention facility no location is entirely secure. Nonetheless, HROs should identify a place which appears to be the most secure and provides the most privacy, and where detainees feel safe to talk (see also chapter on *Visiting places of detention* )

In **refugee and IDP camps** it is rarely possible to arrange interviews with victims, witnesses or other sources in advance and in private. HROs therefore have to know such camps well or ask trusted partners (e.g., Office of the United Nations High Commissioner for Refugees (UNHCR), NGOs working or running the camps) to identify potential interviewees and find safe interview locations (see also chapter on *Monitoring and protecting the human rights of refugees, internally displaced persons and returnees* )





## West Africa

In a West African human rights field presence, HROs arranged interviews with victims of sexual violence through local female leaders, whom the victims trusted and who accompanied them to the convent where the interviews took place.

### 3 How to protect interviewees and minimize any risk to them?

When interviewing victims, witnesses or other cooperating persons, HROs must always assess their protection needs. This is a constant and integral aspect of all phases of the interview process: from the initial identification of the interviewee and the interview itself to post-interview communications.


All possible **preventive measures** must be taken to protect interviewees. These are, for instance, establishing office procedures to preserve the confidentiality and security of information, ensuring that only trusted intermediaries are used, holding interviews at adequate and safe venues, or developing secure methods of communication to keep in touch. Nonetheless, HROs have to explain clearly to interviewees that they **cannot guarantee their safety** and always thoroughly discuss with them any risk to their safety and how best to avoid harm (see chapter on *Protection of victims, witnesses and other cooperating persons* )

HROs also have to bear in mind the specific implications of **interviewing survivors of trauma** and assess the risk of causing harm before interacting with them (see chapter on *Trauma and self-care* )


### 4 What is the purpose of the interview?

Interviews can have various purposes, such as gathering information in the context of monitoring specific human rights violations that have occurred (e.g., the forced eviction of indigenous peoples from their lands); assessing the human rights situation in a specific context (e.g., during an electoral process); verifying existing information; or gathering contextual information relevant to the human rights problem that is being monitored.



HROs have to think strategically about the purpose of the interview and the type of information they seek to gather. The development of an **information collection plan** is a prerequisite to determine what information needs to be collected and from whom (see chapter on *Gathering and verifying information* ).

## 5 What background information is needed to prepare for the interview?

HROs should prepare for the interview by learning as much as possible about the **circumstances of the alleged violation** that is being monitored. They should familiarize themselves with the contextual information collected during the initial monitoring phase and with any other available information, including background materials, cultural aspects, terminology and acronyms relevant to the specific situation (see chapter on *Gathering contextual information* .

HROs should ensure that **background materials** related to the human rights problem (such as initial information, maps or photos of the area where the incident occurred, a calendar) are available for consultation or reference during the interview. HROs should be fully acquainted with this material before the interview. They should also have paper and pen at hand for any sketches the interviewee might want to draw.

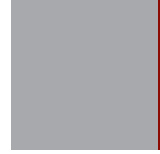
## 6 What information needs to be gathered during the interview?


Depending on the type of information available prior to the interview, HROs should prepare an **outline of the interview**, with a list of topics to be discussed in the order in which they should be addressed. Preparing a list of key questions can be helpful not only to develop a strategy for the interview, but also as a checklist to ensure at the end of the interview that all issues have been addressed.

However, HROs should avoid relying too heavily on a list of topics, as other questions may arise on the basis of the information provided by the interviewee. HROs should therefore be flexible, use the list of topics/questions as a framework, and allow the interview to take its course.

HROs can also use an **interview form** as a reminder of the key information to be gathered during the interview. At a minimum, an interview form must contain:

- Date and location of the interview;
- Name of the interviewer(s) and interpreter;
- Type of interviewee (i.e., victim, witnesses, other source or alleged perpetrator);
- Personal details of the interviewee (including full identity, sex, age, nationality, ethnicity, contact);
- Affiliation (e.g., any membership, association or connection of a person with a particular institution, organization or group);
- Status (refugee, IDP, person with disabilities, human rights defender);
- Informed consent given by the interviewee to use and/or share the information (including any restrictions);
- Reliability of the interviewee;
- Protection concerns;
- If the interviewee is an alleged perpetrator: rank or position, alias, degree of involvement in the alleged violation;
- Narrative of the facts as provided by the interviewee.



Generally, HROs should seek to gather information enabling them to understand the exact circumstances of the alleged violation(s), who was affected (victims) and who was responsible (alleged perpetrators) (see chapter on *Gathering and verifying information* )

## 7 Who will conduct the interview?

There are a number of factors that HROs should consider to determine who, among their colleagues, is best placed to conduct a specific interview.

**Expertise on the subject matter:** as the spectrum of possible human rights violations varies greatly and can affect different types of rights holders (e.g., indigenous people, persons with disabilities, migrant workers, children), the specific human rights expertise of individual HROs should be considered, as well as their knowledge of the local context and situation, region or human rights issue that is being monitored.

**Gender of the interviewer:** depending on the cultural context and the type of human rights violation(s) to be monitored, victims, witnesses or other sources may feel more comfortable talking to a woman or to a man. Ideally that decision should be left to the interviewee. If that is not possible, HROs should carefully assess the situation and decide whether or not to proceed.

**Number of interviewers:** in general, it is best to have **two HROs** present during the interview. While one maintains eye contact and asks questions, the other can discreetly take notes, identify gaps in the account and note further questions. In practice, however, it is often very difficult to have two HROs present in all or even most interviews. When HROs conduct interviews on their own, they may opt to take only limited notes, and then prepare a detailed report as soon as the interview is over. If an interpreter or language assistant is required, it is necessary to assess whether the presence of three individuals may inhibit the interviewee. Generally, victims, witnesses and other sources are more candid when there are fewer people present.

**Language skills:** the ability to speak the local language facilitates communication and helps HROs to establish a rapport with the interviewees, and understand the contextual specificities and nuances conveyed by interviewees. At a minimum, all HROs should learn the basic greetings and a few conversational sentences in the local language(s). When interpreters are not available, national HROs may conduct most interviews, because they speak the local language(s). International HROs sometimes learn the local language to be able to communicate directly with their interlocutors.



### Haiti

The United Nations Stabilization Mission in Haiti (MINUSTAH) offers language classes for its personnel and many HROs have become fluent in Haitian Creole, which greatly facilitates contact with victims, witnesses, other sources and the authorities.

**Cultural differences:** cultural differences between interviewers and interviewees can cause communication problems. HROs should become familiar with the culture of the interviewees and be sensitive to cultural differences, such as distinct gender and status roles, inappropriate attitudes or subjects of conversation. Even culturally specific ideas about physical interaction (e.g., eye contact, shaking hands, seating arrangements) can lead to misunderstandings. HROs need to be aware that some interviewees may use different temporal references or do not pay attention to dates and time. HROs should understand how they relate to time (e.g., by linking facts to remarkable events, seasons, holidays and festivities) to trace back possible dates of human rights incidents.


### 8 Who will interpret and how?

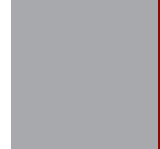
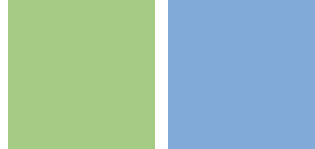
The use of interpreters or language assistants is necessary when HROs are unable to communicate in the language spoken by the interviewee, which would be the preferred option. Interpreting means conveying messages from one language to another orally. Interpreting interviews is a skill that should not be underestimated.

Depending on the type of human rights field presence and the resources available, interpretation is sometimes provided by national HROs, United Nations language assistants or professional interpreters.

When first **hiring an interpreter**, HROs need to run a background check on the person, covering:

- *Professional and personal background*, to assess for instance whether the person has any ties or affiliations to the national authorities, political movements, security forces, etc.;
- *Gender, age, ethnic origin and other identity factors* which, depending on the cultural and political situation of the country, may have an impact on the work and credibility of the human rights field presence. For instance, if the interpreter's ethnic origin is the same as that of an alleged perpetrator, survivors of sexual violence are unlikely to feel comfortable to have their account translated by that interpreter;
- *Languages spoken*, to ensure accurate translation into/from the main local language(s), local variation(s) or dialect(s) spoken in the country, since nuances in one language might not exist in another;
- *Country- and region-specific knowledge*, enabling interpreters to understand testimonies when country-specific references are made (e.g., by using specific terms, expressions, political or historic references).

Owing to the nature of their work, interpreters and language assistants deal with confidential and sensitive information that is shared during interviews. Therefore, they must **abide by the principle of confidentiality** and other basic principles of human rights monitoring that apply to all HROs (see chapter on *Basic principles of human rights monitoring* ). HROs must clearly explain that all information discussed during interviews or provided to the interpreter to prepare for an interview must remain confidential at all times. A confidentiality clause should be included in their contracts or the interpreters/language assistants should be asked to sign a statement attesting that they understand and abide by this principle.



Often, interpreters working with human rights field presences are not professionally trained interpreters. It is therefore very important for HROs to discuss the **ground rules of interpretation** with them in private prior to the interview, especially if they do not work with the same person on a regular basis. These include:

- The dialogue is between the HRO and the interviewee: the HRO leads the interview, while the interpreter's task is to relay the questions and answers, word for word to the extent possible.
- To enable the most accurate translation, HROs should speak in concise sentences and ask straightforward, precise, unambiguous questions.
- The interpreter should relay questions or statements one at a time, to ensure full comprehension. If the interviewee does not understand a question, the interpreter has to let the HRO know, so that he or she can rephrase it, rather than the interpreter doing so. If the interviewee's answer is unclear, it is up to the HRO to ask for clarification.
- If the interpreter does not understand the questions or comments of the HRO, he or she should request clarification before proceeding with the interpretation.
- The HRO and the interpreter work in direct speech, rather than in reported speech (e.g., the HRO will ask the interviewee "Who else did you see?" rather than saying to the interpreter "Ask her who else she saw").
- The HRO and the interpreter have to agree in advance if and how the latter can support the interviewer to note down names and locations to ensure correct spelling (for instance, they can agree that the interpreter will write them down on a notepad).

Before the interview, the HRO has to **brief the interpreter** as follows:

- Explain or reiterate the ground rules of interpretation and the principle of confidentiality;
- Give details about the upcoming interview;
- Share any relevant background documentation as well as any documents that the HRO might want to discuss with the interviewee;
- Ensure the interpreter has a general understanding of the issue to be discussed (with a list of questions to be asked, if available), studies and understands the modalities of the interview (e.g., the type of informed consent to be sought);
- Explain the tone that the HRO intends to set;
- Discuss seating arrangements if the interview takes place in the office. Ideally, the interviewee and the HRO should face each other to allow for direct contact and make clear that the interview is between the two of them, while the interpreter can sit at their side.

HROs have to be aware of the **needs of interpreters**. It is very important to give interpreters regular breaks and sufficient time to drink, eat and rest between interviews. The more rested the interpreter, the more accurate the interpretation.

In most situations, interpreters are nationals of the country in which they work. Owing to their association with human rights field presences, they may be **subject to pressures** to become informants, face intimidation, retaliation or other threats, as may their families, and they may therefore need to be protected.<sup>1</sup> Interpreters have to be made aware of the risk they may face and should be given the choice of not interpreting in certain sensitive interviews, if they deem that the risk is too high. Moreover, HROs should take mitigation measures to reduce any risk, for example by ensuring that interpreters do

<sup>1</sup> For more information, see chapter on *Protection of victims, witnesses and other cooperating persons*.

not work in their geographical area of origin, by introducing them only by their first name, or by using only international interpreters when the risk is too high. If interpreters are hired only for specific field visits, HROs should keep in touch with them for some time after the visit.

## 9 Who else should be present?

As stated above, to ensure privacy and confidentiality, only the HRO(s), the interviewee and the interpreter should be present during the interview. If more than one person has to be interviewed at a location, HROs must ensure that **each person is interviewed separately, individually and in private**. Otherwise, the interviewee's own account of the facts and the validity of that information are likely to be influenced by the testimonies provided by the other persons present during the interview or by their simple presence.

Respectful steps should be taken to ensure that inquisitive relatives or onlookers do not gather within earshot. As this may be culturally difficult to accept in certain contexts, HROs should take time to explain the key principles of monitoring that govern their work (e.g., do no harm, confidentiality, security) and why each interview has to be conducted separately. However, if the interviewee wishes to have someone present during the interview to feel more comfortable, HROs should agree but explain that the person should remain silent and not interfere.



### Occupied Palestinian Territory

HROs of the OHCHR field presence in the Occupied Palestinian Territory had identified a witness who did not wish to be interviewed alone by them because of his general lack of trust in the international community. However, he accepted to be interviewed when the field presence agreed to have the meeting in the presence of the city mayor.

As a general rule, HROs should **not undertake group interviews** when gathering information about specific cases of human rights violations, for the reasons indicated above. However, in some instances, group interviews may be useful to gather non-confidential information of a more generic nature (e.g., general information about access to certain economic and social rights affecting an entire community; the conditions of detention in a prison) or to identify individuals to be interviewed separately and privately. A careful risk assessment should be undertaken when adopting this approach, as it may pose security risks to persons that speak out in a group.

## 10 How to record the interview?

### (a) Note-taking

When planning an interview, HROs have to consider how the interview will be recorded and prepare the necessary equipment, such as notebooks, pens, laptops or tablets. The most common form of recording an interview is by **taking notes**. The interviewee should be told at the beginning of the interview that this is common practice and permission to take notes should be obtained. If conducting an interview alone, the HRO may not be able to take detailed notes during the interview and will have





to complete the information immediately afterwards to ensure that key information is not forgotten. The notes taken during the interview should in any case include all the essential information about the interviewee (e.g., identity, personal details, and contact numbers), names, dates, locations as well as a description of the events narrated by the interviewee.


### *(b) Other means*

It is also possible to use digital cameras, and audio and video recorders. While such electronic equipment can be useful to record precise information, it should be used only after **careful consideration** and only with the **interviewees' express consent**, as it increases the security risk to them should the recordings be lost or confiscated. HROs need to assess in each situation whether such recordings are needed in the first place and explain their intended use to the interviewee.

**Digital cameras** can be useful, for instance to take pictures of documents belonging to the interviewee (e.g., medical certificates, land titles, police reports), injuries or scars (e.g., visible marks allegedly attributed to torture or excessive use of force), or sites or locations described by the interviewee, to have a better understanding of a human rights incident. While most interviewees will probably not want to be photographed, even if permission is obtained, the photo should not reveal their identity.

While note-taking is the preferred method for recording an interview, in certain specific situations **audio recorders** can be useful; for instance, when an interview with a key witness or source is conducted through an interpreter, and it is necessary to verify the accuracy of the interpretation and consider the nuances of what was said by the interviewee.

Generally, **video recorders** should not be used to record interviews, as they present the highest security risk to the interviewee. Video recording may be suitable to record demonstrations or public events, provided that it does not create a security risk to HROs or to the persons appearing in the video.

These means of recording information should be used only if they do not pose security concerns for the interviewees and the monitoring team, and in a manner that ensures that no connection can be made between the recorded information and the interviewee. For example, the name of the interviewee should not be mentioned in an audio recording and photographs of a victim's injuries should not include the face or any body parts that may provide clues about the identity of the person (e.g., a tattoo). The identity of the victim, witness or other source should be noted separately and in code (see chapter on *Protection of victims, witnesses and other cooperating persons* .



## D. Conducting the interview


### 1 Starting the interview

#### (a) Introductions and initial contact

At the beginning of the interview HROs should consider how victims, witnesses and other sources should be approached, since their first impression will determine their willingness to cooperate and provide information, and will set the tone for future interactions.

The introduction is important since this is where the **initial rapport** with the interviewee is established. HROs should put the interviewee at ease, for instance by offering water or by exchanging a few words about a topic to which the interviewee can easily relate. HROs should greet the interviewee in a culturally appropriate and polite manner and introduce themselves, as well as any other person that will be present during the interview (another HRO and/or an interpreter).

#### (b) Mandate and purpose of the interview

If it is the first encounter with the person, the HRO should **explain** in plain language **the mandate** of the human rights field presence (or United Nations peace operation), while stressing the principles of impartiality and independence (see chapter on *Basic principles of human rights monitoring* ). In some cases it may be necessary to highlight the field presence's distinct role and function compared to other United Nations entities, international actors or State authorities.

The HRO should also explain the specific **purpose of the interview** and the **procedure** that will be followed (e.g., role of the interpreter, note-taking, use of any technical equipment, estimated duration), so that the interviewee is not taken by surprise. HROs should stress the importance for interviewees to provide as many details as possible, without exaggeration or bias, and to avoid tailoring their account in a way that they think may please the HRO.

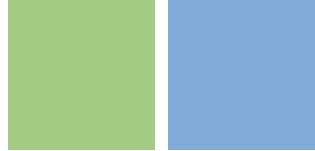
HROs have to inform interviewees that since the interview is **voluntary**, they are not compelled to answer questions that they are not comfortable with. They can also ask to take a break or to end the interview at any time.

#### (c) Confidentiality and informed consent

From the onset, HROs must explain the principle of **confidentiality**, make sure that it is understood correctly and assure the interviewees that their identity, personally identifiable data (PID) and the information they provide will be kept confidential, unless they consent otherwise.

HROs must also obtain the interviewee's **informed consent to use** and/or **share the information** provided, and this consent has to be clearly recorded. When interviewing children and persons with intellectual disabilities, HROs must obtain the informed consent of their parents or legal guardian if they have one.

- *Informed* implies that the interviewee is told, in plain language, about the purpose of the interview and the intended use of the information gathered (e.g., internal report, advocacy with the authorities, public report or statement, sharing with other mechanisms or institutions, statistical purposes); the potential risks, implications and benefits of participating in the interview; the meaning of confidentiality; and given the contact details of the HRO and the human rights field presence.



- *Consent* means that the interviewee agrees to provide information to the HRO, and that the human rights field presence can use and/or share this information in the manner agreed with the interviewee. If consent is partial, HROs have to clearly identify which parts of the interview must remain confidential.

It is mandatory for HROs to review the consent options to use the information with the interviewee, normally at the beginning of each interview. If the HRO senses that opening an interview this way might put off the interviewee or is otherwise inappropriate, then it is acceptable to review these options at the end. HROs should strike a balance between ensuring that consent options are easily understood by the interviewee and the need to be as specific as possible, especially in relation to information that could be shared with other trusted actors, to enable the interviewee to take an informed decision.

If the interviewee then decides not to participate in the interview, or does not wish the information to be used even for internal purposes, then the HROs should respect this decision and end the interview.

HROs must always seek the interviewee's informed consent to use **personally identifiable data (PID)** for internal purposes or to share them with other trusted actors. However, the interviewee can also consent to the field presence using or sharing the information without disclosing her or his PID.

The most common types of **informed consent** in these situations are:

- (a) *Consent to use the information internally only* – i.e., the information and PID can be used only for the internal purposes of the human rights field presence, such as case documentation, background information, to corroborate other information on the same case, or for statistical purposes (e.g., number of persons interviewed, types of violations);
- (b) *Consent to use the information internally and publicly* – the information can be used by the field presence for internal and external purposes (e.g., advocacy, press statements, public reports). Unless the person has agreed to disclose her or his PID, HROs should use the information in a way that protects the interviewee's identity;
- (c) *Consent could not be obtained during the interview* – if consent has not been requested or recorded, or circumstances did not allow for consent to be obtained (e.g., the interview had to be interrupted abruptly owing to a security concern) or were inherently coercive, then information gathered during the interview *cannot* be used. Situations where informed consent cannot be obtained should be exceptional, and HROs should always explain the reasons in their interview reports.

Where appropriate and when consent to use the information internally and publicly (option (b) above) is obtained, HROs can at the end of the interview seek additional **specific consent** if they intend to **share the information** and/or **PID** with:

- *National authorities* to follow up a case;
- *National human rights institutions*;
- *Organizations providing assistance to victims of violations* for referral (e.g., medical, psychosocial, legal, humanitarian).
- *United Nations entities and United Nations human rights mechanisms* (e.g., special procedure mandate holders, treaty bodies);
- *International and regional courts* (e.g., International Criminal Court, African Court on Human and Peoples' Rights, European Court of Human Rights, Inter-American Court of Human Rights);
- *Accountability mechanisms of other States*.

Having obtained informed consent does not remove the responsibility of HROs to **assess the risk to the interviewee resulting from using and/or sharing such information**. If the risk is seen as too high, information should neither be used nor shared, even when informed consent was obtained.

#### *(d) Protection concerns*

HROs should **enquire about any safety concerns** that the interviewee may have, without raising expectations regarding protection. If necessary, they should clarify what they and the human rights field presence can and cannot do should a situation arise that endangers the security of the interviewee and/or his or her family. HROs should discuss basic mitigation measures with the interviewee. HROs should share their professional contact details and ensure that they have the means to contact the interviewee after the interview.

## **2** Holding the interview

During the interview, HROs should **develop and maintain a rapport** with the interviewee, and develop an atmosphere of acceptance and trust. They must avoid appearing to be judging the individual, disapproving of her or his conduct or disbelieving the information provided. HROs should treat the individual as having important information and as worth their undivided attention.

Either at the beginning or at the end of the interview, HROs should obtain the interviewee's full personal details and relevant affiliations (e.g., political, clan, community or association), verify that names are spelled correctly and ask for the preferred means of contact (e.g., phone, e-mail, through an intermediary). Depending on the local cultural and country context, certain personal details may not be available or known to the interviewee, or may not be appropriate to ask (e.g., ethnic origin, religion, marital status).

#### *(a) Narrative statement and questions*

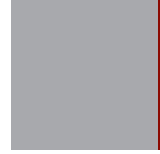
It is good practice for HROs to first let interviewees **narrate the story in their own words**, in the order they wish. HROs should listen attentively and be patient with circular and repetitive statements which are not logically ordered. Allowing victims, witnesses, other sources or survivors of trauma to tell what they consider to be important is critical in establishing rapport, trust and confidence in the interviewer, although not all information provided will be strictly relevant to the monitoring task.

The way in which questions are articulated is important, since they can influence the answers. **Formulating questions in an understanding tone** to seek clarification is better than asking a series of questions as in a cross-examination.

HROs should start with **open-ended questions** without suggesting an expected answer. This will enable respondents to provide the initial narrative. The questions normally start with one of the five "Ws" or the "H": **what, where, when, who, why** and **how**.

Open-ended questions are sometimes also called "TED" questions, such as:

- Could you **T**ell me *what* happened?
- Could you **E**xplain *how* you were able to see the incident from your position?
- Could you **D**escribe *where* the police took you after your arrest?



HROs should **listen attentively** and avoid as much as possible interrupting the interviewee during the initial narrative, even if it appears to be repetitive, illogical or contradictory. While the person talks, HROs should note down any gaps in the account, points to be clarified later, as well as inconsistencies to be checked once the initial account has been given.



### Sierra Leone


When asked to explain what had happened during the attack on the village, a victim of a human rights violation in Sierra Leone responded as follows: “Everything started with that attack. Since then I have not seen my two children, I have lost my husband, I have no house, and nowhere to return to. We used to work on our field, we had enough to live from, we were happy. Now I have nothing. What will I do now to survive? ...”. It was only after expressing these immediate concerns about her present situation that she could talk about the attack itself. Although the initial information was not directly related to the violation she suffered, it was necessary to let her express her concerns in order to build rapport.

After the interviewee completes this account, HROs should ask more **specific questions** to fill gaps and obtain more details. One way of proceeding is to start from the beginning of the account and ask questions on parts of the narrative that are unclear or inconsistent, as well as any pre-prepared questions. For example: “Earlier you told me that you were forced to sign a document. Can you provide more details about this?” From time to time, it is also useful to summarize a portion of the person’s account and to ensure that the information was correctly understood. For instance: “You mentioned that you saw the soldiers entering the house through the back door. Is that correct?” This approach is also useful to show the interviewee that the HRO is listening carefully.


In general, HROs should move **from non-controversial and non-sensitive questions towards more sensitive issues**, but should not push the interviewee. If an issue is too delicate or sensitive for the interviewee, HROs should change the subject and come back to it later, unless the interviewee wants to proceed. HROs should take a break if the interviewee or the interpreter appears tired. They should show empathy and understanding of the emotions experienced by the interviewee, without being patronizing, especially if the emotions are painful or difficult to express. For example, HROs may say “I appreciate that this may be difficult for you”, rather than “I understand what you are going through”. HROs need to be patient and reassuring. If the person becomes silent during the interview, they should not rush to fill the silence or be embarrassed by the situation, but rather give the person time to deal with these emotions. They have to be ready to stop the interview or take a break.

HROs should **avoid asking leading questions**, which may tempt interviewees to give information that they think the interviewer wants to hear rather than the actual truth. Leading questions are those that contain a suggested answer, such as: “Was the police wearing a blue or a black uniform?” The question should rather be “What colour was the uniform the police was wearing?” HROs should ask **precise questions** to ascertain whether the interviewee has direct knowledge of an alleged violation because she or he experienced it personally (e.g., as a victim or witness), or because others reported it. It is also important to verify if anyone else was present, saw, heard or experienced the same situation as the interviewee, in order to identify other individuals who could provide additional information and corroborate the interviewee’s testimony.

Throughout the interview, HROs should assess the **interviewee's credibility and reliability**. This can be done for instance by analysing whether the person has a motive for providing this information; is exaggerating the facts; is hoping to benefit by providing information; or has the intention to mislead the HRO. HROs should also assess whether the person's account is coherent and consistent with other information gathered.

If HROs believe that the narrative is inconsistent, they should try to clarify the facts, without showing scepticism, mistrust or condescension. HROs can also **ask the same question in different ways** to help the interviewee to see the facts from different perspectives and assess the reliability of the entire story and its consistency with other information gathered. In doing so, they have to be careful not to reveal information provided by other individuals nor their identity (see chapter on *Gathering and verifying information* )

Because the memory and recollection of events experienced by victims, witnesses and survivors of trauma constitute a reconstruction filtered through past experiences and biases, HROs have to be **cautious about concluding that a person is not reliable** or the information not credible on the basis of inconsistencies in the account or a lack of assertiveness. Even when recalling ordinary (i.e., non-traumatic) events, people are prone to making mistakes, leaving out details, changing details or adding new information on subsequent interviews.<sup>2</sup> The potential fallibility of autobiographical memory of ordinary and, even more so, extraordinary events is to be taken into account when gathering and assessing information, especially when the information does not refer to recent facts or events.

**Survivors of trauma** may experience difficulties in remembering everything right away, may be unable to recall certain parts of an event or to express themselves coherently (see also chapter on *Trauma and self-care* )

. In other cases, inconsistencies may be caused by a feeling of powerlessness, disappointment or a different cultural narrative pattern.

HROs should be careful not to communicate through body language, facial expressions or other means that they are judging or not believing what the person is saying. Such behaviour could easily affect the trust in the HRO and the field presence.

### *(b) Documentary information*

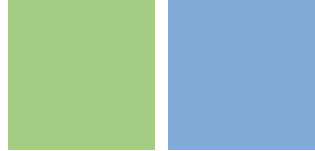
HROs should check whether victims, witnesses and other sources possess any documents or materials that support their accounts, such as medical reports, birth or death certificates, land titles and other official documents, as well as relevant photo, video or audio materials. HROs should never take originals but rather make **copies of documents**. If a mobile printer or scanner is not available, it is good practice to take a picture of the document.

When such data are collected, HROs should keep a **formal record** for each piece of information, including:

- The name of the source;
- The name of the HRO receiving it; and
- The date of reception.

<sup>2</sup> J. Cohen, "Questions of credibility: Omissions, discrepancies and errors of recall in the testimony of asylum seekers", *International Journal of Refugee Law*, vol. 13, No. 3 (July 2001), pp. 293–309.





Hard copies of documents should be scanned and safely stored in a database or other information management system used by the field presence.

### *(c) Use of photos, props and sketches*

**Photographs and props** are useful when interviewing victims, witnesses and other sources, since they can help the interviewee provide a clearer account of what they observed or experienced and a more detailed description of the facts. However, HROs have to make sure that these tools do not suggest information that the interviewee does not know.



#### **Mexico**

During an interview a witness to an alleged extrajudicial execution described to an HRO of OHCHR-Mexico the colour of the uniform worn by the alleged perpetrator group as clear with light grey patches. The HRO showed pictures of different types of Mexican uniforms to the interviewee, who was able to identify the exact one she had seen. Thanks to this information, OHCHR-Mexico was able to ascertain the specific unit allegedly involved in the violation.

Similarly, asking the interviewee to draw a **sketch** of a person or of a location may enable the HRO to gather more precise information about certain facts and to get a clearer picture of the circumstances of the alleged violation. A sketch can also assist in correctly identifying the location where a violation occurred during a site visit. If a map of the site is available prior to the interview, it can assist in confirming the information provided by the interviewee or in assessing her or his credibility.

### **3** Concluding the interview


At the end of the interview, the HRO should ask the interviewee whether he or she has any questions or concerns, or additional information to share. Interviewees may take this opportunity to seek guidance on how to deal with their situation, or to express the need for medical, financial or other types of support. When giving advice, HROs should avoid raising false hopes and make promises that they cannot keep. It is useful for HROs to have a list of local and international organizations which provide psychological, social, economic or other support in the geographical area of the interviewee for **referral**.


HROs should once again assure the interviewee of the confidentiality of the information and review the specific options of informed consent. HROs should also discuss any protection or safety concerns that the interviewee may have and **establish a mechanism to keep in touch**.

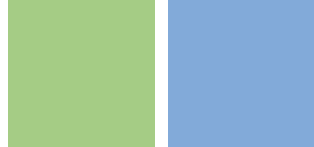
Depending on the situation, HROs may have to arrange a **follow-up meeting**. Certain individuals may have to be interviewed several times to establish a rapport and enable HROs to get a clear and accurate understanding of their stories. In other cases, it may be necessary to meet again to double-check certain facts after having cross-checked the information with other sources, or to provide updates after taking agreed steps. If the interview ended prematurely or the interviewee agreed to provide documentary or other additional material information, a follow-up meeting will also be essential.



It is good practice for the HRO who interviewed an individual to be entrusted with following up the case. This is essential in the interest of continuity and rapport, and in view of interventions for corrective action. In any event, information about the case has to be documented and reported in a way that makes it accessible to other HROs should the need emerge.

HROs should verify that the interviewee has fully understood the modalities of the interview and **agrees with the required follow-up action**, such as interventions with the authorities (see chapter on *Advocacy and intervention with the national authorities* .


As soon as possible after the interview, HROs should **prepare an interview report** based on their notes and record the information in an appropriate information management system. (For more information, see chapter on *Human rights reporting* .)



## E. Interviewing specific groups or individuals with particular characteristics

Certain interviewees with particular characteristics (e.g., children, persons with disabilities, refugees and IDPs, indigenous peoples, rural populations or lower-income groups), or those who survived traumatic events (e.g., victims of torture or sexual and gender-based violence) have to be approached differently and with extra care. This requires adequate preparation, understanding and patience.

### 1 Women

Depending on a country's context, culture, customs and other factors, the role and status of women in a society can vary greatly. Societal norms can have a different impact on the behaviour and experiences of women and men, and their access to and enjoyment of basic social and economic resources. For instance, women may have less access to education than men, less experience in speaking with foreigners or persons from other communities, and less direct ways of communicating than men from the same community, group or class. Information on the **status and situation of women** in a society and other **gender dynamics** should be considered when planning and conducting interviews with women, since this will help HROs to better understand, for example, the impact of conflict on women, why women may be the target of specific violations, what coping mechanisms they have developed, whether they have equal access to protection measures and remedies for violations as men, and so on. (See also chapter on *Monitoring and protecting the human rights of women* )

HROs should also be aware of the differences in **cross-cultural communication** which may occur when women talk to a foreigner they do not know. For example, a woman may be reluctant to make eye contact because of the dictates of her culture, or to talk about violations she has suffered if she considers the issue too personal and intimate.



#### Afghanistan

In some communities in rural Afghanistan, women are not allowed to meet an outsider alone, but only in the presence of a male relative, usually the husband or the father. In such circumstances, HROs could not discuss issues such as sexual and gender-based violence, as they met with disapproval from the male relative because of the general stigma attached to such violations. In other communities, male relatives have denied permission to male HROs to interview a woman in their family or the woman has refused to meet a female HRO in the presence of a male interpreter.

Understanding these communication differences is essential for HROs to know when and under which circumstances interviews with women can be conducted, whether such interviews are likely to put women at risk (e.g., retaliation from family members, stigma), which questions can be asked and which are not appropriate in a given context. In some situations it may be preferable for HROs not to approach women directly, but rather through trusted intermediaries, to increase the chances that the interviewee agrees to the interview and to mitigate the risks to her.

If it is difficult to access or interview women owing to prevailing social norms, HROs may have to rely on second-hand information, for example what the person has narrated to an intermediary, such

as a health worker. While such second-hand information has less value, independent corroboratory information such as medical reports may strengthen its credibility, keeping in mind that both have to be treated with the utmost confidentiality.

## 2 Refugees and internally displaced persons

HROs should be sensitive to the fact that **refugees and IDPs are under a lot of stress** because they are without resources, away from their homes and (possibly) their families. HROs should determine the interviewees' current situation, e.g., whether they are at risk of being sent back to their country or region, and whether they are seeking asylum or resettlement. To ensure follow-up, HROs should find out where the refugee or displaced person is likely to be living in the near future (e.g., in a camp, placement in a home).

Because of their vulnerable situation, refugees and IDPs may face **pressures to exaggerate or conceal information** about human rights violations they have suffered or witnessed. For example, they may exaggerate problems they have experienced if they believe that they will have a better chance of receiving humanitarian assistance or refugee status. Therefore, HROs should clearly state that the information provided will not serve to determine aid levels or provide other relief.



### Africa

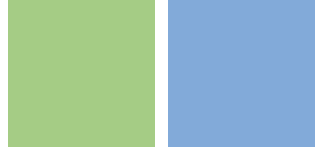
In the past decade displaced populations in several African countries have increasingly reported cases of sexual violence, especially in the context of armed conflict. While monitoring such violations, HROs have at times come across interviewees who falsely reported rapes in the hope of receiving shelter, medical attention, financial support or other aid from the United Nations.

In other situations, refugees or IDPs may understate the human rights violations they have experienced or witnessed for fear of further persecution.

Corroborating the testimony of refugees and IDPs presents a particular challenge as it may not be possible to conduct a visit to their places of origin. It is therefore important to review the **detail, coherence and veracity** of the interviewee's testimony and **corroborate it** through interviews with other persons from the same area. (See also chapter on *Monitoring and protecting the human rights of refugees, internally displaced persons and returnees* ).

## 3 Children

Children, especially younger ones, should be interviewed only in **exceptional circumstances** (e.g., if the information is critical and cannot be obtained through other means or sources) **after a careful assessment of the child's best interest**, which must prevail at all times. Seeking full information and accuracy should be balanced against the child's safety and well-being. Children may be at risk of retraumatization by repeated accounts of an incident, or face retaliation or punishment from their family. Every possible precaution should be taken to prevent the interview resulting in further harm or distress to a child.



Because of children's physical and mental immaturity, HROs must take special safeguards and approach these interviews differently according to the age, level of maturity, education, understanding and prior experiences of the child. Ideally, HROs who interview children should be **trained in the stages of child development and in specialized techniques** for interviewing children. This includes for instance the use of props, such as dolls, to help children describe injuries they have suffered or witnessed on other persons.

Where possible, it is helpful to have background information on the child, so as to assess how best to conduct the interview and pre-assess the level of maturity and possible accuracy of the child's answers. This information can be obtained by briefly interviewing someone who knows the child – such as a parent, family member or teacher – and who is completely unrelated to the alleged violation(s).

Before the interview, HROs must obtain the **informed consent of the parent(s) or legal guardian** to talk to the child, since they are legally responsible and best placed to support and protect the child, as well as **the child's consent** (if age allows). It is also essential that HROs explain in simple terms to the child the principle of confidentiality (e.g., that the information that the child provides will not be repeated to others) and the use that will be made of information provided by the child.

HROs should ensure that the **venue** for the interview is comfortable, safe and private, and has minimum distractions. The younger the child, the shorter her or his attention span, and the more likely that the child will become tired and distracted. HRO should avoid sitting behind a desk, but rather opt for a simple arrangement of chairs or sit on the floor, if it makes the child more comfortable.

At the beginning of the interview, HROs have to ensure that the child understands the interview process and the need to ask certain types of questions. This is particularly important, as the child may feel disempowered by various factors, such as poverty, gender or cultural norms regarding children talking to foreign adults. HROs are also likely to be seen by the child as being in a position of power by virtue of their age and status. Therefore, HROs must **allow time to build a relationship of trust** with the child, for example by talking about siblings, parents or grandparents, school and other everyday experiences.

As younger children develop cognitive skills through play and use of imagination, and may confuse fantasy with reality, HROs should **explain the importance of telling the truth**. In order to assess a child's comprehension of truth versus falsehood, HROs may use a simple test. For example, by pointing to her or his own red shirt, the HRO can ask the child: "If I told you that my shirt was green, would this be true?" Children may portray as facts things that they have not personally experienced, but only heard from someone they trust. It is therefore important to ask them how they came to know about such facts.

Since children generally want to please adults and may feel compelled to provide satisfying responses to questions even when they do not understand them or do not know the answers, it is important to explain to the child that "I don't know" and "I don't understand" are perfectly acceptable responses.

HROs should pay **attention to the child's gestures and comments** during the interview. Children, particularly younger ones, might have difficulty assessing time and references to specific dates can confuse them. Questions regarding time frames or sequences of events possibly need to be based around the weather/season, a holiday, a birthday celebration or some other significant event in the child's life.

Interviewing children requires patience. It may take more time for children to answer questions, especially if they have experienced or witnessed traumatic events. HROs need to be sensitive to the child's reactions throughout the interview and pay attention to signs that the child is becoming anxious or overwhelmed. If the child is tired, the account may become less accurate. It may be necessary to take a break, interrupt the interview or continue some other time.



### Tips for interviewing children

- Have a friendly and relaxed composure
- Choose a non-distracting and comfortable environment
- Keep the length of the interview appropriate to the child's age
- Take regular breaks
- Allow time for children to process what is being said and to formulate their answers
- Avoid interrupting
- Use plain language adapted to the child's age
- Ask simple, brief, concrete and easily understood questions
- Ask only essential questions
- Do not use abstract words or ideas
- Ask the child to explain in her or his own words what was said to ensure understanding
- Anticipate the child's limited attention span
- Make use of props (pictures, drawings, dolls, etc.) if necessary
- Reduce note-taking
- Give the child an opportunity to ask questions

## 4 Survivors of trauma<sup>3</sup>

Interviewing survivors of traumatic events about their experiences is an extremely delicate process which should never be taken lightly. Therefore, HROs should show empathy and be prepared to deal with emotions. HROs have to be sensitive about how they express themselves (e.g., make use of empowering language) and encourage survivors to talk about the traumatic experience without being patronizing or pushy. If the person becomes overwhelmed with emotions, HROs should give the interviewee time to regain his or her composure and bring the interview back to less upsetting topics.

HROs should inform the survivor of trauma that she or he does not have to answer any questions that make her or him feel uncomfortable; she or he can take a break or stop the interview at any time, and take as much time as needed to answer questions. The interviewee should feel in charge of the interview and decide what and how much to share with the HRO.

Some persons, such as survivors of sexual violence, may be particularly reluctant or unable to talk about their experience, because of the social stigma attached to such suffering. HROs may need to make extra efforts to develop a rapport and ensure that the interviewee understands that the information will be kept confidential or used only in the way he or she has consented to. In certain circumstances, HROs might consider proposing to survivors of trauma that a trusted person (e.g., a friend, a family member,

<sup>3</sup> For additional guidance on interviewing survivors of trauma, see chapter on *Trauma and self-care*.



a carer from an organization providing assistance to survivors of trauma) be present or remains nearby during the interview. Any such persons would have to be briefed by the HRO on their supportive role. HROs should also plan the interview in a way that no second interview is necessary.

HROs must always assess the **risks to survivors** before the actual interview takes place. Depending on the situation, these risks can include: threats and reprisals against the interviewees and their families; shame, rejection or punishment by family members or the community; psychological problems related to retraumatization.

HROs should be aware of the difficulties of discussing specific details of **violations of a sexual nature**. These violations are deeply personal and intimate, and an open discussion of sexual behaviour is uncommon in most societies. Therefore, HROs should:


- Avoid preconceived ideas that only women or girls can be victims of violations of a sexual nature. Men and women of all ages can be victims of rape or sexual and gender-based violence;
- Ask interviewees whether they prefer to be interviewed by a man or a woman, although this option may not always be available. While it is generally preferable for the HRO and the interpreter to be of the same sex as the survivor of sexual violence, in some cases a person may feel more comfortable talking to an interviewer of the opposite sex. In several instances, because of the stigma attached to rape, male detainees who have been raped have felt more comfortable talking to a female HRO. In other cases it may not matter, provided the HRO is professional and demonstrates respect for the interviewee's emotional state;
- Use great delicacy in establishing the basic facts, including what occurred, when, where, by whom, how and whether there were any witnesses to the violation and avoid asking details that are not strictly necessary;
- Do not rush to fill silence with words; silence is OK;
- Pay particular attention to the language and expressions used by the interviewees, which may not directly describe what they experienced.



### Democratic Republic of the Congo

In the Democratic Republic of the Congo, survivors of sexual violence often referred to acts of sexual violence indirectly, by saying for instance: "He took me as his wife", "I was used by three men and then left by the side of the road", "they treated me like a woman", "I had to go to the room with five different men", "I had to stay with them for two months and now I cannot get married anymore".

When interviewing **survivors of torture**, HROs may inadvertently mimic a situation (e.g., the torturer's interrogation) which could raise conscious and subconscious fears in the interviewees. Survivors may also become overwhelmed by memories of their suffering. HROs should be particularly aware of short-term and long-term reactions to trauma and avoid retraumatizing the person.

Generally, retraumatization can occur if the HRO shows no interest in the person but only in the information (see also chapter on *Trauma and self-care* ).





HROs should monitor the interviewee's tone and body language during the interview and look for non-verbal clues (e.g., shiver of hands, skin becoming pale, tears, sobbing or losing breath). If there are such signs of distress, the HRO should change topic or propose a break. The interviewee may also show or express feelings of guilt, helplessness, shame, humiliation, lack of assertiveness and other short-term reactions to trauma, or more long-term reactions such as post-traumatic stress disorder. HROs can acknowledge the emotions and severe experience, but should not show emotional reactions such as pity and remorse.

HROs should bear in mind that they are not trained psychiatrists and that their job is not to provide treatment. However, they can refer survivors of trauma to appropriate legal, medical, psychosocial and other support services (e.g., shelter) available in the community.

HROs should end the interview in a positive manner, for example by saying: "Thank you very much for taking the time and having the strength to tell me about your experience. You are a strong and courageous person". If time allows, HROs could ask how the person felt about talking about the traumatic event.

## 5 Persons with disabilities<sup>4</sup>

It is important for HROs to **speak directly** with persons with disabilities whenever they are victims of, witnesses to or sources of information on human rights violations. Communicating directly with them may entail the use of assistive devices, sign-language interpreters or support persons. Even if they claim to speak for the person, it is not sufficient to meet only carers, health professionals, family members and others – although they may be able to give valuable additional information. As with most victims, witnesses and other sources, access to persons with disabilities may be arranged through trusted local NGOs or community organizations.

HROs should consider the **needs** of the person before arranging the interview. For example, if the interviewee is in a wheelchair, the building where the interview takes place needs to be accessible through a ramp, a lift, etc. Furthermore, if the person has a legal guardian, HROs have to obtain the consent of the legal guardian to talk to the interviewee.

### Do's and don'ts when interviewing persons with disabilities:

#### DO'S

- **Shake hands** when introduced to someone with a disability, if handshaking is culturally acceptable. People with limited hand use or artificial limbs do shake hands;
- **Speak directly to the person**, not through her or his companions;
- **Language is important.** The accepted terminology according to the Convention on the Rights of Persons with Disabilities is "persons with disabilities" and not "disabled persons". The Convention uses the terms "mental disability" and "intellectual disability" although some prefer the term "psychological disability". If a person with disabilities prefers the use of certain terminology, respect that person's wishes;
- If you offer help, wait until the offer is accepted;
- If the presence of a support person is required, clarify that this person should not influence the interviewee.

4 Based on OHCHR, *Monitoring the Convention on the Rights of Persons with Disabilities*, Professional Training Series No. 17 (HR/P/PT/17).



## DON'TS

- Do not use expressions such as “disabled”, “handicapped”, “victim”, “afflicted with”, “invalid”, “normal”, “patient” or “wheelchair-bound”; avoid overuse of words such as “courageous”, “brave” or “inspirational”;
- Do not be embarrassed about using phrases such as “I see what you mean” or “I hear what you are saying”, “walk this way” or “I have to run, I am late”. These are common expressions and unlikely to offend;
- Do not assume or act as if persons with disabilities are heroic or courageous just by virtue of having a disability. This emphasizes difference. Persons with disabilities have strengths and weaknesses just as persons without disabilities.



### Tips for interviewing persons with disabilities

#### When interviewing persons who are hard of hearing or deaf:

- Attract the person’s attention by tapping on the shoulder or by waving
- If available, use sign-language interpreters when interviewing sign-language users
- Address the person directly, rather than the sign-language interpreter
- If the interviewee has a partial hearing loss, ask where it would be most comfortable for you to sit
- If the person lip-reads, look directly at her or him and speak slowly and clearly. Do not exaggerate lip movements or shout. Speak expressively, as facial expressions, gestures and body movements help her or him to understand you
- Position yourself facing the light source and keep hands away from your mouth when speaking

#### When interviewing persons with visual disabilities:

- Always identify yourself and anyone else who might be present
- When offering a handshake, say “shall we shake hands?”
- When offering seating, place the person’s hand on the back or arm of the seat
- Let the person know if you move or need to end the conversation
- Consider whether the person might require information in Braille or any specific physical adjustments, if the interview is not taking place in the interviewee’s own space (Braille numbers in the lift, contrasting colours on steps and so on)

#### When interviewing persons with speech disabilities:

- Ask short questions that require short answers when possible
- Do not feign understanding. Rephrase your questions, if necessary
- Check whether sign-language interpretation is available

#### When interviewing persons using a wheelchair or crutches:

- Do not lean on a person’s wheelchair, since the chair is part of her or his body space
- If possible, sit or otherwise place yourself at eye level with the person you are interviewing
- Make sure the interview site is accessible, by checking for: (i) reserved parking for persons with disabilities; (ii) a ramp or step-free entrance, (iii) accessible toilets, (iv) a lift if the interview is not on the ground floor
- Notify the interviewee in advance if there are problems with the location and make alternative plans, if necessary

## 6 Indigenous peoples, rural populations and lower-income groups

When considering how to approach and conduct interviews with indigenous peoples, rural populations or lower-income groups, HROs should take into account their lifestyles, cultures, social interactions and exposure to foreigners. HROs should equally bear in mind that the way they themselves dress, speak and behave could reflect a way of life or a set of values that can be alien to these communities or groups. These factors could inhibit certain individuals who may lack confidence or be reluctant to share information. In such cases, HROs could obtain advice from local civil society and community-based organizations on how best to approach and reassure such individuals.

HROs must always **show respect and sensitivity to local customs**, for instance by dressing respectfully. To develop rapport with members of such communities, HROs could start the conversation by discussing issues of local importance such as farming, health, schooling or livestock.

**Indigenous peoples and rural populations** may have a different conception of time. If so, it is important that HROs clarify statements about dates and times using a familiar frame of reference. For example, HROs may ask: "Did that happen before or after the planting season?"

HROs should be sensitive and respectful of differences in languages, methods of communication, sense of time and social structure. When interviewing indigenous individuals, HROs should, if possible, familiarize themselves beforehand with the particular group's culture, customs and beliefs, social economic system, and link to land and surrounding natural resources. HROs should identify in advance the language requirements (including the need for interpreters) and references to concepts such as time or social structure.

**Lower-income groups** – such as slum dwellers, squatters and other persons living in extreme poverty – may have unrealistic expectations that their standard of living will improve as a result of their interaction with the human rights field presence. Alternatively, they could be distrustful of the field presence and HROs because of unmet expectations or perceived interference in their communities. Great care should be exercised by HROs to recognize and understand points of view which may, at first, appear difficult to fathom. Moreover, the often massive discrepancies in income and opportunities between HROs and persons belonging to lower-income groups may create significant hurdles in securing fruitful cooperation.



## F. Interviewing authorities and alleged perpetrators<sup>5</sup>

### 1 Obtaining the official version of events from the authorities

Interviewing authorities is very different from interviewing victims, witnesses and other sources of information. When deciding who will conduct the interview, consideration should be given to the seniority of the State official to be interviewed, the human rights officers' knowledge and understanding of the alleged violations to be raised, and their diplomatic and communication skills, among other things.

HROs should have some **knowledge about the State official** to be interviewed, such as the person's title, role and function within the authority and reporting line; her or his power and influence; the person's role (if any) in relation to the human rights problem that is being monitored; any public statement made on it, and any written communication with the field presence.

HROs should also be aware of the perception that the official may have of the human rights field presence and the United Nations in general. If the State official was previously interviewed by other colleagues, it is useful for HROs to speak to them to better understand the person.

The **timing of an interview** with a State authority is important. If possible, the official should be interviewed after a fair amount of information on the human rights problem has been gathered. This will allow HROs to present information that has already been sufficiently verified and corroborated, and to seek the official version of events from the authority. Generally, HROs must be cautious not to disclose the names of victims, witnesses or other sources or any information that may reveal their identity, unless they are known to the authorities already.

HROs should ensure that an appointment is scheduled for a specific purpose and that the date and time of the interview are confirmed, if possible in writing. HROs must arrive on time and anticipate possible security checks.

It is good practice to have **two HROs** participating in interviews with State officials, so that one takes the lead and asks questions, while the other takes notes. Both should share responsibility for asking follow-up questions. It is useful to prepare a list of questions in advance so as to ensure that all important issues are raised. Depending on the sensitivity of the case being monitored and on the authority, there may be higher risks to national HROs. If so, it would be preferable for international HROs to meet and interview officials.

As with all interviews, HROs should explain the mandate of the human rights field presence and the purpose of the meeting. The State official should be clearly told how the information she or he provides will be used, for example as the official government response in a public report.

<sup>5</sup> See also chapters on *Engagement with national authorities and institutions* and on *Advocacy and intervention with the national authorities*.



**Interviews with State officials are usually *not* confidential**, since their primary objective is to obtain an official response from the authority regarding a human rights problem. The authorities have to be given an opportunity to respond to allegations of human rights violations and to have their views integrated into any assessment or report. However, if an undertaking is given to an official that he or she may speak “off the record” or confidentially, this has to be respected. Such undertakings may be necessary if “insiders” – i.e., State officials who have direct knowledge of the alleged violation – are willing to provide information on conditions of anonymity and confidentiality. HRO have to be very selective and careful when accepting such agreements.

HROs should **probe statements** made by State officials during interviews without being confrontational. However, if the information they present contradicts the facts gathered by the HRO, it should be challenged based on other available data, but without disclosing the source. When an official avoids a question, HROs should repeat it or rephrase it from a different angle. HROs must at all times remain polite, patient and respectful, and keep an open mind while questioning. They should guard against displaying any bias, disbelief, scepticism or lack of trust.

It is important that HROs gather any relevant documentation from authorities at the time of the interview. For instance, when monitoring an alleged arbitrary detention, HROs could ask to consult and take copies of detention registers, attendance records showing who was on duty at a specific date and time, and medical statements.

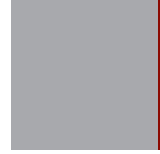
HROs have to bear in mind that the interview may end prematurely and they should therefore ensure that key questions are addressed before the interview comes to an end. HROs should keep within the time allocated for the interview, unless the official agrees to extend the time available. If necessary, HROs should agree on a specific time for another interview before leaving.

## **2** Interviewing alleged perpetrators

HROs should seek to interview individuals who are **directly or indirectly responsible** for human rights violations. This can be a unique opportunity to interact with alleged perpetrators to assess their level of implication in a human rights problem, but it is one that entails a number of challenges. For instance, alleged perpetrators may lie about their role in an incident, justify their actions, minimize their responsibility, provide false information or blame others, even the victims. They may also provide only partial information; for example, they may conceal the identity of other persons who were involved in the incident or who issued the instructions to commit a violation. On the other hand, an alleged perpetrator may provide invaluable information regarding human rights violations, including documentation and corroboration of information already gathered from other sources.

It may be difficult for HROs to maintain their composure and not display any bias or not feel any resentment towards the alleged perpetrator. This is particularly true when they have already been exposed to the trauma and suffering of victims, witnesses and other sources. However, HROs must ensure that they do **not display anger or frustration** during the interview, for example by using accusatory language. HROs have to put aside any perceptions about the alleged perpetrator’s motivation to agree to the interview.





As with victims, witnesses and other sources, alleged perpetrators, too, must have an **opportunity to give their own account and version of the facts**. HROs should listen, preferably without interrupting, and take notes. As in all interviews, HROs should then ask open-ended questions to obtain clarity and as much detail as possible regarding the alleged violation, the reasons behind its commission, other alleged perpetrators, the hierarchy and the command structure of the entity involved in the violation. The alleged perpetrator may also be able to provide documents or other materials to corroborate the story. If the alleged perpetrator says something that contradicts other information, her or his version should not be accepted without being challenged.

It is important to consider whether alleged perpetrators who agree to be interviewed have any **protection or security concerns**. Just being seen talking to HROs or entering United Nations premises may expose them to security risks. Threats to alleged perpetrators may come not only from other (co-) perpetrators, but also from victims or the community (e.g., cases of lynching by the population, killing by family members of a victim). HROs should therefore take the necessary precautions prior to the interview to prevent harm being inflicted on the person, for instance by selecting a safe and private location for the interview, if necessary.

As stated earlier, if the interviewee is a State official providing the authority's official response to a violation allegedly committed by someone in her or his service, or is the actual perpetrator who provides first-hand information with the intention of fully revealing what she or he has done or witnessed, then confidentiality should not be guaranteed. However, any disclosure of information should be conditional upon the human rights field presence's careful consideration of the risks to the individual.

For instance, HROs should **assess the risks** of having the identity of the alleged perpetrator become known, such as the risk of killing, injury or mob violence; or if the perpetrator is a whistle-blower, there is a security risk to her or him should the other perpetrators learn who provided information about them to the human rights field presence.



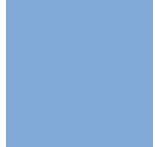
### South-East Asia

During an eviction of a large piece of land in a South-East Asian country, numerous houses were demolished by private contractors with diggers, in the presence of the police. Several people were severely injured while trying to protect their houses. OHCHR approached the operators of the diggers who demolished the houses to ask whether they would agree to be interviewed and explained how OHCHR would use the information gathered. While some refused, others asked that the information they provided would not be used in a manner that enabled their identification, as they feared retaliation from the authorities. OHCHR kept some of the information they provided confidential, otherwise it would have been possible to know that they had provided it.



## G. Conclusion

Interviewing is a crucial but time-consuming means of collecting information in the monitoring cycle, for which there is really no substitute. If adequately prepared, it can yield accurate and compelling information about a human rights problem. However, if it is done poorly and carelessly, it may not only negatively affect the interviewee (e.g., risk of retraumatization, raising unrealistic expectations), but also compromise the truth in a way that is likely to undermine the entire monitoring activity and can tarnish the credibility of the human rights field presence.





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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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