

DOCUMENTING HUMAN RIGHTS VIOLATIONS

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INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION



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DOCUMENTATION OF HUMAN RIGHTS VIOLATIONS

INTRODUCTION: 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 human rights abuses in question is always a necessary foundation. For any method to be effective, it is important to take some basic steps to investigate and document the violations to which we wish to respond.

Documentation is a process of investigation: as with any investigation, if it is possible to question the methods utilized, the conclusions can be called into question. In academic environments, flawed methodology reflects negatively on the investigator who directs a study; however, in human rights activism, it is the victims of violations who will pay the consequences.

Documentation can be done in a diverse number of ways, and it is necessary to determine the format and type of documentation that is required to achieve the goals of our campaign.

Below we present a step-by-step for investigation of human rights abuses on the basis of sexual orientation or gender identity and methodology for documenting violations.

WHAT IS HUMAN RIGHTS DOCUMENTATION?

EXERCISE	WHAT DOES IT MEAN TO DOCUMENT
GROUP DISCUSSION:	HUMAN RIGHTS VIOLATIONS?

- Recording cases of human rights violations.
- Collecting information, including documents and testimony, in a form that is accessible, readable, understandable. Providing a system for easy retrieval and dissemination.
- Telling a story with a message: putting faces behind statistics, coloring those faces, sending a message to put an end to human suffering.

EXERCISE	WHEN WE PRODUCE DOCUMENTATION
GROUP DISCUSSION:	ABOUT PEOPLE WHO FACE DISCRIMINATION OR PERSECUTION, WHAT ARE THE PURPOSES?

- **To shed light on discrimination and abuse, to "bear witness."**
Many violations to the rights of lesbians, gays, bisexuals, and transgender people (LGBT) remain hidden, or society does everything possible to ignore them. To expose the types of abuses that LGBT faces, and to do so with convincing detail, can contribute to debunking the myths that these abuses do not occur, or that they are not "serious".



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Documentation, in this sense, is a powerful tool to educate the public, as well as for legal and political advocacy.

- **To hold abusers accountable.**
Documenting abuses against LGBT exerts pressure on States and human rights agencies to protect our rights. That pressure can curtail, or even put an end to, abuses perpetrated by the State. The publicity created can also influence allies at the local, national, or international level to support the accusations and/or the victims. All international agencies require some level of detail in the description of abuses in order to accept and act on complaints.
- **To encourage government reform.**
Exposing human rights violations against LGBT also exposes the need to address them. Governments may be pressured to fulfill their obligations to implement legal, judicial, and other solutions.
- **To provide assistance, relief, and rehabilitation to victims.**
Documentation of violations can result in immediate assistance to victims. If someone is jailed under a sodomy law, for example, collecting information on what happened can help initiate a new trial or mobilize international attention (such as Amnesty International prisoner of conscience status). This process can also help create and sustain networks of support and services for LGBT (the model of sexual violence provides an example, as rape survivors may create networks of support and advocate for counseling services). In some circumstances, because of the level to which people are persecuted, they do not see themselves as persons with rights. Advocates working with LGBT communities may encounter these situations. Some people do not wish to be labeled as someone who experienced persecution because they don't want it to happen again or they simply see abuse as an everyday part of life. Human rights can provide a perspective to show that what was done to them was wrong.

GUIDELINES FOR DOCUMENTING HUMAN RIGHTS VIOLATIONS ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY

The following is a step-by-step guide that may help guide human rights fact-finding and documentation. Although we present them in logical sequence, in many circumstances it may be necessary to adapt or modify them. These guidelines are presented in three categories: before the investigation, during the investigation, and after the investigation.

A. PREPARING FOR INVESTIGATIONS

FIRST STEP: ESTABLISH THE OBJECTIVES OF THE INVESTIGATION

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 LGBT within a country. Obviously, more limited objectives may be easier to achieve, and may draw attention to much larger issues. A group can elect to center on a single case of sexual abuse in a prison, or to denounce larger patterns of abuse in prison. Another can choose to focus



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on job discrimination against “effeminate” males, or take on more general issues of freedom of expression. It is important to consider that the broader the objective, the longer and larger will be the investigation, with implications on time and money.

CONSULTATION: To determine the initial focus and objectives of an investigation, it is important to consult with the most affected persons. If the objective is to publicize the case of a lesbian individual, it is first important to ask if she, or her legal representative, wants that attention. The consultation should include, at a minimum, victims of the abuse (or surviving representatives) and organizations that may already be working on the issue. This process can serve not only to clarify the objectives of the investigation but also to open doors for possible future cooperation.

SECOND STEP: IDENTIFY THE VIOLATION

Investigating violations can often turn out to be much more difficult than it might seem. It is important to remember that in most cases it is the States—not individuals, families, corporations — that are obligated to comply with international legislation in matters of human rights. Governments have three distinct obligations in relation to human rights:

- To **respect** human rights: not to violate them directly
- To **protect** human rights: prevent violations by non-state actors and provide redress that people know about and can access.
- To **fulfill** human rights: take all appropriate measures to promote a right and create a environment conducive to enjoyment and fulfillment of rights.

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 not offering protection or providing an atmosphere for the fulfillment of rights. For example, if we are investigating family violence against LGBTI, we must show not only that there are persons who commit the abuses but also that the State does not do anything in response. The human rights violation, therefore, is not only the family violence itself, but also the State inaction in failing to prevent it, punish the perpetrators, or enacting proactive equal protection legislation. At times it is very difficult to demonstrate the role of the State in relation to a human rights violation, but it is always important to have at least an approximate idea of the nature and dynamics of the violation. This process will help us to formulate questions and remain alert to information that confirms or denies our initial assumptions.

THIRD STEP: IDENTIFY THE MAIN FACTORS

The process of establishing objectives and consultation will help us identify the main factors in the situation. Generally, they are the following:

- Victims/Survivors of the abuse
- Families and/or legal representatives of victims/survivors
- Activists or groups working on the issue
- Persons or parties suspected of committing the abuse
- Persons or parties with direct knowledge of the abuse

It is ideal to identify these factors at the outset of an investigation; doing so later adds time and labors the process, and not doing so at all compromises its depth. Identifying the main factors ahead of time will help us determine which language to use in interviews, who are the most qualified person to conduct interviews, and what resources we might need.

As stated before, governments may have direct responsibility in regard to the abuse, or it may be



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indirect, but virtue of its incapacity to prevent violations or punish abuses committed by private agents. In each case, different types of information are needed, as well as a different range of subjects to interview. If a transgender person claims to be abused by the police, to demonstrate State responsibility it will be necessary to interview the supervisor of the accused police or the official in charge of the police force. To show wider state responsibility in abuses toward a community, perhaps we need to determine that the violation was not an isolated incident but a pattern. Here, we must cast a wider net in conducting interviews than when proving a specific agent violated another person's rights.

FOURTH STEP: COMPILE A LIST OF NECESSARY INFORMATION

In most cases it will be impossible to determine in advance all the information that we need to obtain, but it is helpful for the purposes of time management and organization, to create a running checklist. Practically all investigations must address the following fundamental aspects:

- The nature of the violation
- Whether it is an isolated incident or part of a larger pattern
- The persons affected by the violation
- Steps that are being taken by others in relation to this theme
- Actions undertaken by the State or the responses it has given
- Actions undertaken by other institutions, and in some cases, other governments

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 operate in practice, human rights legislation that protects the rights that are violated, and the obligations of the government according to that legislation.

Don't forget the five "Ws" when strategizing about which questions to ask. All questions in human rights documentation elaborate on these:

- **WHO:** victim, accused, aggressor, agent, police
- **WHAT:** happened, was used, was the weapon, was the accusation/sentence/law
- **WHERE:** did it happen, what street/police station/court/jail
- **WHEN:** year, date, time
- **WHY:** did it happen, do you know that sexual orientation/gender identity was the cause

FIFTH STEP: IDENTIFY THE SOURCES OF INFORMATION

Determining what information we need can be a lot easier than figuring out where or from whom 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.

SIXTH STEP: DEVELOP AND ADAPT THE METHODOLOGY OF INVESTIGATION

After undertaking these steps, it is important to develop a methodology for investigation. A solid method will guarantee that we can gather all the information that we need, and in a way appropriate to the specific circumstances of the violation. The decisions we make about our methodology, above all, must be strategic and reflect our evaluation of what we need to achieve and the most effective way to do it. Although flexibility and adaptability are necessary in every human rights investigation, the following basic principles should be respected:



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- **Impartiality**
Even though we are serving as advocates for specific purposes, we must try to represent ourselves as objective and impartial for legitimacy. The ability to collect and present all the facts gives the impression that we are not 'picking and choosing'.
- **Accuracy**
The strength of any human rights campaign depends on the precision of the facts on which it is based. The method of investigation should guarantee this precision; if not, the results could be disastrous not only for the campaign but for the persons it is intended to help.
- **Specificity**
The more specific the results of the investigation, the more useful and compelling they will be.

SEVENTH STEP: FINANCIAL AND HUMAN RESOURCES

- **Resources**
It is necessary to do an inventory of the material, financial, and human resources required to conduct the investigation. The persons who investigate need to know the laws as they pertain to human rights; they should be able to write with clarity and in a matter that is accessible to others. It is also critical to know the cultures and values of the group that we are addressing, especially if we are not part of that group. For some classes of violations, we must consult with medical professionals or other specialists.

If we do not have the necessary human resources to carry out these tasks, we have to seek them outside our organization. If we must ask for funds for an investigation, then we must be able to inform funders about every detail about our needs: recorders, film, travel expenses, etc.
- **Selecting persons to gather information:** These persons are fundamental to the success of an investigation. They should be:
 - **Objective and impartial:** They should not have a presumed political position or be shown to have a prejudice against the government, private company, or theme they will investigate.
 - **Trained and experienced in interviewing and collecting data.** They should have experience in dealing with the issues and populations central to the investigation. If the goal is to produce a report, they should be able to edit it.
 - **Preferably, having the same sexual orientation and/or gender identity of the group being investigated.** Whenever possible, this will help to build trust.
- **General advice about this phase:** It is useful to share the plan with all members of the group for input and feedback, including those who will not directly participate in the investigation. It is also recommended that you compile all the legislation relevant to the investigation as soon as possible, as this process can be time-consuming. This includes municipal, state, national, regional, and international law.



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B. DURING THE INVESTIGATION

GATHERING EVIDENCE

We must decide what type of evidence we want to gather. This, of course, depends on the objectives of the investigation. If we are gathering material for a specific legal demand, our needs will be different than if we want to write a general report. Human rights evidence typically falls into two categories: testimony and documents. Moreover both forms of evidence can be either direct or circumstantial:

- **Direct testimony:** Whatever our objective, the detailed testimony of direct victims is critical. The testimony of those who have direct knowledge of the abuse will also be important. Investigating a representative number of cases can help prove the seriousness of the problem. For example, even if we do not intend to show in our investigation that a pattern exists and want to focus on a single case, direct testimony of other similar cases can strengthen our argumentation and draw attention to larger problems that need to be solved.
- **Direct documents:** Testimony should be complemented with additional documentation. We can obtain documents such as police reports, judicial cases, medical reports (including physical evidence such as blood stains, scars), etc.
- **Circumstantial testimony:** Testimony of observers about events surrounding violations, hearsay.
- **Circumstantial documents:** This includes media reports, which are second-hand by definition, and require additional corroboration.

GUIDELINES FOR CONDUCTING INTERVIEWS

Conducting interviews is perhaps the most important step in the investigation process. If the interviewer is not well-prepared, if the interviewee does not know the reason for the interview, or if the conditions of the interview are not adequate, the results will prejudice the investigation. It is not easy to interview; this is a skill that benefits from experience and practice. The steps that follow are general guidelines that should be adapted to each circumstance.

PREPARATION: SETTING THE CONTEXT

1. **Keep in mind that you want to speak with eyewitnesses. You want to speak with them about specific cases of human rights violations.** 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 those who only heard stories of third parties as these testimonies cannot serve as evidence, but remember that, at times, they can corroborate what direct witnesses or victims said.
2. **The interview should be conducted in private and with one person.** You should make this clear before starting the interview. The objective of this is to be able to state in a report that you interviewed the persons in private, which adds greater credibility to the testimony. There are some people who will not speak freely if other persons are present, or, on the contrary, they may be prone to exaggeration. If you have the interview in an open space or if others are present, try to conduct it out of the range of hearing.
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. Repeating this initial framing can also help if you need to get more details about a specific event or hearing.



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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 power is often unavoidable. The interviewer, however, can occupy this position wisely, as the interview can be a place to help restore the rupture in a person's life. Move from the general to the specific. Start with the more general questions about a person's life: Where do you live? What do you do? Who is your favorite actress? This strategy has many benefits: it respects the social, historical, and cultural context of the survivor's life; provides a reminder 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 present them well. Note the hour, the day, and the place of the interview. Do not use a recorder without the authorization of the person interviewed. When you have finished the interview, ask the person her or his name, age, occupation, place of origin, and nationality. Ask whether or not you can use her or his name; never use it without permission. If you forget to ask permission, it is better to delete the name and not to use it. Ask also which data you can and cannot use—for example, some persons prefer that their place of origin not be mentioned. Whenever in doubt, it is always preferable to omit data that might implicate or endanger a person. When talking with government officials, tape recording can capture 'on the record' statements.
- **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. One of the best strategies is to seek a chronological account of what happened (What was the first thing that happened? And then? And then?). Once the person begins to recount the history in this manner, the task is made all the easier—for that person and you. Don't interrupt the story: if you perceive that it lacks some details, then note and ask about it when the person finishes speaking. Don't summarize the facts and then 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; many times your silence and attention are the best demonstration of respect. Listen carefully to each answer. Do not be afraid to change the order of the questions you predict asking, to eliminate some questions, to ask other questions. Remember that each interview has a life of its own; it is not a matter of mere formula. If there are contradictions in the story, try to clarify them, with patience and without attacking.
- **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 saw them fighting. It is important to ask if there was any conflict among them before the detention, and if there was, what precisely happened.
- **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 interview. If it is indispensable, tell the person that you have the testimony of other people and you want to know if she or he can confirm it, but never reveal the names of your informants.



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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**. The following **strategies** are applicable for each type:
 - 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.

Knowing the legal system

- 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), prosecutor oversees 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?

Common forms of legally-sanctioned abuse:

- Look for police irregularities in enforcing and applying laws. Do they pick a law with a tangential relationship? Are there patterns of police intimidation, harassment, and abuse (finding people they don't like or find undesirable and controlling them through physical abuse, intimidation, restriction of movement, killing)
- Look for violations of legal procedures by police or courts. Get a copy of the relevant local, state, or national Criminal Code or Code of Penal Procedure. The Criminal Code or CPP translates procedures into rights for individuals in specific cases. Look for ways that the procedure in a case violates international or domestic standards.

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, without any exception.
- Some standards are proportionate to severity of offence and sentence.
- A paper record must accompany each stage in a trial.

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 listening



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devices may be imposed. In these situations, prisoners may pass along vital information in writing, as written questionnaires (whether in addition to or instead of verbal interviews) are usually subject to less scrutiny. It's helpful to include a final written question: Tell us anything you want to let us know that cannot be said aloud.

- Prison visits should be seen as an opportunity to report on human rights violations in prison conditions. Ask to tour the prison. 95% of prisoners are reportedly abused in some way or another.

C. AFTER THE INVESTIGATION

The planning prior to the investigation should indicate the nature of the abuse, the supposed perpetrators, and the obligation of the State involved. But a successful investigation will allow us to question these initial assumptions and refine them, allowing us to arrive at more dependable conclusions and more precise arguments. The process of analysis should also be a rigorous process. Its goal is to examine the facts of the investigation and to evaluate it: to show that a violation of a protected human right actually occurred; to prove that the State is responsible, whether by action or inaction.

FIRST STEP: SHOW THAT THERE IS A PROTECTED RIGHT

We should show that the abuses we investigate violate a right that the government involved is obligated to protect according to human rights legislation at the national or international level. In those countries where the right is protected at the international level, it should be shown that the State has ratified that treaty and consequently has the legal obligation to comply with its requirements. When several rights are involved, each should be indicated separately to show that the State was obligated to protect each one. We will not be able to find in any treaty an explicit mention of categories of sexual orientation or gender identity. However, several interpretations of these treaties support the protection of these categories.

The **United Nations Human Rights Committee**, for example, ruled in *Toonen v. Australia* (1994) that laws prohibiting sexual contact between consenting adults violated fundamental rights to **privacy** (Article 17) and **non-discrimination** (Article 2) protected in the **International Covenant on Civil and Political Rights**. It ruled that the protected category of 'sex' in Article 2 "is to be taken as including sexual orientation." The **United Nations Committee on Economic, Social, and Cultural Rights** has held, through General Comment 14 (2000) on the right to highest attainable standard of mental and physical health in the **International Covenant on Economic, Social, and Cultural Rights**, that sexual orientation is a prohibited basis of discrimination, and has an impact on health status.

Some rights that are often invoked in the defense of LGBT are: right to privacy, right to freedom of expression (e.g., in the case of clothing for transgender persons), right to freedom of association.

LGBT activists need to develop the analytic framework to show the connections between the lives of our communities and the human rights protected, which many times do not offer explicit reference to these experiences of life. This process, while arduous, can be instructive. It is a challenge to move beyond the current interpretations of rights, which may not include us, and provide the basis by which the interpretation of these rights should be expanded.

SECOND STEP: SHOW THAT A VIOLATION OF RIGHTS ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY OCCURRED

Not every human rights violation that LGBT people suffer has to do with their sexuality or gender identity, so it is important to demonstrate a cause-effect relationship.



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THIRD STEP: SHOW CLEARLY THE RESPONSIBILITY OF THE STATE
As we have examined before, we should analyze whether the State is responsible through direct action, through failure to prevent abuses, or inability to punish perpetrators of human rights violations.

FOURTH STEP: IDENTIFY AND EVALUATE POSSIBLE SOLUTIONS

During the investigation, it is critical to consider how to put an end to the abuse and to prepare concrete recommendations for all responsible parties, including the State as well as non-governmental bodies and actors. To identify the broadest and most effective range of solutions to the problems identified, it is preferable to consult with the persons affected directly, who best can express what they would like to have done.

FIFTH STEP: PUBLICIZE THE RESULTS

A fundamental component of any strategy for defending human rights is to decide the best form to present the results of an investigation. One possible format is a written report. Other possibilities are editorial letters or articles to be published in newspapers, magazines, and public forums—these can be particularly effective if a goal of the investigation is to educate the public.

If the objective is to get witnesses and facts that support a case that is already in the courts, then the presentation should be fine-tuned to be useful in this legal context. When the objective is to support a presentation before human rights bodies at any level, the report should be structured in a way that offers the information that this mechanism requires. When using the documentation for political action at the national, regional, or international level, it is useful to develop a detailed report that can be published and disseminated widely.

When writing reports, we should always include conclusions and recommendations. These should target local, national, regional, and international levels as appropriate, have grounding in national or international legislation, and be realizable.

The content of the report, of course, should be approved in advance by the persons most affected by the violations.

Send copies of reports to the government (noting that your group did so officially in the text); to activists; non-governmental organizations; relevant corporations; and the media. The more attention a report receives, the more likely it will generate pressure from the public so its conclusions can be implemented.

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