at the Amnesty International Global Rights conference

Sydney Gay Games - October 2002

INTERNATIONAL GAY & LESBIAN HUMAN RIGHTS COMMISSION

DOCUMENTING HUMAN RIGHTS VIOLATIONS

INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION

Material for skill-building workshops presented by the

HUMAN RIGHTS VIOLATIONS

DOCUMENTING
There are several different strategies for human rights activism on the basis of sexual orientation and gender identity, but whatever strategies we choose to adopt, accurate information about the violations to which we wish to respond is important. To establish a focus and do not let the investigation be guided by anecdotal evidence, it is necessary to begin with a clear sense of the issues you are going to investigate, for what reason and with what strategies you wish to investigate these, and what you wish to achieve as a result of the investigation.

To establish objectives, there are two elements to keep in mind:

**Focus:** The focus of an investigation can be very general or very specific. For example, we can document and address abuses committed against a given individual, or we can evaluate what abuses are committed against the LGBT community in a particular country. Another can choose to focus on a single case of sexual abuse in a prison, or to denounce larger patterns of abuse in prison. Another can choose to focus on a single case of sexual abuse in a prison, or to denounce larger patterns of abuse in prison.

To provide assistance, relief, and rehabilitation to victims.

- Documentation of violations can result in immediate assistance to victims. For example, if someone is jailed under a sodomy law, documentation of the violation can be used to provide legal assistance. If a victim is facing discrimination at work, documentation can be used to negotiate fair treatment.

- Documentation can provide a platform for advocacy. For example, if a victim is facing discrimination at work, documentation can be used to negotiate fair treatment.

- Documentation can provide evidence for legal action. For example, if a victim is facing discrimination at work, documentation can be used to file a lawsuit.

- Documentation can provide a framework for policy change. For example, if a victim is facing discrimination at work, documentation can be used to support changes in workplace policies.

**Methods:** There are several different methods for human rights activism on the basis of sexual orientation and gender identity. For example, we can use documentation to support policy change, to provide evidence for legal action, and to offer assistance and rehabilitation to victims.

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- Documentation can be used to offer assistance and rehabilitation to victims. For example, if a victim is facing discrimination at work, documentation can be used to provide legal assistance.

**Resources:** There are several different resources available for human rights activism on the basis of sexual orientation and gender identity. For example, we can use the Internet, social media, and other online platforms to spread awareness and gather support. We can also use professional networks and organizations to connect with others who are working towards similar goals.

- The Internet is a powerful tool for spreading awareness and gathering support. For example, if a victim is facing discrimination at work, documentation can be used to create a hashtag or social media campaign to raise awareness.

- Social media is another powerful tool for spreading awareness and gathering support. For example, if a victim is facing discrimination at work, documentation can be used to post a Facebook or Twitter campaign.

- Professional networks and organizations can provide valuable resources and support. For example, if a victim is facing discrimination at work, documentation can be used to connect with others who are working towards similar goals.

**Action:** There are several different actions that can be taken to support human rights activism on the basis of sexual orientation and gender identity. For example, we can use documentation to support policy change, to provide evidence for legal action, and to offer assistance and rehabilitation to victims.

- Policy change can be supported by using documentation to create a platform for advocacy. For example, if a victim is facing discrimination at work, documentation can be used to support changes in workplace policies.

- Legal action can be supported by using documentation to provide evidence. For example, if a victim is facing discrimination at work, documentation can be used to file a lawsuit.

- Assistance and rehabilitation can be provided by using documentation to offer support. For example, if a victim is facing discrimination at work, documentation can be used to provide legal assistance.

**Conclusion:** There are several different aspects of human rights activism on the basis of sexual orientation and gender identity. For example, we can use documentation to support policy change, to provide evidence for legal action, and to offer assistance and rehabilitation to victims.

- Policy change can be supported by using documentation to create a platform for advocacy.

- Legal action can be supported by using documentation to provide evidence.

- Assistance and rehabilitation can be provided by using documentation to offer support.

**Future:** There are several different aspects of human rights activism on the basis of sexual orientation and gender identity. For example, we can use documentation to support policy change, to provide evidence for legal action, and to offer assistance and rehabilitation to victims.

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As stated before, governments may have direct responsibility in regard to the abuse, or it may be labors the process, and not doing so at all compromises its depth. Identifying the main factors ahead of time will help ... language to use in interviews, who are the most qualified person to conduct interviews, and what resources we might need.

Methodology will guarantee that we can gather all the information that we need, and in a way appropriate to the specific ... and adaptability are necessary in every human rights investigation, the following basic principles should be respected:

It is ideal to identify these factors at the outset of an investigation; doing so later adds time and ... we might obtain it. As human rights abuses against LGBT are often overlooked or concealed, and many people in these communities must conceal themselves, it can be very difficult to identify and contact those sources.

Determining what information we need can be a lot easier than figuring out where or from whom we can obtain it. We need to think about the quality and reliability of the information we receive, and we must consider the possibility of bias or distortion.

We tend to think most naturally of the first function––to respect human rights––but in cases where we cannot actively document violations by governments, it is possible to show that they fail to meet their obligations by demonstrating that they failed to fulfill other human rights obligations.

We need to think about the second function––to ensure that people know about and can access their rights. This is not something that can be done by governments alone, but rather by a variety of actors, including NGOs, human rights organizations, and the media.

We also need to think about the third function––to prevent violations by non-state actors and provide redress for violations. This is the responsibility of all actors, but it is particularly important for NGOs and human rights organizations to play a role in preventing violations and providing redress.

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We need to think about the fifth function––to promote a right and create an environment conducive to enjoyment and fulfillment of rights. This is the responsibility of all actors, but it is particularly important for NGOs and human rights organizations to play a role in promoting rights and creating an environment conducive to enjoyment and fulfillment of rights.

Since we are gathering information about the facts around a situation, it is almost always necessary to gather other data, such as: the laws or national/local criminal procedures, how the laws and procedures are enforced, the implications of the crime or violation on the community, and other relevant information.

Documents related to victims/survivors of the abuse, such as medical records, police reports, and statements, can help to provide a more complete picture of what happened. Documents related to the abuse, such as police reports, witness statements, and medical records, can help to provide a more complete picture of what happened.

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General advice about this phase

• Be honest and clear about whom you represent, why you’re doing the interview, and what the uses are.

3. Be honest and clear about whom you represent, why you’re doing the interview, and what the uses are. It is sometimes important to describe what you can and cannot do in this process.

2. The testimony should be obtained in private with your own. You should make this clear to the person that the testimony is only to be used to the specific cases of human rights violations.

You should make this clear to the person that the testimony is only to be used to the specific cases of human rights violations. Beware of conducting the interview in public or where others are present. You want to speak with them about the person was present at the events in question or is merely repeating what other people said. Do not dedicate a great deal of time to summarizing background information. This is not considered to serve as evidence, but remember that, at times, they can corroborate what direct witnesses or victims said.

 interchange the initial framing can also help if you need to get more details about a specific event or situation. It is sometimes important to describe what you can and cannot do in this process.

The objective of this is to be able to state in a report that you interviewed the persons who were present at the events in question or is merely repeating what other people said. Do not dedicate a great deal of time to summarizing background information. This is not considered to serve as evidence, but remember that, at times, they can corroborate what direct witnesses or victims said.

Before conducting the interview, try to find out whether the person was present at the events in question or is merely repeating what other people said. Do not dedicate a great deal of time to summarizing background information. This is not considered to serve as evidence, but remember that, at times, they can corroborate what direct witnesses or victims said.

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experience that could be traumatic: “If you want me to help other people understand this, it would be helpful if you could tell me more about...”

4. Tell the person that the interview is confidential and that you will not reveal her or his identity unless she or he authorizes you to do so. If the person asks to remain anonymous, do not note her or his real name.

BUILDING Rapport

• To build trust: Remember that an experience of abuse or discrimination is one aspect of a person's life that is pulled from context and subject to scrutiny in an interview, and that this difference in relative context is significant. The interviewer should be aware that the experience of abuse is but one part of her or his life; and helps build trust between the interviewer and survivor.

ASKING QUESTIONS

• Do not ask questions that are suggestive of any answer. Always begin questions with “who, what, when, where, why, how, what do you mean...” Ask brief questions. Do not state your own opinions. You should always feel free to ask the person to explain more.

• Avoid asking ‘yes’ or ‘no’ questions. For cultural reasons, or in order to be amiable, it is possible that the person may answer all of these with ‘yes.’

RECORDING THE INTERVIEW

• Take notes, using a notebook at all times. It is not possible to remember the prominent facts without taking notes. Never separate yourself from your notes. Assign a number to each interview. You will want to take down the names of people and places, in order to make sure that you have the correct information. When talking with government officials, tape recording can capture ‘on the record’ statements. When you have finished the interview, the reporter should record the interview immediately, or as soon as possible after the interview, without the presence of any other parties.

• Record the name of the person who violated the human rights, as well as to which institution this person belongs.

• Record the name of the victim (if the victim is not the person you are interviewing). If the victim is dead, there is usually no problem with mentioning the victim’s name.

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GETTING DETAILS

• Make sure you clearly understand what the person says. Don’t be afraid to seem like a fool in asking questions. You have to understand what happened so that you can explain it to others and write it up. You should always feel free to ask the person if she or he is in agreement with your summary.

• Do not be afraid to ask detailed questions about the development of a story. The person will appreciate the effort you are taking to understand the situation. You should explain to her that you are not asking because you do not believe her, but because you want to make sure you can explain the story well enough to answer other people’s questions later.

Details are important for several reasons:

• To counter denial: State officials may argue, “Those people don’t exist” or “Those things didn’t happen.” Heavy detail can serve as a weapon against these official statements.

• To demonstrate impartiality: Even though human rights organizations are serving as advocates for specific reasons, they must try to represent themselves as objective and impartial for legitimacy. The ability to collect and present all the facts gives the impression that they are not “picking and choosing.”

• To provide a convincing narrative: Even the most seemingly insignificant details of people’s lives have significance. The ruptures that break peoples’ lives apart are part of a narrative, and we must tell convincing stories of people’s lives.

• Never be afraid to ask when interviewing: “Is there anything else?” Indeed, some details that may seem trivial to some people may prove significant in determining what happened for the interviewer.

• Do not act like a prosecutor. Be amiable. Never interrupt the person that you are interviewing in the middle of a sentence. Try to sympathize with the feelings of the person that are being conveyed in the story. Don’t summarize the facts and then ask the person if she or he is in agreement with your summary.

• Anticipate what the people in opposition to the victimized community will want to know and ask questions that get this information, without making it seem that you are in agreement with them. For example, the police might say that they detained a group of transgenders because they were “acting like women.” You should ask questions like, “Acting like women in what way? In what situation?” You should ask questions that get the information that you need to understand the situation. You should ask questions that get the information that you need to understand the situation. You should ask questions that get the information that you need to understand the situation.

• Never tell an interviewee what another person recounted to you. Compartmentalize. Do not try to verify the statement of another person by asking the same questions in another situation. If you want to verify the statement of another person, you should ask the question in a different way. If you want to verify the statement of another person, you should ask the question in a different way. If you want to verify the statement of another person, you should ask the question in a different way. If you want to verify the statement of another person, you should ask the question in a different way. If you want to verify the statement of another person, you should ask the question in a different way.
VISUAL DETAILS

• Do not take photographs without asking for permission.
• It is sometimes helpful to ask the person to draw a map or diagram of the situation.
• You may wish to ask them to demonstrate gestures or movements if appropriate. For example: “When the police interrogated you, did he move his hands around? How?” Instead of “Did the police make a menacing gesture toward you?” Note the gesture in your own words.

SEEKING ADDITIONAL INFORMATION

• Ask the person if she or he knows other persons who experienced similar situations, or that were with her or him at the moment of abuse. You may ask if the person can help you to locate them and/or accompany you in seeing them.
• Ask if she or he has any “documents” related to the case, such as news articles, statements, medical certificates, photographs, etc. If she or he has them, request for authorization to photocopy them and return them immediately.
• Try to interview both sides in a conflict. This is not always possible, as government officials may not wish to speak with you. Be sure to note these instances. There are three types of interviews with government officials:
  • To get an official’s position on something (sodomy law, homosexuality). Strategy: ask targeted questions, let them talk as much as possible.
  • To get access to something (jail, mental institution, records). This may include getting information about finding a victim. Strategy: must be more active, sometimes even aggressive, in approaching them.
  • To raise issues of concrete human rights violations. Strategy: can be more active and assertive in approaching them. It is often wise to get permission to meet beforehand.

FOLLOW-UP

• Be sure to give thanks and appreciation to everyone. Never pass up an opportunity to thank all the people who help you obtain the information that you need. Good manners are indispensable, especially in a culture outside your own.
• Whenever possible, review your notes at night to see if there are holes in the story, to see if you need to return to ask anything, etc.
• Be sure to clean up your notes before submitting them. Do this as soon as possible after the interview.

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MONITORING LEGAL SYSTEMS AND LEGALLY-SANCTIONED ABUSE

In addition to learning about domestic law and international human rights standards, it is important to know and track the legal and criminal system, as many human rights abuses happen in this realm.

• Learn the criminal procedure: arrest-detention-charge-trial-sentence.
• Explore under what law, and through what procedure is an arrest happening?
• Seek a paper trail. In the best situations, there is most likely an accessible paper trail. In more difficult situations, a paper trail rests in the hands of authorities. An absence of written documentation is part of the United Nations definition of arbitrary detention.
• Learn about how the criminal justice system works:
  • Who conducts investigations? In some cases (British origin), the investigation is conducted by police until the trial; afterwards, the prosecutor acts as advocate of the police. In other cases (French origin), the prosecutor oversees the trial and has the power to direct the police.
  • Who is in charge of the police? Local level authority, state level authority, military authority, etc.
  • Are trials open and public?
  • What powers are given to prosecuting and defense attorneys?
  • Is there an appeals process?

Guidelines for interviewing people in detention:

• Access to prisons is often difficult; it is often granted either by a central authority (often the Interior Ministry) or an official sometimes called a commandant.
• Private interviews are often not allowed: prison officials may accompany or listen.

International standards regarding criminal procedure:

• According to international law, arbitrary arrest is illegal.
• Must have legal representation at any trial.
• Torture and physical abuse represent non-derogable rights: States may not violate them.
• According to international law, torture is illegal.

Common forms of legally-sanctioned abuse:

• Look for police irregularities in enforcing and applying laws. Do they pick a law with a.

Seeking additional information:

• If you are not in the country, you can write a letter asking for your help. You can also make a donation.
• If you are in the country, you can volunteer or donate your time.
• The Commission can also provide assistance to those in need.

Visible effects:

• Do not take photographs without asking for permission.
DOCUMENTING HUMAN RIGHTS VIOLATIONS

The first step is to identify human rights violations. This may involve gathering information through various means, such as interviews, observations, or documentation. The International Covenant on Civil and Political Rights, for example, includes provisions that prohibit torture, inhuman or degrading treatment, and the use of forced labor. If a violation is suspected, it is important to gather evidence and document the violations as accurately as possible.

The second step is to determine the responsibility of the state. This involves assessing whether the state has failed to protect its citizens from human rights violations, or if it has actively engaged in such violations. The United Nations Human Rights Committee has issued guidance on this issue, which states that states are responsible for human rights violations that occur within their territory or subject to their jurisdiction, even if they are committed by private individuals or entities with the complicity of the state.

The third step is to gather evidence of the violations. This may include witnesses, photographs, videos, and other forms of documentation. It is important to ensure that evidence is preserved and that it is collected in a manner that is consistent with international human rights standards.

The fourth step is to document the violations in a report. This report should include a detailed description of the violations, including the names of the individuals affected, the date and location of the violations, and any other relevant information. The report should also include recommendations for action, such as calling for an investigation or calling for the provision of reparations.

The fifth step is to publicize the results of the investigation. This may involve publishing the report in a public forum, such as a newspaper or a human rights organization's website. It may also involve submitting the report to international bodies, such as the United Nations Human Rights Council, for consideration.

The sixth step is to follow up on the report. This may involve following up with the state to ensure that the recommendations are being implemented, or it may involve continuing to monitor the situation to ensure that the violations do not occur again.

In summary, documenting human rights violations is a crucial step in protecting and promoting human rights. By following these steps, it is possible to identify, investigate, and document human rights violations, ultimately working towards ensuring that these violations are prevented and addressed.