

Guiding Principle 1: The law

International human rights law is the basis for the work of human rights field officers (HRFOs) and includes recognition of human rights for all persons, and the indivisibility of all rights, civil, cultural, economic, political and social. In armed conflicts HRFOs also apply international humanitarian law¹.

A. The respect for all rights: human rights field officers address civil, cultural, economic, political and social rights concerns².

o Early field operations deployed in conflict or post-conflict environments often focused only on civil and political rights and failed to address economic, social and cultural rights on the basis of their indivisibility and equal status³. However, it is now recognised that discriminatory practices and the direct violation of economic, social and cultural rights are often one of the root causes of conflict and the subsequent violation of civil and political rights⁴. Unless individuals have their rights to food,

¹ William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

² Universal Declaration of Human Rights [UDHR], G.A. res. 217A (III), U.N. Doc. A/810 at 71 (1948), preamble and Art. 2; Vienna Declaration and Programme of Action [Vienna Declaration], adopted by the World Conference on Human Rights in Vienna, 25 June 1993, preamble and Part I, para. 1; Gregory Fabian with contributions from Juana Sotomayor, *Emerging Issues for Human Rights Field Officers: Monitoring Economic, Social and Cultural Rights*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

³ Daniel Seymour, *New Models for Human Rights Capacity Building in the Field: Human Rights Field Officers and Relief and Development Professionals*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Nigel D. White and Marco Odello, *The Legal Base for Human Rights Field Operations*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 62-64.

⁴ D. Carment and A. Schnabel, *Conflict Prevention: Path to Peace or Grand Illusion*, Tokyo: United Nations University, 2003; H. Thoolen, *Early Warning And Prevention*, in G. Alfredsson et al. (eds.), *International Human Rights Monitoring Mechanisms: Essays in Honour of Jakob Th. Moller*, The Hague: Martinus Nijhoff Publishers, 2001, p. 301; L. Mahony, *Unarmed Monitoring and Human Rights Field Presences: Civilian Protection and Conflict Prevention*, *The Journal of Humanitarian Assistance*, 2003; E. Lutz, *Human Rights and Conflict from the Practitioners' Perspective*, *The Fletcher Forum of World Affairs*, vol. 27, no. 1, 2003; J. Saunders, *Bridging Human Rights and Conflict*

housing, health, safe drinking water, education and work respected, protected and fulfilled, there is little chance of building a lasting peace⁵.

o Development and humanitarian agencies have been addressing social concerns to promote sustainable recovery for years, often achieving solid results on literacy levels, reducing infant and maternal mortality, increasing the population's access to adequate housing, clean water and sanitary facilities and creating jobs⁶. Yet some agencies have not used a human rights approach⁷. What HRFOs

Prevention: A Dialogue between Critical Communities, Carnegie Council on Ethics and International Affairs, 18 July 2001, available at http://www.cceia.org/resources/articles_papers_reports/161.html, last accessed 15 June 2001; Michael O'Flaherty, Sierra Leone's Peace Process: The Role of the Human Rights Community, *Human Rights Quarterly*, vol. 26, no. 1, 2004; Michael O'Flaherty, Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations, *Human Rights Law Review*, vol.3 no. 1, 2003; Mary Robinson, Human Rights at the Heart of Peace, 6 November 2002, Sydney Peace Prize Lecture, available at: <http://www.realizingrights.org/index.php?option=content&task=view&id=101>, last accessed 14 July 2009; Mary Robinson, Building the Rule of Law after Conflict, speech given in Vienna, Austria, on 26 June 1998, available in Kevin Boyle (ed.), *A Voice for Human Rights - Mary Robinson*, Philadelphia: University of Pennsylvania Press, 2006, p. 172; Karen Kenny, Introducing the Sustainability Principle to Human Rights Operations, in *International Peacekeeping*, Vol. 14, No. 1, April 2007, p. 63.

⁵ United Nations Millennium Declaration, adopted by General Assembly resolution 55/2, U.N. GAOR, 55th Sess., Supp. No. 49, at 4, U.N. Doc. A/55/49, 8 September, 2000; OHCHR, Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, 10 September 2002; United Nations Trust Fund for Human Security, *Human Security in Theory and Practice*, 8 April 2009, pp.27-31, available at http://hdr.undp.org/en/media/HS_Handbook_2009.pdf, last accessed 15 June 2009; Mary Robinson, *Human Rights at the Heart of Peace*, City of Sydney Peace Prize Lecture, 2002, available at <http://www.realizingrights.org/index.php?option=content&task=view&id=101>, last accessed 15 June 2009; Michael O'Flaherty, We are Failing the Victims of War, in Bertrand G. Ramcharan, *Human Rights Protection in the Field*, Leiden: Martinus Nijhoff Publishers, 2006, pp 46-47; Dan Smith, War, Peace and Third World Development, Occasional Paper 1994/16, *Human Development Report 1994*, available at http://hdr.undp.org/en/reports/global/hdr1994/papers/dan_smith.pdf, last accessed 15 June 2009.

⁶ Abby Stoddard, Adele Hammer, Room to Manoeuvre: Challenges of Linking Humanitarian Action and Post-Conflict Recovery in the New Global Security Environment, Occasional Paper 2005/23, *Human Development Report 2005*, available at http://hdr.undp.org/docs/publications/background_papers/2005/HDR2005_Stoddard_Abby_and_Adele_Harmer_23.pdf, last accessed 15 June 2009; see also statistical data and Human Development Index (HDI) information from Human Development Reports published each year by the United Nations Development Programme at <http://hdr.undp.org/en/statistics/>, last accessed 15 June 2009.

⁷ Urban Jonsson, Human Rights Based Approach to Development Programming, UNICEF ESARO, April 2003; The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among the UN Agencies, attachment to the Final

offer is a human rights framework, drawing from human rights treaties and instruments, with their reporting and oversight procedures⁸, thus complementing the work of development and humanitarian

Report of The Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN Reform, Stamford, USA, 5-7 May, 2003; UN Common Learning Package on Human Rights Based Approach, available at: <http://www.undg.org/index.cfm?P=531>, accessed 10 June 2009; United Nations Development Programme, Human Development Report, Human Rights and Human Development, 2000, available at <http://hdr.undp.org/en/reports/global/hdr2000/>, last accessed 15 June 2009; Mary Robinson, Bridging the Gap between Human Rights and Development, Presidential Lecture, World Bank, December 2001, <http://www.unhcr.ch/development/newsroom.html>; Michael O'Flaherty, The Human Rights Field Operation in Partnership for Humanitarian Relief and Reconstruction, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 160-177; Michael O'Flaherty, Towards the Integration of United Nations Human Rights Treaty Body Recommendations – the Rights Based Approach Model, in M. A. Baderin, R. McCorquodale (eds.) *Economic, Social and Cultural Rights in Action*, Oxford: Oxford University Press, 2007.

⁸ International Convention on the Elimination of All Forms of Racial Discrimination [ICERD], G.A. res. 2106 (XX), GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), entered into force 4 January 1969, Artt. 9 and 14; International Covenant on Civil and Political Rights [ICCPR], GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), entered into force 23 March 1976, Art. 40 and First Optional Protocol art. 1; International Covenant on Economic, Social and Cultural Rights [ICESCR], GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), entered into force 3 January 1976, Art. 16; Convention on the Elimination of All Forms of Discrimination against Women [CEDAW], GA res. 34/180, 34 UN GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46 (1980), entered into force 3 September 1981, Art. 18 and Optional Protocol art. 2; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT], GA res. 39/46, 39 UN GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force 26 June 1987, Artt. 19 and 22; Convention on the Rights of the Child [CRC], GA res. 44/25, 44 UN GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force 2 September 1990, Art. 44; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [ICRMW], GA res. 45/158, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force 1 July 2003, Artt. 74 and 77; International Convention on the Rights of Persons with Disabilities [ICRPD], G.A. Res. 61/106, 30 U.N. GAOR Supp (No. 34) at 88, U.N. Doc. No A/61/611 (2006), entered into force 3 May 2008, Art. 35 and Optional Protocol Art. 1; European Convention for the Protection of Human Rights and Fundamental Freedoms [ECHR], 213 UNTS 222, entered into force 3 September 1953 (as amended by Protocols Nos. 3, 5, 8, and 11 which entered into force 21 September 1970, 20 December 1971, 1 January 1990, and 1 November 1998), Art. 19, 33, 34 and 47; American Convention on Human Rights [American Convention], OAS Treaty Series No. 36, 1144 UNTS 123 (1969), entered into force July 18 1978, Artt. 33, 44, 61; African Charter on Human and Peoples' Rights [African Charter], adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986, Artt. 30, 47, 55 and Protocol on the Establishment of an African Court on Human Rights, Art. 5.

partners and introducing human rights principles like non-discrimination⁹, accountability¹⁰, progressive realisation of rights and the government's obligation to spend maximum available resources to achieve economic, social and cultural rights¹¹.

⁹ Charter of the United Nations, 26 June 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force 24 October 1945, Artt. 1(3) and 55; UDHR, Art. 2; ICERD, Art. 5; ICCPR, Art. 2(1); ICESCR, Art. 2(2); CEDAW, Art. 3; CAT, Art. 1(1); CRC, Art. 2; ICRMW, Art. 1(1); ECHR, Art. 14; Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms [Protocol 12 to the ECHR], 4 November 2000; American Convention, Art. 1(1); African Charter, Art. 2; see General Comments of the U.N. human rights treaty bodies: Committee against Torture, General Comment No. 2: Implementation of article 2 by States Parties [Advance Unedited Version], U.N. Doc. CAT/C/GC/2/CRP.1/Rev.4, 23 November 2007 (see 'Section V: Protection for individuals and groups made vulnerable by discrimination or marginalization', p. 6); Committee on the Elimination of Racial Discrimination, General Recommendation No. 20: Non-discriminatory implementation of rights and freedoms (Art. 5), U.N. Doc. Gen. Rec. No. 20, 15 March 1996; Human Rights Committee, General Comment No. 18: Non-discrimination, U.N. Doc. CCPR General Comment No. 18, 10 November 1989; see also: Commission on Human Rights [CHR], Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights: Working paper prepared by Emmanuel Decaux, U.N. Doc. E/CN.4/Sub.2/2004/24, 18 June 2004.

¹⁰ ICERD, Art. 6; ICCPR Art.2; CEDAW, art. 2; CAT, art. 6 and 13; ICRMW, Art. 83; ECHR, Art. 13; American Convention, Art. 25; African Charter, Art. 7; Vienna Declaration, Part I para. 27; Human Rights Committee, General Comment No. 31 [80]: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004 paras. 15 and 18; Human Rights Committee, General Comment no. 20: Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment (Art. 7), 10 March 1992 para. 15; Rodríguez v. Uruguay (322/1988), ICCPR, A/49/40 vol. II (19 July 1994) 5 (CCPR/C/51/D/322/1988) at para. 12.4; El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at para. 84(6); Venezuela, CAT, A/58/44 (2002) 32 at para. 76; Chile, CAT, A/59/44 (2004) 28 at paras. 56 and 57; United Nations Security Council, Protection of civilians in armed conflict, Aide Memoire, UN DOC S/PRST/2003/27, 15 December 2003; U.N. General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law [Principles on the Right to a Remedy], adopted and proclaimed by General Assembly resolution 60/147, 16 December 2005, Principle 1,2, 3 and 7; Commission on Human Rights, Report of the independent expert to update the Set of principles to combat impunity, Diane Orentlicher, Addendum: Updated Set of principles for the protection and promotion of human rights through action to combat impunity [Principles to Combat Impunity], U.N. Doc. E/CN.4/2005/102/Add.1, 8 February 2005, Principles 1 and 2.

¹¹ ICESCR Art. 2(1); Committee on Economic, Social and Cultural Rights [CESCR], General Comment No. 3: The nature of States parties obligations (Art. 2, par.1), 14 December 1990, para. 9; Report of the High Commissioner to the 2007 Substantive Session of ECOSOC Dedicated to the Issue of Progressive Realization of Economic, Social and Cultural rights, UN Doc. E/2007/82, 25 June 2007; OHCHR, Fact Sheet No. 33,

o Beyond the broad categories of civil and political and economic, social and cultural rights, HRFOs, taking account of priorities, may have to address evolving issues¹² like environmental rights affecting access to clean air, arable land and protection from toxic waste and similar hazards¹³.

o Although much of human rights is considered customary and universal¹⁴, debate continues on its local application, for example in the context of some traditional practices¹⁵. HRFOs need to work

Frequently Asked Questions About Economic, Social and Cultural Rights, pp.13-14, available at: <http://www.ohchr.org/Documents/Publications/FactSheet33en.pdf>, last visited 11 June 2009; Sigrun I. Skogly, *The Obligation of International Assistance and Co-operation in the International Covenant on Economic, Social and Cultural Rights*, pp. 403-421 in Morten Bergsmo (ed.), *Human Rights and Criminal Justice for the Downtrodden*, Leiden: Martinus Nijhoff Publishers, 2003.

¹² United Nations Declaration on the Rights of Indigenous Peoples, Human Rights Council, Report to the General Assembly on the First Session of the Human Rights Council, at 58, U.N. Doc. A/HRC/1/L.10, 29 June 2006; Declaration on the Right of Peoples to Peace, adopted by General Assembly resolution 39/11, annex, 39 U.N. GAOR Supp. (No. 51) at 22, U.N. Doc. A/39/51 (1984); Universal Declaration on the Human Genome and Human Rights, UNESCO General Conference Resolution 29 C/Res.16, reprinted in *Records of the General Conference, UNESCO, 29th Sess., 29 C/Resolution 19*, at 41 (1997), adopted by the UN General Assembly, G.A. res. 152, U.N. GAOR, 53rd Sess., U.N. Doc. A/RES/53/152, 10 March 1999; Tilburg Guiding Principles on World Bank, IMF and Human Rights, in Willem van Genugten, Paul Hunt and Susan Mathews, (eds.), *World Bank, IMF and Human Rights*, Nijmegen: Wolf Legal Publishers, 2003.

¹³ UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 25 June 1998, 38 I.L.M. 517 (1999), entered into force 30 October 2001; United Nations Millennium Declaration, paras. 21-23; Dublin Statement on Water and Sustainable Development, International Conference on Water and the Environment: Development Issues for the 21st Century, Dublin, Ireland (1992); Declaration by the European Council on the Environmental Imperative, Bulletin of the European Commission, No. 6, at 17 (1990); Erica-Irene A. Daes, *International Human Rights Law, the Environment and Indigenous People*, pp. 571-602 in Morten Bergsmo (ed.), *Human Rights and Criminal Justice for the Downtrodden*, Leiden: Martinus Nijhoff Publishers, 2003.

¹⁴ International Court of Justice [ICJ], *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, Advisory Opinion of 28 May 1951, 1951 ICJ 15, 23; ICJ, *Barcelona Traction, Light & Power Co. Ltd.*, Judgement of 5 February 1970, 1970 ICJ 3, 32 (second Phase); ICJ, *Legal Consequences of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276*, Advisory Opinion of 21 June 1970, 1971 ICJ 16, 57; HRC, General Comment No. 24: Issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, 4 November 1994, UN Doc. CCPR/C/21/Rev.1/Add.6, para. 8; Restatement (Third), *The Foreign Relations Law of the United States*, American Law Institute, Vol. 2, No. 161, 1987, para. 702; Montreal Statement of the Assembly for Human Rights, 22-27 March 1968, reprinted in 9 *International Commission of Jurists Revue*, June 1969, at 94 (1968).

closely with local partners to ensure the spirit of international human rights law is applied while recognising local cultural specificity consistent with this law¹⁶. Local partners help HRFOs identify how best to reconcile respect for local practices while upholding the universality of human rights regardless of culture, religion or region¹⁷.

o In this regard, regional and subregional human rights instruments are especially valuable since they reflect local perspectives and goals and by definition are attuned to local context¹⁸.

B. *All persons* have fundamental human rights under international law that the state is bound to protect, respect and fulfil¹⁹, and there must be no discrimination on the basis of gender, race, religion, or other criteria²⁰. That all persons have rights that are inalienable is a central tenet of HRFOs' work²¹.

¹⁵ For example, with regard to violence against women and female genital mutilation, see: CEDAW, Female Circumcision, General Recommendation No 14, UN Doc. A/45/38/1, Ninth Session, 1990; Cultural practices in the family that are violent against women, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Mrs. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49, UN Doc. E/CN.4/2002.83, 31 January 2002; PLAN, Tradition and Rights: Female Genital Cutting in West Africa, 2006, available at <http://www.crin.org/docs/femalecutting.pdf>, last visited 12 June 2009.

¹⁶ Comment on Universalist-Relativist Debate, pp. 517-519 in Henry J. Steiner, Philip Alston, Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals*, 3rd Edition, Oxford: Oxford University Press, 2008.

¹⁷ In this respect, see examples of mistakes and successes in William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹⁸ ECHR; American Convention; African Charter; Cairo Declaration on Human Rights in Islam, adopted by the Organisation of the Islamic Conference, Cairo, 5 August 1990, text in U.N. Doc. A/45/421-S/21797, 200; Arab Charter on Human Rights, adopted by the Council of the League of Arab States, Resolution 5437, 102nd Regular Session, 15 September 1994, amended at the Summit of Heads of Member States of the League in Tunis, May 2004.

¹⁹ See the obligation provisions of the core international human rights treaties: ICERD, Art. 2 (1); ICCPR, Art. 2 (2); ICESCR, Art. 2 (1); CEDAW, Art. 2; CAT, Art. 2 (1); CRC, Art. 4; ICRMW, Art. 84; Human Rights Committee, General Comment No. 31 [80]: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004; Committee on Economic, Social and Cultural Rights [CESCR], General Comment No. 3: The nature of States parties obligations (Art. 2, par.1), CESCR General Comment No. 3, 14 December 1990; CESCR, General Comment No. 9: The domestic application of the Covenant, U.N. Doc. E/C.12/1998/24, 3 December 1998; Committee on the Rights of the Child, General Comment No. 5 (2003): General measures of implementation of the Convention on the Rights of the Child (Artt. 4, 42 and 44, para. 6), U.N. Doc. CRC/GC/2003/5, 27 November 2003.

²⁰ For the relevant provisions on non-discrimination see footnote n. 9.

However, because certain persons are particularly vulnerable to violations, HRFOs have an overriding responsibility to support the members of these groups²² – including minorities²³, women²⁴, children²⁵,

²¹ UDHR, Preamble para. 1.

²² Vienna Declaration, see *supra* note x, Part. I para. 24; Diane Paul, Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm, RRN Network Paper 30, 1999.

²³ ICCPR Art. 27; CRC Artt. 17(d) and 30; Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135, 18 December 1992; Human Rights Committee, General Comment no. 23: The Rights of Minorities (art. 27), UN Doc. CCPR/C/21/Rev.1/Add.5, 8 April 1994; The Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note, published by the Foundation on Inter-Ethnic Relations in 1999; The Oslo Recommendations Regarding the Linguistic Rights of National Minorities and Explanatory Note, published by the Foundation on Inter-Ethnic Relations in 1998; The Hague Recommendations Regarding the Education Rights of National Minorities and Explanatory Note, published by the Foundation on Inter-Ethnic Relations in 1996; Cecilia Thompson, The United Nations Sub-Commission on Minorities: What Protection for Minority Rights?, pp. 513-536 in Morten Bergsmo (ed.), *Human Rights and Criminal Justice for the Downtrodden*, Leiden: Martinus Nijhoff Publishers, 2003.

²⁴ See generally CEDAW; Convention on the Political Rights of Women, 193 UNTS 135, entered into force 7 July 1954; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (13 September 2000), reprinted in 1 Afr. Hum. Rts. L.J. 40, entered into force 25 November 2005; Declaration on the Protection of Women and Children in Emergency and Armed Conflict, adopted by General Assembly resolution 3318 (XXIX), 29 U.N. GAOR Supp. (No. 31) at 146, U.N. Doc. A/9631, 14 December 1974; Declaration on the Elimination of Violence Against Women, adopted by General Assembly resolution 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49, 20 December 1993; Beijing Declaration and Platform of Action, adopted by the Fourth World Conference on Women, U.N. Doc. A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995), 15 September 1995; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol.I) (2001), entered into force 9 September 2003; Inter-American Convention on the Granting of Civil Rights to Women, 1438 U.N.T.S. 51, entered into force 17 March 1949; Inter-American Convention on the Granting of Political Rights of Women, 1438 U.N.T.S. 63, entered into force 17 March 1949; Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, 33 I.L.M. 1534 (1994), entered into force 5 March 1995; Lori Handraham, Rhetoric and Reality: Post-Conflict Recovery and Development – the UN and Gender Reform, pp. 404-437 in Nigel D. White, Dirk Klaasen, *The UN, Human Rights and Post-Conflict Societies*, Manchester: Manchester University Press, 2005.

²⁵ See generally CRC; Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), 38 I.L.M. 1207

persons with disabilities²⁶, human rights defenders²⁷ and the elderly²⁸ – and apply national and international human rights law. For example, internally displaced persons are often displaced because they are specifically targeted, and are especially vulnerable also because of having to leave their homes²⁹.

The *United Nations Guiding Principles on Internal Displacement* is a compendium of existing international law standards from a variety of sources³⁰. HRFOs can draw upon international human

(1999), entered into force 19 November 2000; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, adopted by General Assembly Resolution 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force 12 February 2002; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by General Assembly resolution 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc. A/54/49, Vol. III (2000), entered into force 18 January 2002; UNICEF, Cape Town Annotated Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa, 30 April 1997.

²⁶ ICRPD; Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons With Disabilities, AG/RES. 1608, 7 June 1999.

²⁷ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by General Assembly resolution 53/144, annex, 53 U.N. GAOR Supp., U.N. Doc. A/RES/53/144, 9 December 1998.

²⁸ United Nations Principles for Older Persons, adopted by General Assembly resolution 46/91, Annex, U.N. Doc. A/RES/46/91 (1991); Principles for the Protection of Persons with Mental Illnesses and the Improvement of Mental Health Care, adopted by General Assembly resolution 46/119, 46 U.N. GAOR Supp. (No. 49) at 189, U.N. Doc. A/46/49 (1991); Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by General Assembly resolution 48/96, U.N. Doc. A/RES/48/96, 20 December 1993.

²⁹ F. M. Deng, R. Cohen, *Masses in Flight: The Global Crisis of Internal Displacement*, Washington DC: The Brookings Institution, 1998; United Nations High Commissioner for Refugees (UNHCR), *Internally Displaced Persons, Questions and Answers*, 2005; Erin Mooney, *The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern*, *Refugee Survey Quarterly*, Vol. 24, Issue 3, UNHCR, 2005.

³⁰ *Guiding Principles on Internal Displacement*, Report of the Special Representative of the Secretary-General, Mr. Francis M. Deng, submitted to the United Nations Commission on Human Rights pursuant to Commission Resolution 1997/39, Addendum, UN DOC E/CN.4/1998/53/Add.2, 11 February 1998; Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin - Addendum - High-level conference on "Ten years of the Guiding Principles on Internal Displacement - achievements and future challenges" (Oslo, 16 and 17 October 2008): summary of the Conference Chair, UN Doc. A/HRC/10/13/Add.3, 11 February 2009; W. Kälin, *Guiding Principles on Internal Displacement, Annotations*, Washington DC: American Society of International Law and the Brookings Institution Project on Internal Displacement, 2000.

rights law to detect early warning signs of repression, discrimination or violence that are precursors to future population displacement³¹. If displacement occurs, HRFOs' monitoring and reporting on human rights law and the *Guiding Principles on Internal Displacement* can enhance protection during displacement, particularly where internally displaced persons are not in camps, and monitor any voluntary return and its sustainability³².

o Gender-based violations of human rights or international humanitarian law most frequently affect women and young girls³³. The most common forms are sexual violence, trafficking and domestic violence³⁴. HRFOs are well placed to draw upon international human rights law and international humanitarian law to respond to immediate gender-based violations as well as their root causes³⁵.

³¹ Brookings-SAIS Project on Internal Displacement and Office for the Coordination of Humanitarian Affairs (OCHA), Inter-Agency Internal Displacement Division, Protect or Neglect? Towards a More Effective United Nations Approach to the Protection of Internally Displaced Persons, An Evaluation by Simon Bagshaw and Diane Paul, 2004, pp. 60-72.

³² Inter-Agency Standing Committee (IASC), Protection of Internally Displaced Persons – Inter-Agency Standing Committee Policy Paper Series No. 2, New York: United Nations, 2000; Maria Stavropoulou, Human Rights Field Officers Working for the Most Vulnerable: Internally Displaced Persons, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Georgetown University and The Brookings Institution Project on Internal Displacement, When Displacement Ends: A Framework for Durable Solutions, Washington DC, May 2007.

³³ Women, Peace and Security, Study submitted by the Secretary General pursuant to Security Council Resolution 1325(2000), United Nations Publication, Sales No.E.03.IV.1, United Nations, 2002; Report of the Secretary General on Women, Peace and Security, UN Doc. S/2002/1154, 16 October 2002; Charlotte Lindsey, Women Facing War: ICRC Study on the Impact of Armed Conflict on Women, Geneva: International Committee of the Red Cross, October 2001.

³⁴ Jeanne Ward, Mendy Marsch, Sexual Violence Against Women and Girls in War and Its Aftermath: Realities, Responses, and Required Resources, UNFPA, 2006; UN Department for the Advancement of Women, Sexual Violence and Armed Conflict: United Nations Response, April 1998; Amnesty International, Kosovo (Serbia and Montenegro) "So does it mean that we have the rights?" Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo, AI Index EUR 70/010/2004, 5 May 2004; International Alert, Women's Bodies as a Battleground: Sexual Violence Against Women and Girls During the War in the Democratic Republic of Congo, South Kivu (1996-2003), 2005.

³⁵ UN Department of Peacekeeping Operations (DPKO), Mainstreaming a Gender Perspective in Multidimensional Peace Operations, United Nations, July 2000; Annette Lyth, Human Rights Field Officers Working for the Most Vulnerable: Women, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Virginia Arlington, Gender-Based Violence in Populations Afflicted by Armed Conflict, A Field Guide for Displaced Settings, JSI Research and Training Institute, Reproductive Health Response in

C. *Human rights obligations*: the state is the entity responsible for guaranteeing all rights, including through all its agents³⁶. In addition a growing consensus holds that some non-state actors, especially militias, paramilitary organisations³⁷, and even private, commercial enterprises including corporations³⁸ may incur human rights responsibilities. Depending on the overall guidance, policy and strategy developed by the field operation's leadership, HRFOs may engage these entities in their work³⁹.

D. *International humanitarian law*: applies in situations of armed conflict, international and internal in different degrees⁴⁰, and includes protection of all persons not taking an active part in hostilities⁴¹. It

Conflict Consortium [RHRC], Gender-Based Violence Global Technical Support Project, 2004.

³⁶ HRC, General Comment No. 31 [80]: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004; CESCR, General Comment No. 3: The nature of States parties obligations (Art. 2, par.1), 14 December 1990.

³⁷ International Council on Human Rights Policy, *Ends and Means: Human Rights Approaches to Human Rights Groups*, 2000; Andrew Clapham, *Human Rights Obligation of Non-State Actors in Conflict Situations*, 863 *International Review of the Red Cross* 491, 2006; Sandesh Sivakumaran, *Binding Armed Opposition Groups*, 55 *International and Comparative Law Quarterly* 369, 2006.

³⁸ The UN Global Compact Ten Principles at <http://www.unglobalcompact.org/>, last accessed 12 June 2009; Sub-Commission resolution 2003/16, *Norms on Responsibilities of transnational corporations and other business enterprises with regard to human rights*, U.N. Doc. E/CN.4/Sub.2/2003/L.11 at 52 2003; John Ruggie, *Interim Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, U.N. Doc. E/CN.4/2006/97, February 2006; Castan Centre for Human Rights Law, *International Business Leaders Forum*, OHCHR, *Human Rights Translated: A Business Reference Guide*, December 2008; Amnesty International *Human Rights Principles for Companies: an Introduction*. AI Document ACT 70/001/1998, 1 January 1998; David Weissbrodt and Maria Kruger, *Business and Human Rights*, pp. 421-449 in Morten Bergsmo (ed.), *Human Rights and Criminal Justice for the Downtrodden*, Leiden: Martinus Nijhoff Publishers, 2003; Manisuli Ssenyonjo, *Non-State Actors and Economic, Social and Cultural Rights*, in M. A. Baderin, R. McCorquodale (eds.) *Economic, Social and Cultural Rights in Action*, Oxford: Oxford University Press, 2007.

³⁹ Maria Stavropoulou, *Protection: The Office of the United Nations High Commissioner for Refugees Experience*, and Alain Aeschlimann, *Protection: The International Committee of the Red Cross Experience*, both in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007.

⁴⁰ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field [Geneva Convention I], adopted in Geneva 12 August 1949, entered into force 21 October 1950, Artt. 2 and 3; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea [Geneva Convention II], adopted in Geneva 12 August 1949, entered into force 21 October 1950, Artt. 2 and 3; Convention (III) relative to the Treatment of Prisoners of

applies jointly with human rights law⁴². It imposes obligations on all parties to the conflict, including non-state actors⁴³.

War [Geneva Convention III], adopted in Geneva 12 August 1949, entered into force 21 October 1950, Artt. 2 and 3; Convention (IV) relative to the Protection of Civilian Persons in Time of War [Geneva Convention IV], adopted in Geneva 12 August 1949, entered into force 21 October 1950, Artt. 2 and 3; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts [Geneva Conventions Protocol I], 8 June 1977, Art. 1; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts [Geneva Conventions Protocol II], 8 June 1977, Art.1.

⁴¹ Persons protected under international humanitarian law are the wounded, sick or shipwrecked military personnel, medical or religious personnel, prisoners of war and civilians. Definitions of these and other protected persons can be found in the four Geneva Conventions and their Additional Protocols, see footnote x.

⁴² Geneva Convention I, Art. 2; Geneva Convention II, Art. 2; Geneva Convention III, Art. 2; Geneva Convention IV, Art. 2; Additional Protocol I, Art. 3.

⁴³ Common Art. 3 of the Geneva Conventions, defining minimum protection offered in armed conflicts not of an international character, refers to 'each Party to the conflict'. See also: Andrew Clapham, Human rights obligations of non-state actors in conflict situations, *International Review of the Red Cross*, Vol. 88, No. 863, pp. 491-523, November 2006.

Guiding Principle 2: Objectives

HRFOs seek to protect individuals by preventing violations from occurring, especially for those facing particular risks, ensuring accountability for violations that have occurred, and empowering persons to protect themselves⁴⁴.

A. *Protection*: has taken on many meanings and has generated long discussions among practitioners⁴⁵. A widely accepted definition developed with regard to humanitarian crisis contexts is:

‘all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law)⁴⁶.

‘any activity which:

- prevents or puts a stop to a specific pattern of abuse and/or alleviates its immediate effects;
- restores people's dignity and ensures adequate living conditions through reparation, restitution, and rehabilitation⁴⁷;
- fosters an environment conducive to respect for the rights of individuals in accordance with the relevant bodies of law⁴⁸.

⁴⁴ William G. O’Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O’Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

⁴⁵ OHCHR Staff, *Protection in the Field: Human Rights Perspectives*, in Bertrand G. Ramcharan (ed.), *Human Rights Protection in the Field*, Leiden: Martinus Nijhoff Publishers, 2006, pp. 121-122; Sorcha O’Callaghan and Sara Pantuliano, *Incorporating civilian protection into humanitarian response*, Humanitarian Policy Group, HPG Report 26, December 2007, p.5.

⁴⁶ ICERD, Art. 2(1)a; ICCPR, Art. 2(1); CRC, art. 38(1); ECHR, Art.1; American Convention, Art. 1; African Charter, Artt. 1 and 25; Geneva Convention I, Art.1; Geneva Convention II, Art. 2; Geneva Convention III, Art.1; Geneva Convention IV, Art.1; Convention relating to the Status of Refugees [Refugee Convention], 189 U.N.T.S. 150, entered into force 22 April 1954; Inter Agency Standing Committee, *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, Geneva, 2002, pp. 11-13.

⁴⁷ Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, Final Report submitted by Mr. Theo van Boven, Special Rapporteur, UN Doc E/CN.4/Sub.2/1993/8, 2 July 1993, paras. 26-49; Principle 9, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted and proclaimed by General Assembly Resolution 60/147, 16 December 2005.

⁴⁸ Sylvie Giossi Caverzasio, *Strengthening Protection in War: A Search for Professional Standards*, Geneva: ICRC, 2001, p.20.

The HRFO will often engage in all three types of protection activities: responding to specific acts, seeking remedies, restitution and compensation for victims and building an environment where sound laws and policies and effective institutions prevent or punish further violations⁴⁹. There is no hierarchy and all three are essential to enhanced enjoyment of human rights, which is in effect ‘protection’⁵⁰. Close collaboration between HRFOs and national and international partners (especially military, police and humanitarian and development agencies and workers) is essential to protection work⁵¹.

o As with every aspect of human rights fieldwork, intense and early consultation with the host country population is crucial to effective protection; the role of local civil society cannot be overstated⁵². People’s own understanding of the situation, their knowledge, familiarity with the threat and experience all inform the design of protection strategies⁵³.

⁴⁹ Nicholas Howen, The Fundamental Protection Function of the Human Rights Field Officer, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.39-40.

⁵⁰ Nicholas Howen, The Fundamental Protection Function of the Human Rights Field Officer, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p.36.

⁵¹ The United Nations High Commissioner for Human Rights, *The OHCHR Plan of Action: Protection and Empowerment [OHCHR Plan of Action]*, Geneva: OHCHR, May 2005, paras. 45-50; Bertrand G. Ramcharan, *The Human Rights Field Operation in Partnership for Peace*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 105-125; William G. O’Neill, *The Human Rights Field Operation in Partnership for Security*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 125-141; Michael O’Flaherty, *The Human Rights Field Operation in Partnership for Humanitarian Relief and Reconstruction*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 159-183.

⁵² OHCHR Plan of Action, see supra note 8, paras. 45-50; *Report on Integrated Missions: Practical Perspectives and Recommendations*, Independent Study for the Expanded UN ECHA Core Group, May 2005, pp.34-35; Karen Kenny, *Towards a Human Rights Partnership for Effective Fieldwork*, a Policy Discussion Paper of the International Human Rights Network, 1996, pp.20-21; Alice H. Henkin (ed.), *Honoring Human Rights – From Peace to Justice, Recommendations*, The Aspen Institute, The Hague: Kluwer Law International, 2000.

⁵³ OHCHR Plan of Action, see supra note 8, paras. 45-74; Abu Brima, *A Sustainable Approach to Human Rights Fieldwork: the Role of the Human Rights Field Officer*, pp.12.-13, paper submitted to the expert consultation held in Freetown, Sierra Leone, as part of the international research project “Consolidating the Profession: the Human Rights Field Officer”, available in the project library at www.humanrightspersonals.org.

B. *Accountability*: is a form of protection and can be attained through monitoring, reporting, advocacy and capacity building (see below)⁵⁴. Accountability for past violations is a required component of the rights of victims as well as the responsibility of states⁵⁵. Amnesty cannot be granted for the most serious offences involving war crimes, crimes against humanity and genocide, whose perpetrators must face prosecutions, and every effort must be made to combat impunity⁵⁶. Individual accountability for violations is now increasingly complemented by the work of the International Criminal Court⁵⁷, the international tribunals for Rwanda⁵⁸ and the former Yugoslavia⁵⁹, and hybrid

⁵⁴ Shamin Razavi, *Emerging Issues for Human Rights Field Officers: Support for Criminal Justice*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

⁵⁵ ICERD, Art. 6; ICCPR Art.2; CAT, Artt. 6 and 13; ICRMW, Art. 83; ECHR, Art. 13; American Convention, Art. 25; African Charter, Art. 7; Human Rights Committee, General Comment No. 31 [80]: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004 paras. 15 and 18; Vienna Declaration, Part I para. 27; Human Rights Committee, General Comment no. 20: Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment (Art. 7), 10 March 1992 para. 15; *Rodríguez v. Uruguay* (322/1988), ICCPR, A/49/40 vol. II (19 July 1994) 5 (CCPR/C/51/D/322/1988) at para. 12.4; El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at para. 84(6); Venezuela, CAT, A/58/44 (2002) 32 at para. 76; Chile, CAT, A/59/44 (2004) 28 at paras. 56 and 57; United Nations Security Council, Protection of civilians in armed conflict, Aide Memoire, UN DOC S/PRST/2003/27, 15 December 2003; U.N. General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law [Principles on the Right to a Remedy], adopted and proclaimed by General Assembly resolution 60/147, 16 December 2005, Principle 1,2, 3 and 7; Commission on Human Rights, Report of the independent expert to update the Set of principles to combat impunity, Diane Orentlicher, Addendum: Updated Set of principles for the protection and promotion of human rights through action to combat impunity [Principles to Combat Impunity], U.N. Doc. E/CN.4/2005/102/Add.1, 8 February 2005, Principles 1 and 2.

⁵⁶ Rome Statute of the International Criminal Court [Rome Statute], 2187 UNTS 90, adopted on 17 July 1998, entered into force on 1 July 2002, 4th and 5th Preambular paragraph, Art. 27; see also, for example, Special Court for Sierra Leone, Prosecutor v. Morris Kallon, case No. SCSL-2004-15-AR72(E); Prosecutor v. Brima Bazzy Kamara, case No. SCSL-2004-16-AR72(E), Appeals Chamber, Decision on challenge to jurisdiction: Lomé Accord Amnesty (13 March 2004), para. 73 and 82; International Criminal Tribunal for the Former Yugoslavia, Prosecutor v. Anto Furundžija, case No. IT-95-17/1-T, Judgement of 10 December 1998, para. 155; Inter American Court of Human Rights, Barrios Altos Case, Ser. C No. 75, Judgement of 14 March 2001; Inter-American Court of Human Rights, Almonacid-Arellano et al. v. Chile, Judgement of 26 Sept. 2006, para. 114; Principles to Combat Impunity, see supra note 12, Principle 24; Antonio Cassese, *International Criminal Law* (Oxford University Press, 2003), p. 314; International Committee of the Red Cross, *Customary International Humanitarian Law*, vol. I, by Jean-Marie Henckaerts and Louise Doswald-Beck (Cambridge University Press, 2005), p. 613.

⁵⁷ Rome Statute, Art. 25.

courts in Sierra Leone⁶⁰ and Cambodia⁶¹. Along with these institutions, HRFOs may also contribute to the work of truth verification processes, reparations committees and other bodies in the evolving field of transitional justice⁶².

C. Attention to those facing special risk: although HRFOs recognise the rights of all, they may focus on certain populations facing particular risks⁶³. Internally displaced persons⁶⁴, children⁶⁵, persons with

⁵⁸ Statute of the International Criminal Tribunal for Rwanda, Annex to United Nations Security Council Resolution 955 of 8 November 1994, UN DOC S/RES/955 (1994), Art. 6.

⁵⁹ Statute of the International Criminal Tribunal for the Former Yugoslavia, Annex to United Nations Security Council Resolution 827 of 25 May 1993, UN DOC S/RES/827 (1993), Art. 7.

⁶⁰ Statute of the Special Court for Sierra Leone, Annex to the Agreement between the United Nations and the Government of Sierra Leone pursuant to Security Council resolution 1315 (2000) of 14 August 2000, Art. 6.

⁶¹ Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, 27 October 2004, Doc. Nr. NS/RKM/1004/006, Art. 29.

⁶² Commission on Human Rights, Report of the Office of the High Commissioner for Human Rights: Study on the Right to Truth, UN Doc E/CN.4/2006/91, 8 February 2006; Principles to Combat Impunity, see supra note 12, Principles 2 and 4; Office of the High Commissioner for Human Rights, Rule-of-law Tools for Post-Conflict States: Truth Commissions, United Nations publication, HR/PUB/06/1, New York and Geneva, 2006; David Marshall, The Human Rights Field Operation in Partnership for Transitional Justice, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.142-144; Bertrand G. Ramcharan, The Human Rights Field Operation in Partnership for Peace, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.115-118.

⁶³ Vienna Declaration, see supra note 12, Part. I para. 24; Diane Paul, Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm, RRN Network Paper 30, 1999.

⁶⁴ Guiding Principles on Internal Displacement, Report of the Special Representative of the Secretary-General Mr. Francis M. Deng, submitted to the United Nations Commission on Human Rights pursuant to Commission Resolution 1997/39, Addendum, UN DOC E/CN.4/1998/53/Add.2, 11 February 1998; Maria Stavropoulou, Human Rights Field Officers working for the most vulnerable: Internally Displaced Persons, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

⁶⁵ See generally CRC; Nazia Hussain, Human Rights Field Officers working for the most vulnerable: Children, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

disabilities⁶⁶, and women⁶⁷ in particular situations are common priorities (see Guiding Principle 1). Depending upon the situation, HRFOs will often implement a strategy designed to maximise protection of ethnic, religious or other groups especially at risk in the mission area⁶⁸.

D. *Empowerment*: empowering individuals to protect and claim their human rights and promoting the development of a human rights culture are further principal objectives for HRFOs⁶⁹.

E. *Short and long-term perspectives*: when designing strategies, projects and activities, while addressing immediate objectives, the ultimate goal of the HRFO is to work him or herself out of the job. The goal is to structure work in close consultation with local partners, governmental and private, so that they will be able to perform HRFOs' tasks on their own⁷⁰. HRFOs' work is assessed on whether they are meeting this objective of 'sustainability', which should be central to the mission's strategy⁷¹.

⁶⁶ Convention on the Rights of Persons with Disabilities; ICESCR General Comment 5 (Eleventh session, 1994): Persons with Disabilities, E/1995/22 (1994) 99.

⁶⁷ See generally CEDAW; see Annotations to Guiding Principle 1 for a more comprehensive list of international documents protecting the rights of women; Annette Lyth, Human Rights Field Officers working for the most vulnerable: Women, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

⁶⁸ Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, entered into force 12 January 1951, Art. 2; Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; Diane Paul, Protection in Practice: Field Level Strategies for Protecting Civilians from Deliberate Harm, RRN Network Paper 30, pp. 20, 25-26.

⁶⁹ OHCHR Plan of Action, paras. 36-37; Michael O'Flaherty, We are Failing the Victims of War, in Bertrand G. Ramcharan (ed.), *Human Rights Protection in the Field*, Leiden: Martinus Nijhoff Publishers, 2006, pp. 50-51; Todd Howland, UN Human Rights Field Presence as Proactive Instrument of Peace and Social Change: Lessons from Angola, *Human Rights Quarterly* 26 (2004) 1-28, pp.14-16.

⁷⁰ OHCHR Plan of Action, paras. 45-46; Abu Brima, A Sustainable Approach to Human Rights Fieldwork: the Role of the Human Rights Field Officer, pp.12.-13, paper submitted to the expert consultation held in Freetown, Sierra Leone, as part of the international research project "Consolidating the Profession: the Human Rights Field Officer", available in the project library at www.humanrightspersonals.org; Nigel D. White, Towards a Strategy for Human Rights Protection in Post-Conflict Situations, pp.463-493 in Nigel D. White, Dirk Klaasen, *The UN, Human Rights and Post-Conflict Societies*, Manchester: Manchester University Press, 2005.

⁷¹ OHCHR Plan of Action, paras. 63-64; Karen Kenny, Towards a Human Rights Partnership for Effective Fieldwork, a Policy Discussion Paper of the International Human Rights Network, 1996, pp.20-21.

Guiding Principle 3: Mandate

HRFOs use their mandate, which identifies objectives and tasks and enables special authority to access places and persons, to protect and promote human rights⁷².

A. *The legal significance of the mandate*: the mandate typically arises from a peace agreement⁷³, the authority of an inter-governmental organisation⁷⁴ or such other bases as an agreement between an

⁷² William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Nigel D. White, Marco Odello, *The Legal Base for Human Rights Field Operations*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007; Daniel Moeckli and Manfred Nowak, *The Deployment of Human Rights Field Operations: Policy, Politics and Practice*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007.

⁷³ Examples of early and more recent missions based on Peace Agreements include: El Salvador – ONUSAL: Agreement on Human Rights, signed in San José, Costa Rica, on 26 July 1990 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), Annex to U.N. Doc. A/44/971-S/21541 of 16 August 1990, paras. 10-19; United Nations Security Council Resolution 693 of 20 May 1991, U.N. Doc. S/RES/693(1991), para. 2; Cambodia – UNTAC: Final Act of the Paris Conference on Cambodia, Annex to U.N. Doc. A/46/608-S/23177 of 30 October 1991, UNTAC's human rights mandate can be found in Section E of Annex 1 to the Agreement on a Comprehensive Political Settlement of the Cambodian Conflict; United Nations Security Council resolution 745 of 26 February 1992, U.N. Doc. S/RES/745(1992), para. 2; East Timor – UNTAET: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor, Annex to the Report of the Secretary-General on the Question of East Timor, U.N. Doc. A/53/951-S/1999/513 of 5 May 1999, see also Memorandum of Understanding between the Republic of Indonesia and the United Nations Transitional Authority in East Timor regarding Cooperation in Legal, Judicial and Human Rights Related Matters, 6 April 2000, available at <http://www.etan.org/et2000c/december/10-16/14mou.htm>, last accessed 17 June 2009; Report of the High Commissioner for Human Rights on the Situation of Human Rights in East Timor, U.N. Doc. E/CN.4/2000/27 of 29 March 2000; Bosnia and Herzegovina: Agreement on Human Rights, Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina, attachment to U.N. Doc. A/50/790-S/1995/999 of 30 November 1995.

⁷⁴ Human rights components of Peace Keeping and Peace Building Operations - For an early example see: Namibia – UNTAG: United Nations Security Council Resolution 435 of 29 September 1978, U.N. Doc. S/RES/435(1978). More recent and current operations: Burundi – ONUB: United Nations Security Council Resolution 1545 of 21 May 2004, U.N. Doc. S/RES/1545(2004); [Field Office of DPA established through SC res] United Nations Peace Building Support Office in the Central African Republic – BONUCA: United Nations

intergovernmental organisation and a host state⁷⁵. The mandate establishes a legal basis for the work of HRFOs in a country, and usually authorises visits to places of detention, military camps and other

Security Council Resolution 1271 of 22 October 1999, U.N. Doc. S/RES/1271(1999); Letter dated 2 December 1999 from the Secretary General addressed to the President of the Security Council, U.N. Doc. S/1999/1235; Chad and Central African Republic – MINURCAT: United Nations Security Council Resolution 1778 of 25 September 2007, U.N. Doc. S/RES/1778(2007); Cote d’Ivoire – UNOCI: United Nations Security Council Resolution 1528 of 27 February 2004, U.N. Doc. S/RES/1528(2004), United Nations Security Council Resolution 1739 of 10 January 2007, U.N. Doc. S/RES/1739(2007); Democratic Republic of Congo – MONUC: United Nations Security Council Resolution 1291 of 24 February 2000, U.N. Doc. S/RES/1291(2000); United Nations Security Council Resolution 1565 of 1 October 2004, U.N. Doc. S/RES/1565(2004), United Nations Security Council Resolution 1856 of 22 December 2008, U.N. Doc. S/RES/1856(2008); Ethiopia/Eritrea – UNMEE: United Nations Security Council Resolution 1320 of 15 September 2000, U.N. Doc. S/RES/1320(2000); Liberia – UNMIL: United Nations Security Council Resolution 1509 of 19 September 2003, U.N. Doc. S/RES/1509(2003); Sierra Leone – UNIPSIL: United Nations Security Council Resolution 1829 of 4 August 2008, U.N. Doc. S/RES/1829(2008); Sudan – UNMIS: United Nations Security Council Resolution 1590 of 24 March 2005, U.N. Doc. S/RES/1590(2005), UNAMID: United Nations Security Council Resolution 1769 of 31 July 2007, U.N. Doc. S/RES/1797(2007); Iraq – UNAMI: United Nations Security Council Resolution 1546 of 8 June 2004 and United Nations Security Council Resolution 1770 of 10 August 2007, U.N. Doc. S/RES/1770(2007); Afghanistan – UNAMA: United Nations Security Council Resolution 1401 of 28 March 2002, Report of the Secretary General on The Situation in Afghanistan and Its Implications for International Peace and Security of 18 March 2002, U.N. Doc. A/56/875-S/2002/278; Timor Leste – UNMIT: United Nations Security Council Resolution 1704 of 25 August 2006, U.N. Doc. S/RES/1704(2006); Georgia/Abkhazia – UNOMIG: United Nations Security Council Resolution 1077 of 22 October 1996, U.N. Doc. S/RES/1077(1996), Report of the Secretary General Concerning the Situation in Abkhazia, Georgia of 1 July 1996, U.N. Doc. S/1996/507; Haiti – MINUSTAH: United Nations Security Council Resolution 1542 of 30 April 2004, U.N. Doc. S/RES/1542(2004); Kosovo – UNMIK: United Nations Security Council Resolution 1244 of 10 June 1999, U.N. Doc. S/RES/1244(1999); see also OSCE Permanent Council Decision No. 305, OSCE Doc. PC.DEC/305 of 1 July 1999.

⁷⁵ See, for example, the Human Rights Field Operation in Rwanda, established in 1995 through an Agreement between OHCHR and the Government of Rwanda: W. Clarence, The Human Rights Field Operation in Rwanda: Protective Practice Evolves on the Ground, in *International Peacekeeping*, vol. 2, no. 3 (1995); I. Martin, After Genocide: The UN Human Rights Field Operation in Rwanda, in Alice H. Henkin, *Honoring Human Rights*, Aspen Institute, The Hague: Kluwer Law International, 2000; T. Howland, Mirage, Magic or Mixed Bag? The United Nations High Commissioner for Human Rights’ Field Operation in Rwanda, *Human Rights Quarterly*, vol. 21, no. 1 (1999); other examples include: Colombia, Burundi, Democratic Republic of Congo; OHCHR country and regional offices are usually based on a Memorandum Of Understanding between OHCHR and the host State. Current OHCHR country offices: Angola, Togo, Uganda, Palestine (Occupied Territories), Cambodia, Nepal, Serbia (including Kosovo), Bolivia, Colombia, Guatemala, Mexico; current OHCHR regional offices: Addis Ababa (East Africa), Bangkok (South East

locations where most people do not normally have access⁷⁶. Special rules provide for immunities for HRFOs from search and arrest⁷⁷ and include commitments that witnesses not be threatened or anyone punished for cooperating with HRFOs' work⁷⁸.

B. Interpreting the mandate: mandates can never cover all eventualities that might arise, and most mandates are deliberately broad and general to allow for interpretation on the ground, in light of the human rights-based objectives of the mission⁷⁹. Whenever a doubt arises with regard to the mandate,

Asia), Beirut (Middle East), Bishkek (Central Asia), Dakar (West Africa), Panama (Latin America), Pretoria (Southern Africa) and Suva (Pacific).

⁷⁶ ONUSAL resolution, para 14(a); art. 14 of the Agreement between the United Nations High Commissioner for Human Rights and the Government of the Kingdom of Nepal Concerning the Establishment of an Office in Nepal [OHCHR-Nepal Agreement], 10 April 2005, available at <http://nepal.ohchr.org/en/index.html>, last accessed 24 June 2009; art. 3(b) of the Terms of Reference of the International Civilian Mission in Haiti [MICIVIH Agreement], established February 1993 through an Agreement between the United Nations, the Organisation of American States and the President of Haiti, available as Annex to Ian Martin, Paper Versus Steel: The First Phase of the International Civilian Mission in Haiti, pp.113-117 in Alice H. Henkin, Honoring Human Rights, Aspen Institute, The Hague: Kluwer Law International, 2000; see also William G. O'Neill, Human Rights Field Operations: a New Protection Tool, in Bertrand G. Ramcharan (ed.), Human Rights Protection in the Field, Leiden: Martinus Nijhoff Publishers, 2006, pp.132-134; Leonardo Franco and Jared Kotler, Combining Institution Building and Human Rights Verification in Guatemala: The Challenge of Buying In Without Selling Out, in Alice H. Henkin, Honoring Human Rights, Aspen Institute, The Hague: Kluwer Law International, 2000, pp.200-201.

⁷⁷ See for example: Art. 6 (regulating immunities for property and assets), Art. 10 (regulating immunities for international staff), Art. 12 (regulating immunities for local staff) of the OHCHR-Nepal Agreement, see note 5; Art. 4(b) of the MICIVIH Agreement, see note 5.

⁷⁸ See for example: Art. 5(1)c of the OHCHR-Nepal Agreement, see note 5; Art. 11(a) and (b) of the MICIVIH Agreement, see note 5; see also Ian Martin, After Genocide: The UN Human Rights Field Operation in Rwanda, in Alice H. Henkin, Honoring Human Rights, Aspen Institute, The Hague: Kluwer Law International, 2000; Anonymous, The Sierra Leone Special Court: Undermining Possibilities for Partnership with Human Rights and Humanitarian Operations, in Humanitarian Exchange, Number 33, March 2006.

⁷⁹ See for example: para. 3(l) of United Nations Security Council Resolution 1509 of 19 September 2003, U.N. Doc. S/RES/1509(2003) [UNMIL]; para. 7(a)(iii) of United Nations Security Council Resolution 1546 of 8 June 2004 and United Nations Security Council Resolution 1770 of 10 August 2007, U.N. Doc. S/RES/1770(2007) [UNAMI]; para. 5(g) of United Nations Security Council Resolution 1565 of 1 October 2004, U.N. Doc. S/RES/1565(2004) [MONUC]; para. 4(g) of United Nations Security Council Resolution 1704 of 25 August 2006, U.N. Doc. S/RES/1704(2006) [UNMIT]; see also Michael O'Flaherty, International Human Rights Operations in Bosnia and Herzegovina, in Alice H. Henkin, Honoring Human Rights, Aspen Institute, The Hague: Kluwer Law International, 2000, pp.227-231.

HRFOs shall seek guidance from mission leadership or headquarters. To do otherwise might jeopardise the mission as a whole⁸⁰.

⁸⁰ William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

Guiding Principle 4: Monitoring

HRFOs gather, analyse and use information on the human rights situation to prevent further violations and to establish responsibility for violations already committed⁸¹.

A. Purposes: monitoring's ultimate purpose is to improve respect for human rights⁸². It involves developing a solid base of information on the human rights situation (types of violations, victims, persons responsible, and why abuses are occurring) as well as working relationships with authorities, nongovernmental organisations and other actors, and knowledge of the terrain⁸³.

o Monitoring is integral to all functions of the HRFO: reporting, capacity building, advocacy, protection, corrective action, awareness-raising and education initiatives, evaluations of the impact of HRFOs' work and priorities for follow-up action⁸⁴.

⁸¹ William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

⁸² OHCHR, Chapter V: Basic Principles on Monitoring, in *Training Manual on Human Rights Monitoring – Professional Training Series No. 7*, New York and Geneva: United Nations, 2001; OHCHR, *Human Rights Defenders: Protecting the Right to Defend Human Rights*, Fact Sheet no. 29, Geneva: United Nations, April 2004, pp.2-6; Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, p.15 and 26; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, p.1.

⁸³ See generally: Amnesty International and CODESRIA, UKWELI: *Monitoring and Documenting Human Rights Violations in Africa – A Handbook*, 2001; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008; William G. O'Neill, *Gaining Compliance Without Force: Human Rights Field Operations*, in Simon Chesterman (ed.), *Civilians in War*, Boulder: Lynne Rienner Publishers, 2001; Ingrid Kirchman and Paul LaRose-Edwards, *UN Human Rights Operations: Principles and Practice in United Nations Field Operations*, Study for the Human Rights and Justice Division, Canadian Department of Foreign Affairs, May 1996.

⁸⁴ Diane Paul, *A Fresh View on Protection: The Human Rights Field Officer's Perspective*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Michael O'Flaherty, *Human Rights Monitoring and Armed Conflict: Challenges for the UN*, in *Disarmament Forum*, no. 3, 2004, p.50; Karen Kenny, *Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice*, International Human Rights Network, 1996.

o Monitoring helps prevent human rights violations through the presence of HRFOs, which can discourage violations from being committed (such as torture in a place of detention)⁸⁵ and supports accountability for violations that have occurred by documenting essential information⁸⁶. HRFO monitoring supports state authorities in understanding the human rights situation while identifying possible solutions. Monitoring is a way to diagnose a situation and propose cures. Effective protection is not possible without accurate human rights monitoring⁸⁷.

o Others also contribute to the monitoring of human rights: international military and police, humanitarian agencies and local non-governmental organisations and government bodies⁸⁸; once again, HRFOs coordinate and communicate as much as possible to maximise their efforts, avoid duplication and corroborate data⁸⁹.

⁸⁵ Michael O'Flaherty, *Human Rights Field Operations: An Introductory Analysis*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p.10; Liam Mahony, *Protection: A Non-Governmental Organisation Experience*, Peace Brigades International, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007; Michael O'Flaherty, *Human Rights Monitoring and Armed Conflict: Challenges for the UN*, in *Disarmament Forum*, no. 3, 2004; Liam Mahony, *Unarmed Monitoring and Human Rights Field Presences: Civilian Protection and Conflict Prevention*, in *The Journal of Humanitarian Assistance*, 2003; Liam Mahony, *Promoting Unarmed Monitoring: Thinking Long-term*, 5 January 2004, informally distributed essay on file with the present author.

⁸⁶ Karen Kenny, *Introducing the Sustainability Principle to Human Rights Operations*, in *International Peacekeeping*, Vol. 14, No. 1, April 2007, p.68; Hurst Hannum, *Human Rights in Conflict Resolution: The Role of the Office of the High Commissioner for Human Rights in UN Peacemaking and Peacebuilding*, in *Human Rights Quarterly* 28, 2006, pp.51-52; Karen Kenny, *Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice*, International Human Rights Network, 1996.

⁸⁷ Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, pp.13-29; Manuel Guzman, Bert Verstappen, *What is Monitoring?*, Human Rights and Documentation Series, Vol. 1, Huridocs, May 2003, p. 10; see also: Nicholas Howen, *The Fundamental Protection Function of the Human Rights Field Officer*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007; Alice H. Henkin (ed.), *Honoring Human Rights – From Peace to Justice, Recommendations*, The Aspen Institute, The Hague: Kluwer Law International, 2000.

⁸⁸ Paul LaRose-Edwards, *Working in the Field for the UN and Other IGOs: Human Rights Operations*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp.13-22; Michael O'Flaherty, *Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations*, in *Human Rights Law Review*, Vol. 53, No. 3, 2003, pp.73-74; Karen Kenny, *Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice*, International Human Rights Network, 1996.

⁸⁹ Paul LaRose-Edwards, *Working in The Field for the UN and Other IGOs: Human Rights Operations*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds), *Manual on Human*

o Monitoring is a major support to the international community, providing an independent analysis of the extent to which human rights obligations are being met or violated while alerting it about human rights situations requiring action⁹⁰.

o And finally, information and analyses generated by sound monitoring guide the organisation's secretariats, as well as agencies, in defining their own policies, informing member states and providing information to United Nations and regional treaty bodies and special rapporteurs and working groups⁹¹.

B. Monitoring activities: monitoring involves meeting with a wide range of persons to gather the most accurate, comprehensive and objective data possible; monitoring also requires a presence in relevant locations throughout the country⁹².

o HRFOs meet with victims of and witnesses to violations, state authorities, non-governmental organisations, religious organisations, teachers, journalists, lawyers, judges, women's groups, internally displaced persons, refugees, trade union officials, academics and the civilian population⁹³.

Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.23-24; Alice H. Henkin (ed.), *Honoring Human Rights – From Peace to Justice, Recommendations*, The Aspen Institute, The Hague: Kluwer Law International, 2000, pp.150-151; see also Michael O'Flaherty, *Case Study: The Human Rights Field Operation in Sierra Leone*, in Michael O'Flaherty (ed), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.297-298.

⁹⁰ Janelle M. Diller, *Handbook on Human Rights in Situations of Conflict*, Minnesota Advocates for Human Rights, 1997, pp.16-18; Michael O'Flaherty, *Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations*, in *Human Rights Law Review*, Vol. 53, No. 3, 2003, pp.73-74; Gregg A. Beyer, *Human Rights Monitoring and the Failure of Early Warning*, in *International Journal of Refugee Law*, Vol. 2, No. 1, 1990; see generally: Bertrand G. Ramcharan, *Human Rights and Conflict Resolution*, in 4 *Human Rights Law Review* 1, 2004; Maria Stavropoulou, *Human Rights and "Early Warning" in the United Nations*, in 14 *Netherlands Quarterly of Human Rights* 419, 1996.

⁹¹ OHCHR, Chapter XX: *Human Rights Reporting*, in *Training Manual on Human Rights Monitoring*; Hurst Hannum, *Human Rights in Conflict Resolution: The Role of the High Commissioner for Human Rights in UN Peacemaking and Peacebuilding*, in 28 *Human Rights Quarterly* 1, 2006, pp.54-55; Karen Kenny, *Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice*, International Human Rights Network, 1996.

⁹² OHCHR, Chapter VII: *Information Gathering*, in *Training Manual on Human Rights Monitoring*; Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, pp.95-154; Michael O'Flaherty, *Human Rights Monitoring and Armed Conflict: Challenges for the UN*, in *Disarmament Forum*, No. 3, 2004; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp.4-16.

⁹³ OHCHR, Chapter VII *Information Gathering*, in *Training Manual on Human Rights Monitoring*; Amnesty International and CODESRIA, *Monitoring and Investigating Human*

o Monitoring may involve driving through communities to provide a reassuring presence. More frequently, monitoring will involve visits to specific places such as detention centres, internally displaced person camps, health facilities, morgues and other locations where violations might be investigated and confirmed, as well as the conduct of enquiries or investigations in response to reports of violations⁹⁴. Attending trials and demonstrations is also a good source of information, while HRFO's presence may deter violations⁹⁵. These activities require knowledge of relevant human rights law and having interviewing skills and the ability to assess camp/prison conditions and police behaviour in keeping public order⁹⁶.

Rights Abuses in Armed Conflict, 2001, pp.8 and 13; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.4-16; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.122-142.

⁹⁴ OHCHR, Chapter IX: Visits to Persons in Detention, and Chapter X: Monitoring and Protecting the Human Rights of Refugees and/or Internally Displaced Persons Living in Camps, in Training Manual on Human Rights Monitoring; Organisation for Security and Co-Operation in Europe, Preventing Torture: A Handbook for OSCE Field Staff, pp.11-14; Organisation for Security and Co-Operation in Europe, Individual Human Rights Complaints: A Handbook for OSCE Field Personnel, 2003; Association for the Prevention of Torture/ODIHR, Monitoring Places of Detention: A Practical Guide, Geneva: April 2004; Kathryn English, Adam Stapleton, The Human Rights Handbook: A Practical Guide to Monitoring Human Rights, Cape Town: Juta&Co Ltd, 1997, pp. 84-107; Nicholas Howen, The Fundamental Protection Function of the Human Rights Field Operation, in Michael O'Flaherty (ed.), The Human Rights Field Operation: Law, Theory and Practice, Hampshire: Ashgate Publishing Limited, 2007, p.41; Amnesty International and CODESRIA, UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook, 2001, pp.8-26; Amnesty International and CODESRIA, Monitoring and Investigating Human Rights Abuses in Armed Conflict, 2001, pp.23-47; Amnesty International and CODESRIA, Monitoring Death in Custody, 2000.

⁹⁵ OHCHR, Chapter XIII: Trial Observation and Monitoring the Administration of Justice, and Chapter XV: Monitoring Demonstrations and Public Meetings, in Training Manual on Human Rights Monitoring; OHCHR, Rule-of-law Tools for Post-Conflict States: Monitoring Legal Systems, Geneva: United Nations, 2006; International Commission of Jurists, Trial Observation Manual, Geneva, June 2002; William G. O'Neill, Monitoring the Administration of Justice, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008; Tor Bøhler et al, Trial Observation, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008.

⁹⁶ OHCHR, Chapter IV: Overview of International Human Rights and Humanitarian Law Standards, Chapter V: Basic Principles of Monitoring E: Know the Standards, and Chapter VIII: Interviewing, in Training Manual on Human Rights Monitoring; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.9-16; Karen Kenny,

o Monitoring requires follow-up: regular meetings and checking on case files, arrest records, prison registers and other indicators that human rights violations may have occurred⁹⁷.

o Monitoring includes communicating the results of an investigation or repeated visits to courts, police stations, military camps, prisons and government ministries week after week to encourage and pressure the authorities to follow the law and implement recommendations that flow from the monitoring. Changing behaviour so that rights are respected is a principal goal of all human rights monitoring⁹⁸.

o All monitoring activities must assiduously take account of the protection needs of those persons who provide information⁹⁹.

Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice, International Human Rights Network, 1996; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.122-142.

⁹⁷ OHCHR, Chapter XIX: Following-Up and Seeking Corrective Action, in Training Manual on Human Rights Monitoring; UNDP, Using Indicators for Human Rights Accountability, in UNDP Human Development Report 2000; Diane Paul, A Fresh View on Protection: The Human Rights Field Officer's Perspective, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.20-22.

⁹⁸ OHCHR, Chapter XIX: Following-Up and Seeking Corrective Action, in Training Manual on Human Rights Monitoring; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.193-200; Michael O'Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in Disarmament Forum, no. 3, 2004, p. 51; Karen Kenny, Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice, International Human Rights Network, 1996; William G. O'Neill, Gaining Compliance Without Force: Human Rights Field Operations, in Simon Chesterman (ed.), Civilians in War, Boulder: Lynne Rienner Publishers, 2001, p.105; William G. O'Neill, Human Rights Field Operations: A New Protection Tool, in Bertrand G. Ramcharan, Human Rights Protection in the Field, Leiden: Martinus Nijhoff Publishers, 2006, pp.133-134.

⁹⁹ See Guiding Principle 10: Do No Harm; OHCHR, Chapter V: Basic Principles of Monitoring, in Training Manual on Human Rights Monitoring; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.24-25; Amnesty International and CODESRIA, UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook, 2001, pp.35-37; William G. O'Neill, The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

C. Prioritisation and analysis: the best monitoring is both strategic and diagnostic: spotting trends, areas of greatest concern, vulnerable groups and the most frequent perpetrators¹⁰⁰.

o ‘Diagnostic monitoring’ is dynamic, requiring HRFOs to ask: what is the problem; why does it occur; and what is the best cure? Much as a physician diagnoses an illness, HRFOs diagnose the human rights violation to identify its source and offer cures and preventive action to stop the disease from spreading¹⁰¹.

o HRFOs keep protection in mind while monitoring, asking themselves ‘what is it about this situation that I can address, seek allies or highlight in my advocacy for corrective action and capacity building to prevent further violations?’¹⁰²

o Identifying the causes of violations helps to pinpoint which other partners are needed to address the situation since most abuses have multiple causes requiring multiple responses. HRFO monitoring will only be effective if it involves a sound analysis of violations and an understanding of why they occur¹⁰³.

¹⁰⁰ Karen Kenny, *Introducing the Sustainability Principle to Human Rights Operations*, in *International Peacekeeping*, Vol. 14, No. 1, April 2007, p.68; Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, pp.37-46; Brian McKeown, Karen Kenny, *Towards A Human Rights Partnership for Effective Field Work*, a Policy Discussion Paper of the International Human Rights Network, 1996.

¹⁰¹ Michael O’Flaherty, *Human Rights Monitoring and Armed Conflict: Challenges for the UN*, in *Disarmament Forum*, No. 3, 2004; Brian McKeown, Karen Kenny, *Towards A Human Rights Partnership for Effective Field Work*, a Policy Discussion Paper of the International Human Rights Network, 1996; see also: Todd Howland, *Case Study: The United Nations Human Rights Field Operation in Angola*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.332-335.

¹⁰² See *Annotations to Guiding Principle 2*; Diane Paul, *A Fresh View on Protection: The Human Rights Field Officer’s Perspective*, in Michael O’Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.; Nicholas Howen, *The Fundamental Protection Function of the Human Rights Field Officer*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007.

¹⁰³ Michael O’Flaherty, *Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations*, in *Human Rights Law Review*, Vol. 53, No. 3, 2003, pp.55-56; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp.19-21; Herbert F. Spierer, Louise Spierer, *Data Analysis for Monitoring Human Rights*, published by the American Association for the Advancement of Science and HURIDOCS, Washington D.C., 1994.

o Given limited resources and time, HRFOs must establish priorities, such as focusing on certain types of abuses, on the most vulnerable populations or on the riskiest regions or locations (such as prisons or internally displaced person camps)¹⁰⁴.

o Consultation with local partners helps identify priorities, while collaborating with other international agencies spreads the burden of responsibility to achieve the maximum coverage possible¹⁰⁵.

o Monitoring includes follow-up to gauge changes, whether positive or negative, over time¹⁰⁶.

D. *Quality information*: since monitoring provides the basis for all HRFO actions, it must always be of the highest quality, honest and without errors. Any errors must be corrected at the first opportunity. When seeking information, HRFOs confirm, cross-check and corroborate the facts to the greatest extent possible. Rumours or unconfirmed information are treated accordingly. HRFOs require skills and training in assessing the credibility of information¹⁰⁷.

¹⁰⁴ OHCHR, Chapter VI: Identification and Prioritisation of Efforts Regarding Human Rights Violations, in Training Manual on Human Rights Monitoring; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.2-3; William Clarence, Field Strategy for the Protection of Human Rights, in International Journal of Refugee Law, Vol 9, No 2, 1997 pp. 237-239; Amnesty International and CODESRIA, UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook, 2001, pp. 8-10; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.35-50.

¹⁰⁵ Paul LaRose-Edwards, Working in The Field for the UN and Other IGOs: Human Rights Operations, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.7-8 and 23; Brian McKeown, Karen Kenny, Towards A Human Rights Partnership for Effective Field Work, a Policy Discussion Paper of the International Human Rights Network, 1996.

¹⁰⁶ OHCHR, Chapter XIX: Following-Up and Seeking Corrective Action, in Training Manual on Human Rights Monitoring; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, p.21; Diane Paul, A Fresh View on Protection: The Human Rights Field Officer's Perspective, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Brian McKeown, Karen Kenny, Towards A Human Rights Partnership for Effective Field Work, a Policy Discussion Paper of the International Human Rights Network, 1996.

¹⁰⁷ OHCHR, Chapter V: Basic Principles of Monitoring, in Training Manual on Human Rights Monitoring; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, p.16; Karen Kenny, Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice, International Human Rights Network, 1996; on the potential damages of disinformation and misinformation, see eg. para. 47, Report on the Situation of Human Rights in the

E. *Skills and knowledge*: monitoring requires a range of skills and knowledge, including: knowledge of international human rights law and international humanitarian law and the ability to identify human rights violations in all areas; specific knowledge of how to analyse and identify violations of economic, social and cultural rights¹⁰⁸; interviewing skills¹⁰⁹; inter-cultural skills; gender-specific training; investigation skills, including specialised training to interview survivors of sexual abuse¹¹⁰ and children¹¹¹ and to approach victims from different socio-economic backgrounds; knowledge of how to conduct prison and camp visits¹¹², observe demonstrations, evaluate the fairness of judicial and administrative proceedings¹¹³; familiarity with police and military practices and cultures; familiarity

Territory of the Former Yugoslavia, submitted by Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, U.N. Doc. E/CN.4/1992/S-1/9 of 28 August 1992.

¹⁰⁸ OHCHR, Chapter XVII: Monitoring Economic, Social and Cultural Rights, in Training Manual on Human Rights Monitoring; NORAD, Handbook in Human Rights Assessment: State Obligations, Awareness and Empowerment, 2001; Gregory Fabian, with contributions from Juana Sotomayor, Emerging Issues for Human Rights Field Officers: Monitoring Economic, Social and Cultural Rights, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹⁰⁹ OHCHR, Chapter VII: Interviewing, in Training Manual on Human Rights Monitoring; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp. 21-22 and 122-142.

¹¹⁰ Annette Lyth, Human Rights Field Officers Working for the Most Vulnerable: Women, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹¹¹ Nazia Hussain, Human Rights Field Officers Working for the Most Vulnerable: Children, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹¹² OHCHR, Chapter IX: Visits to Persons in Detention, and Chapter X: Monitoring and Protecting the Human Rights of Refugees and/or Internally Displaced Persons Living in Camps, in Training Manual on Human Rights Monitoring; Organisation for Security and Co-Operation in Europe, Preventing Torture: A Handbook for OSCE Field Staff, pp. 1-14; Organisation for Security and Co-Operation in Europe, Individual Human Rights Complaints: A Handbook for OSCE Field Personnel, 2003; Association for the Prevention of Torture/ODIHR, Monitoring Places of Detention: A Practical Guide, Geneva: April 2004; Kathryn English, Adam Stapleton, The Human Rights Handbook: A Practical Guide to Monitoring Human Rights, Cape Town: Juta&Co Ltd, 1997, pp. 84-107; Amnesty International and CODESRIA, UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook, 2001, pp. 8-26; Amnesty International and CODESRIA, Monitoring and Investigating Human Rights Abuses in Armed Conflict, 2001, pp. 23-47; Amnesty International and CODESRIA, Monitoring Death in Custody, 2000.

¹¹³ OHCHR, Chapter XIII: Trial Observation and Monitoring the Administration of Justice, and Chapter XV: Monitoring Demonstrations and Public Meetings, in Training Manual on Human Rights Monitoring; OHCHR, Rule of Law Tools for Post-Conflict States: Monitoring Legal Systems, Geneva: United Nations, 2006; International Commission of Jurists, Trial

with government structures and policies on issues such as housing, education, finance, health, and labour; and the ability to work with statistics, indicators and benchmarks¹¹⁴. It is important for HRFOs to recognise their own limitations and form partnerships with other actors, as required¹¹⁵.

Observation Manual, Geneva, June 2002; Lawyers Committee for Human Rights, *What is a Fair Trial? A Basic Guide to Legal Standards and Practice*, 2000; Norwegian Institute for Human Rights, *Manual for Trial Observation*, 1996; William G. O'Neill, *Monitoring the Administration of Justice*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008; Tor Bøhler et al, *Trial Observation*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008.

¹¹⁴ UNDP, *Using Indicators for Human Rights Accountability*, in UNDP Human Development Report 2000; Rajeev Malhotra, Nicolas Fasel, *Quantitative Human Rights Indicators – A Survey of Major Initiatives*, and Martin Scheinin, *Use of Indicators by Human Rights Treaty Bodies – Experiences and Potentials*, both papers presented at the Nordic Network Seminar in Human Rights Research, at Abo, Finland, 10-13 March 2005, available at: <http://www.abo.fi/instut/imr/research/seminars/indicators>, last accessed 2 July 2009;

¹¹⁵ See generally: Diane Paul, *A Fresh View on Protection: The Human Rights Field Officer's Perspective*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Karen Kenny, *Human Rights Monitoring: How To Do It and Lessons Learned*, pp.199-215, in Luc Reichler, Tania Pfaffenholz (eds.), *Peacebuilding: A Practical Guide*, Boulder: Lynne Rienner Publishers, 2001.

Guiding Principle 5: Reporting

Reporting on human rights violations is an essential tool of human rights work and protection¹¹⁶.

A. *Reporting objectives*: like monitoring, reporting is a means to an end – a tool to help improve the human rights situation and achieve greater protection¹¹⁷.

○ Reporting fulfils multiple objectives, including:

- recording a current human rights situation and its evolution over time, both negative and positive;
- informing state authorities and other relevant actors of their responsibilities and obligations regarding human rights problems and identifying solutions;
- providing an independent appraisal of the human rights situation that can inform the decisions of the international community and mobilise action;
- supporting the rights of victims and their families to know about the details of violations and their rights to justice, restitution, compensation or reparations; and
- use in criminal prosecutions and other accountability mechanisms¹¹⁸.

¹¹⁶ William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹¹⁷ Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, p.181; Kathryn English, Adam Stapleton, *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, Kenwyn: Juta & Co Ltd, 1997, p.98; William G. O'Neill, *Gaining Compliance Without Force: Human Rights Field Operations*, in Simon Chesterman (ed.), *Civilians in War*, Boulder: Lynne Rienner Publishers, 2001, p.103; Nicholas Howen, *The Fundamental Protection Function of the Human Rights Field Operation*, in Michael O'Flaherty (ed), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.39-44.

¹¹⁸ OHCHR, Chapter XX: *Human Rights Reporting*, in *Training Manual on Human Rights Monitoring*; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, p.21; Amnesty International and CODESRIA, *UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook*, 2001, pp.20-22; Kate Thompson, Camille Giffard, *Reporting Killings as Human Rights Violations*, Human Rights Centre, University of Essex, 2002, p.11; Camille Giffard, *The Torture Reporting Handbook*, Human Rights Centre, University of Essex, 2000, pp.9-10; Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, p.181 and pp.195-6; Thomas Hammarberg, Patrick Gavin, *Human Rights and Post-Conflict Institution Building*, in Alice H. Henkin, *Honoring Human Rights*, Aspen Institute, The Hague: Kluwer Law International, 2000, p.183; Manuel Guzman, Bert Verstappen, *What is Documentation?*, *Human Rights Monitoring and Documentation Series Vol. 2*, HURIDOCS, 2003, pp.10-11.

o Public reports put all on notice that HRFOs are taking note of government and, where applicable, non-state party behaviour. This can deter further violations while reinforcing accountability for violations¹¹⁹.

o It is also a form of confidence building for the population, especially those who have cooperated with HRFOs, that their information is valued and part of the effort to secure improvements¹²⁰.

o Reporting has a major protection role, including through prevention and accountability. ‘Diagnostic reporting’ identifies the causes of violations and solutions. Reporting is never done merely to condemn but always with the objective of achieving greater protection of human rights¹²¹.

B. *Reporting skills*: good reporting relies upon effective monitoring¹²². It also requires the ability to analyse information and to write clearly and concisely¹²³. Good reports require knowing applicable human rights law (including national laws and regional treaties) and current country conditions,

¹¹⁹ Michael O’Flaherty, Human Rights Field Operations: An Introductory Analysis, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p.10; Hurst Hannum, Human Rights in Conflict Resolution: The Role of the Office of the High Commissioner for Human Rights in UN Peacemaking and Peacebuilding, in *Human Rights Quarterly* 28, 2006, pp.51-52; Michael O’Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in *Disarmament Forum*, No. 3, 2004.

¹²⁰ Nicholas Howen, The Fundamental Protection Function of the Human Rights Field Operation, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p.41; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, 2006, pp.91-98.

¹²¹ Michael O’Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in *Disarmament Forum*, no. 3, 2004; Brian McKeown, Karen Kenny, *Towards A Human Rights Partnership for Effective Field Work*, a Policy Discussion Paper of the International Human Rights Network, 1996; see also: Todd Howland, Case Study: The United Nations Human Rights Field Operation in Angola, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.332-335; Jo-Anne Bishop, *Human Rights and Field Reports*, Ottawa: School of International Affairs, 2001.

¹²² See Annotations to Guiding Principle 4.

¹²³ OHCHR, Chapter V: Basic Principles of Monitoring and Chapter XX: Human Rights Reporting, in *Training Manual on Human Rights Monitoring*; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp.20-21; Amnesty International and CODESRIA, UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook, 2001, p.21.

national politics and regional issues¹²⁴. If reporting is flawed, biased or inaccurate, the HRFOs' and their organisation's credibility, one of their main assets, is weakened, threatening all aspects of their work and the entire mission¹²⁵.

C. Reporting content: all field missions do reporting. Some reports are internal to the mission, while others are for public release¹²⁶. Reports can be based on a geographic situation (e.g. the northern province), or a particular thematic problem (e.g. torture, violence against women) or on a particularly serious incident. Periodic reports cover the general human rights situation for a given time, e.g. weekly, monthly, and semi-annually¹²⁷.

o Reports clearly identify violations and responsibilities for the violations. HRFOs do not seek to be 'neutral' or 'balanced' in their reporting, but rather to be 'impartial', using objective criteria based on applicable international, regional and national laws. If one party is committing more violations than others, then this is reflected in the reporting and there is no attempt to 'equate' or 'balance' criticisms¹²⁸.

¹²⁴ OHCHR, Chapter IV: Overview of International Human Rights and Humanitarian Law Standards, in Training Manual on Human Rights Monitoring; Karen Kenny, Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice, International Human Rights Network, 1996; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.122-142.

¹²⁵ OHCHR, Chapter V: Basic Principles of Monitoring, in Training Manual on Human Rights Monitoring; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.189-190; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.19-20.

¹²⁶ OHCHR, Chapter XX: Human Rights Reporting, in Training Manual on Human Rights Monitoring; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, p.18; Michael O'Flaherty, Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations, in Human Rights Law Review, Vol. 53, No. 3, 2003, p.73; Michael O'Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in Disarmament Forum, No. 3, 2004, p.51.

¹²⁷ OHCHR, Chapter XX: Human Rights Reporting and Appendixes 2 (Periodic Report Form), 3 (Emergency Report Form) and 4 (Incident Report Form) to Chapter XX, in Training Manual on Human Rights Monitoring; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp. 18-19; Michael O'Flaherty, Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations, in Human Rights Law Review, Vol. 53, No. 3, 2003, p.73.

¹²⁸ OHCHR, Chapter V: Basic Principles of Monitoring and Chapter III: Applicable International Human Rights and Humanitarian Law: The Framework, in Training Manual on Human Rights Monitoring; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.186-187; Marit Møehlum, Human Rights

o Reports acknowledge improvements and note cooperation provided by the state authorities and other actors with HRFOs¹²⁹. Reports usually include recommendations on how to fix the problems identified¹³⁰. HRFOs must take care when writing their reports to ensure that the safety of victims, witnesses and staff is not placed at risk¹³¹

Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp.16-17; Kathryn English, Adam Stapleton, *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, Kenwyn: Juta & Co Ltd, 1997, p.98; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, 2006, pp.14-16; Amnesty International and CODESRIA, *Monitoring and Investigating Human Rights Abuses in Armed Conflict*, 2001, pp.16-17.

¹²⁹ Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, p.19; Karen Kenny, *Introducing the Sustainability Principle to Human Rights Operations*, in *International Peacekeeping*, Vol. 14, No. 1, April 2007; Brian McKeown, Karen Kenny, *Towards A Human Rights Partnership for Effective Field Work*, a Policy Discussion Paper of the International Human Rights Network, 1996.

¹³⁰ OHCHR, Chapter XX: *Human Rights Reporting*, in *Training Manual on Human Rights Monitoring*; Amnesty International and CODESRIA, *UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook*, 2001, p.21; Nicholas Howen, *The Fundamental Protection Function of the Human Rights Field Operation*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.39-44; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, p.19; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, 2006, pp.100-101; Kathryn English, Adam Stapleton, *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, Kenwyn: Juta & Co Ltd, 1997, p.100.

¹³¹ See also Guiding Principle 10; OHCHR, Chapter V: *Basic Principles of Monitoring*, and Chapter XX: *Human Rights Reporting*, in *Training Manual on Human Rights Monitoring*; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp.23-26; Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, pp.191-192; Kathryn English, Adam Stapleton, *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, Kenwyn: Juta & Co Ltd, 1997, p.102; see also: Michael O’Flaherty, *Sierra Leone’s Peace Process: The Role of the Human Rights Community*, in *Human Rights Quarterly*, Vol. 26, No. 1, pp.29-62; Michael O’Flaherty, *The Sierra Leone Special Court: Undermining Possibilities for Partnership with Human Rights and Humanitarian Operations*, in *Humanitarian Exchange*, 2006.

D. *Disaggregating data*: HRFO reporting disaggregates data highlighting the situation of specific vulnerable groups, including with regard to displacement, gender or minority status¹³². This reinforces the importance of paying attention to such issues in human rights fieldwork. All activities, from monitoring and reporting, to advocacy, capacity building and awareness-raising incorporate the unique challenges and perspectives of such groups, who often suffer disproportionately in modern conflicts and in their aftermath¹³³.

o Disaggregating data in general helps analyse economic, social and cultural rights issues¹³⁴, so HRFOs need to work with local and international agencies who can provide information¹³⁵, for

¹³² United Nations Department of Economic and Social Affairs, *The World's Women 2005: Progress in Statistics*, New York: United Nations, 2006; see also the Global Internally Displaced Persons Database, established by the Norwegian Refugee Centre (NRC) in 1998 at the request of the United Nations, available at <http://www.internal-displacement.org/>, last accessed 14 July 2009; UN Permanent Forum on Indigenous Issues, Report of the Workshop on Data Collection and Disaggregation for Indigenous Peoples, U.N. Doc. E/C.19/2004/2 of 10 July 2004; Rajeev Malhotra, Nicola Fasel, *Quantitative Human Rights Indicators: A Survey of Major Initiatives*, paper presented at the Nordic Network Seminar in Human Rights Research, at Abo, Finland, 10-13 March 2005, available at: <http://www.abo.fi/institut/imr/research/seminars/indicators>, last accessed 2 July 2009; the Minority at Risks Project of the Center for International Development and Conflict Management, University of Maryland, available at: <http://www.cidcm.umd.edu/mar/>, last accessed 14 July 2009.

¹³³ Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, entered into force 12 January 1951, Art. 2; Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135, 18 December 1992; Diane Paul, *Protection in Practice: Field Level Strategies for Protecting Civilians from Deliberate Harm*, RRN Network Paper 30, pp.20, 25-26; Nazia Hussain, *Human Rights Field Officers Working for the Most Vulnerable: Children*, Annette Lyth, *Human Rights Field Officers Working for the Most Vulnerable: Women*, Maria Stavropoulou, *Human Rights Field Officers Working for the Most Vulnerable: Internally Displaced Persons*, all in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹³⁴ OHCHR, Chapter 17: *Monitoring Economic, Social and Cultural Rights*, in *Training Manual on Human Rights Monitoring*; OHCHR, *Frequently Asked Questions About Economic, Social and Cultural Rights*, Fact Sheet No. 33, New York and Geneva: United Nations, 2008; Gregory Fabian with contributions from Juana Sotomayor, *Emerging Issues for Human Rights Field Officers: Monitoring Economic, Social and Cultural Rights*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹³⁵ Daniel Seymour, *New Models for Capacity Building in the Field: Human Rights Field Officers and Relief and Development Professionals*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Michael O'Flaherty, *Human Rights Field Operations in Partnership for Humanitarian Relief and Reconstruction*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007; Brian McKeown, Karen Kenny, *Towards A*

example on literacy levels for minority children or inoculation rates for rural women. The greater detail and specificity the greater utility for addressing human rights violations and identifying remedies¹³⁶.

o Women frequently suffer from violations of their economic, social and cultural rights. Girls are forced to leave school to marry or work; women do not have equal access to already limited food, medical care or shelter. Women rarely participate in decisions that vitally affect their lives. HRFOs identify such patterns in their monitoring and reporting, which provides the basis for crafting pragmatic solutions¹³⁷.

o Similarly, if displacement occurs, HRFOs' monitoring skills and reporting procedures can enhance the protection of internally displaced persons¹³⁸. Collecting information on internally displaced persons, disaggregating data on women, children, the elderly and vulnerable groups (e.g. women and girls susceptible to, or victims of, gender-based violence, indigenous communities, young men or women facing heightened risk of forced conscription, human rights defenders, displaced community leaders, persons with disabilities) is shared, based on agreed procedures, with the United Nations High

Human Rights Partnership for Effective Field Work, a Policy Discussion Paper of the International Human Rights Network, 1996.

¹³⁶ Rajeev Malhotra, Nicola Fasel, Quantitative Human Rights Indicators: A Survey of Major Initiatives, paper presented at the Nordic Network Seminar in Human Rights Research, at Abo, Finland, 10-13 March 2005, available at: <http://www.abo.fi/institut/imr/research/seminars/indicators>, last accessed 2 July 2009; see also United Nations Development Programme, Using Indicators for Human Rights Accountability, in UNDP Human Development Report 2000; Marek Novicki, Zuzana Fialova, Human Rights Monitoring, Helsinki Foundation for Human Rights, 2001, pp.187-188.

¹³⁷ Declaration on the Protection of Women and Children in Emergency and Armed Conflict, adopted by General Assembly resolution 3318 (XXIX), 29 U.N. GAOR Supp. (No. 31) at 146, U.N. Doc. A/9631, 14 December 1974; Women, Peace and Security, Study submitted by the Secretary General pursuant to Security Council Resolution 1325(2000), United Nations Publication, Sales No.E.03.IV.1, United Nations, 2002; Report of the Secretary General on Women, Peace and Security, UN Doc. S/2002/1154, 16 October 2002; Lori Handrahan, Rhetoric and Reality: Post-Conflict Recovery and Development – the UN and Gender Reform, pp. 404-437 in Nigel D. White, Dirk Klaasen, The UN, Human Rights and Post-Conflict Societies, Manchester: Manchester University Press, 2005; Annette Lyth, Human Rights Field Officers Working for the Most Vulnerable: Women, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Charlotte Lindsey, Women Facing War: ICRC Study on the Impact of Armed Conflict on Women, Geneva: International Committee of the Red Cross, October 2001.

¹³⁸ Guiding Principles on Internal Displacement, Report of the Special Representative of the Secretary-General Mr. Francis M. Deng, submitted to the United Nations Commission on Human Rights pursuant to Commission Resolution 1997/39, Addendum, UN DOC E/CN.4/1998/53/Add.2, 11 February 1998; Maria Stavropoulou, Human Rights Field Officers working for the most vulnerable: Internally Displaced Persons, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

Commissioner for Refugees, international military and police, the United Nations Children's Fund and others, to collaboratively design protection and prevention strategies¹³⁹.

E. Due care in using information: HRFOs gather, evaluate and analyse huge amounts of information. Much of it is highly sensitive and often subject to promises of confidentiality. Before sharing information with other colleagues in complex operations, United Nations and other agencies, government officials, truth commissions, international tribunals, non-governmental organisations or the press, the HRFO must be aware of relevant institutional policies and absolutely certain that the sources of the information agree to the ground-rules for its dissemination, whether for inclusion in a report or more generally, and that all precautions are taken not to reveal sources or endanger anyone connected with the case (see Guiding Principle 10)¹⁴⁰.

¹³⁹ United Nations High Commission for Refugees, *Sexual and Gender Based Violence Against Refugees and Internally Displaced Persons: Guidelines for Prevention and Response*, May 2003; Simon Bagshaw, Diane Paul, *Protect or Neglect? Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons*, Brookings SAIS Project on Internal Displacement and UN Office for the Coordination of Humanitarian Affairs Inter-Agency Internal Displacement Division, November 2004; Simon Harris, *Listening to the Displaced: Analysis, Accountability and Advocacy in Action*, available at: <http://www.fmreview.org/FMRpdfs/FMR08/fmr8.7.pdf>, last accessed 14 July 2009; Ben Majekodummi, *Protection in Practice: the Protection of Children's Rights in Situations of Armed Conflict: UNICEF Experience in Burundi*, Florence: UNICEF Innocenti Research Centre, 1999; Erin Mooney, *Internal Displacement and Gender*, Notes for Presentation by Erin Mooney, OHCHR to Humanitarian Principles Workshop: Focus on a Child Rights Approach to Complex Emergencies and Internal Displacement, 1 October 1998, available at: http://www.reliefweb.int/library/documents/Internal_Displcmt_Gender.htm, last accessed 14 July 2009; Comfort Lamptey, *Enhancing Protection of Women and Girls in Conflict and Post-Conflict Environments*, in Bertrand G. Ramcharan, *Human Rights Protection in the Field*, Leiden: Martinus Nijhoff Publishers, 2006; Karin Landgren, *Protection: The United Nations Children's Fund Experience* and Maria Stavropoulou, *Protection: The Office of the United Nations High Commission for Refugees Experience* in Michael O'Flaherty (ed), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007; Jeanne Ward, *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-Conflict Settings*, The Reproductive Health for Refugees Consortium, 2002.

¹⁴⁰ See also Annotations to Guiding Principle 10; OHCHR, Chapter V: Basic Principles of Monitoring, in *Training Manual on Human Rights Monitoring*; Marit Møhlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp.23-36; Michael O'Flaherty, *Sierra Leone's Peace Process: The Role of the Human Rights Community*, in *Human Rights Quarterly*, Vol. 26, No. 1, pp. 29-62; Michael O'Flaherty, *The Sierra Leone Special Court: Undermining Possibilities for Partnership with Human Rights and Humanitarian Operations*, in *Humanitarian Exchange*, 2006.

Guiding Principle 6: Advocacy

HRFOs advocate for human rights in all that they do. Advocacy is principled, respectful, timely and targeted¹⁴¹.

A. Advocacy is an aspect of protection: by persuading the government and other actors to meet their human rights obligations and responsibilities, HRFOs can protect individuals in a way that is more sustainable than by seeking to physically remove them from harm's way¹⁴².

o Advocacy can take the form of constructive dialogue with governments and other actors intent on protecting and promoting human rights but suffering from a lack of capacity¹⁴³.

o Advocacy directed at governments and other actors is essential, if for no other reason than to place them on notice of the legal consequences should they fail to respect their obligations¹⁴⁴.

¹⁴¹ William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹⁴² OHCHR Plan of Action, para. 29; OHCHR, *Report on Activities and Results*, Geneva: United Nations, April 2009, pp.68-156; OHCHR, *Strategic Management Plan 2008-2009*, Geneva: United Nations, January 2008, p.20; Nicholas Howen, *The Fundamental Protection Function of the Human Rights Field Operation*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p. 41; Mark Frohardt, Diane Paul, Larry Minear, *Protecting Human Rights: The Challenge to Humanitarian Organisations*, Occasional Paper n. 35, Institute of International Studies, Brown University, p.4 and 97; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, Geneva, 2006, pp.91-93; Inter-Agency Standing Committee, *Human Rights Guidance Note for Humanitarian Coordinators*, June 2006.

¹⁴³ OHCHR, Chapter XIX, *Following-Up and Seeking Corrective Action*, in *Training Manual on Human Rights Monitoring*; Amnesty International and CODESRIA, UKWELI: *Monitoring and Documenting Human Rights Violations in Africa – A Handbook*, 2001, pp.27-28; International Council on Human Rights Policy, *Ends and Means: Human Rights Approaches to Armed Groups*, 2000, pp.48; Gregory Fabian with contributions from Juana Sotomayor, *Emerging Issues for Human Rights Field Officers: Monitoring Economic, Social and Cultural Rights*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Marit Møehlum, *Human Rights Monitoring*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008; Inter Agency Standing Committee, *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, Geneva, 2002, p. 13.

¹⁴⁴ Michael O'Flaherty, *Sierra Leone's Peace Process: The Role of the Human Rights Community*, in *Human Rights Quarterly* (26), 2004, p.41; Paul LaRose-Edwards, *Working in The Field for the UN and Other IGOs: Human Rights Operations*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An*

o No government or other authority, no matter how brutal or repressive, is monolithic. HRFOs can usually find someone open to their arguments – in the police, courts, prison administration or inside government at all levels. The goal is to change the calculus and behaviour of those responsible for respecting human rights so that respect is rewarded and violations are punished¹⁴⁵.

B. Opportunities and techniques:

o Advocacy promotes human rights. HRFOs use the media (television, radio and newspapers/magazines), drama, sports, artistic and cultural events to reach parts of the population often cut off from human rights discourse¹⁴⁶.

o Advocacy reinforces capacity building where, for example, HRFOs, along with local and international partners, champion changes to the laws to ensure gender equality, train police, prosecutors and judges on combating gender-based violence, support public information campaigns

Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, p.7-8; see also: Andrew Clapham, Human Rights Obligations of Non-State Actors in Conflict Situations, *International Review of the Red Cross*, Vol. 83, No 863, 2006; Steven R. Ratner, Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law*, Oxford: Oxford University Press, 2001; Menno T. Kamminga, *Inter-State Accountability for Human Rights Violations*, University of Pennsylvania Press, 1992; Katarina Tomasevki, Sanctions and Human Rights, in Nigel D. White, Dirk Klaasen (eds.), *The UN, Human Rights and Post-Conflict Situations*, Manchester: Manchester University Press, 2005.

¹⁴⁵ Todd Howland, Mirage, Magic, or Mixed Bag? The United Nations High Commissioner for Human Rights' Field Operation in Rwanda, in *Human Rights Quarterly*, Vol. 21, 1999, pp.1-51; see also: William A. Schabas, Criminal Responsibility for Violations of Human Rights, in Janusz Symonides (ed.), *Human Rights: International Protection, Monitoring, Enforcement*, Aldershot: Ashgate Publishing Limited, 2003; Robert Cryer, Post-conflict Accountability: a Matter of Judgement, Practice or Principle?, in Nigel D. White, Dirk Klaasen (eds.), *The UN, Human Rights and Post-Conflict Situations*, Manchester: Manchester University Press, 2005; Naomi Roth-Arriaza, *Impunity and Human Rights in International Law and Practice*, Oxford: Oxford University Press, 1995; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, Geneva, 2006, pp.16-28.

¹⁴⁶ Maria Stavropoulou, Protection: The Office of the United Nations High Commissioner for Refugees Experience, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.214-217; William G. O'Neill, Gaining Compliance Without Force: Human Rights Field Operations, in Simon Chesterman (ed.), *Civilians in War*, Boulder: Lynne Rienner Publishers, 2001, p.1112; *New Tactics for Human Rights: A Resource for Practitioners*, Handbook of the New Tactics in Human Rights Project, Center for Victims of Torture, 2004, p.69; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, Geneva, 2006, pp. 102-103; International Council on Human Rights Policy, *Ends and Means: Human Rights Approaches to Armed Groups*, 2000, pp. 42-43.

combating sexual and domestic violence and even work with the perpetrators to try to address their behaviour and prevent further abuses¹⁴⁷.

o Advocacy can be public (e.g. through speeches, press releases or reports) or private (e.g. through bilateral conversations with key actors, restricted distribution reporting and off-the-record meetings)¹⁴⁸.

o Sometimes advocacy on a single issue lasts weeks or months and involves many contacts with different actors, state and non-governmental. Informal but sustained interventions at the working level, backed up by higher-level behind-the-scenes contacts, take time and effort and often are more challenging than public advocacy, yet they can yield long-term and sustainable results¹⁴⁹.

o Every meeting, training session, conversation with government and non-governmental organisations is an opportunity for human rights advocacy. HRFOs try to exploit these encounters to advance human rights¹⁵⁰.

¹⁴⁷ Thomas Hammarberg, Patrick Gavin, Human Rights and Post-Conflict Institution Building, in Alice H. Henkin, Honoring Human Rights, Aspen Institute, The Hague: Kluwer Law International, 2000, p. 16; OHCHR Staff, The Human Rights Components of UN Peacekeeping and Peacebuilding Operations, and the field Offices of UNDP and the Office of the High Commissioner for Human Rights, in Bertrand G. Ramcharan, Human Rights Protection in the Field, Leiden: Martinus Nijhoff Publishers, 2006; InterAction, Making Protection a Priority: Integrating Protection and Humanitarian Assistance, 2004.

¹⁴⁸ William G. O'Neill, Human Rights Field Operations: A New Protection Tool, in Bertrand G. Ramcharan, Human Rights Protection in the Field, Leiden: Martinus Nijhoff Publishers, 2006, pp.133-134; Michael O'Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in Disarmament Forum, Issue No. 3, 2004, p.51; Maria Stavropoulou, Protection: The Office of the United Nations High Commissioner for Refugees Experience, in Michael O'Flaherty (ed.), The Human Rights Field Operation: Law, Theory and Practice, Hampshire: Ashgate Publishing Limited, 2007, pp.214-2, International Council on Human Rights Policy, Ends and Means: Human Rights Approaches to Armed Groups, 2000, pp.40-41.

¹⁴⁹ Diane Paul, Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm, Humanitarian Practice Network, RRN Network Paper no. 30, 1999, available at <http://www.odihpn.org/documents/networkpaper030.pdf>, last accessed 14 July 2009, p9; Liam Mahony, Proactive Presence: Field Strategies for Civilian Protection, Centre for Humanitarian Dialogue, 2006, pp. 49-55; International Council on Human Rights Policy, Ends and Means: Human Rights Approaches to Armed Groups, 2000, pp.47-48; Maria Stavropoulou, Human Rights Field Officers Working for the Most Vulnerable: Internally Displaced Persons, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹⁵⁰ OHCHR Manual, Chapter XIX, Following-Up and Seeking Corrective Action, in Training Manual on Human Rights Monitoring; Amnesty International and CODESRIA, UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook, 2001, pp.27-28; Marit Møehlum, Human Rights Monitoring, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp.21-23; see

o Advocacy can range from encouraging to a more forceful explanation to authorities of their legally binding obligations (using international, regional and national laws), to public statements illustrating both problems and progress, depending on the facts¹⁵¹.

also: William Clarence, Field Strategy for the Protection of Human Rights, in *International Journal of Refugee Law*, Vol 9, No 2, 1997.

¹⁵¹ Michael O’Flaherty, Human Rights Field Operations: An Introductory Analysis, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp.12-13; Diane Paul, Beyond Technical Assistance and Capacity-Building: The Field-Level Protection Role of the Human Rights Field Officer, p.12, Paper Submitted to the Expert Consultation on “The Overarching Protection Role of the Human Rights Field Officer”, held in Freetown, Sierra Leone, May 24-25, 2006, available at www.humanrightspersonals.org, last accessed 14 July 2009; Michael O’Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in *Disarmament Forum*, Issue no. 3, 2004, p.51; Inter-Agency Standing Committee, Human Rights Guidance Note for Humanitarian Coordinators, June 2006; Inter Agency Standing Committee, *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, Geneva, 2002, p.13.

Guiding Principle 7: Capacity building

Capacity building is an essential aim of human rights fieldwork. HRFOs strive to strengthen governmental and non-governmental institutions¹⁵².

A. Capacity building is an essential aim of human rights fieldwork: it can function as a key protection tool if strategically integrated in the overall field operation strategy¹⁵³. It strengthens national entities' (e.g. the police and military, prison administration, judges and lawyers, parliamentarians, local municipal authorities and public service providers, human rights non-governmental organisations, professional associations) ability to respect and protect human rights¹⁵⁴. Capacity building promotes

¹⁵² William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹⁵³ OHCHR Plan of Action, paras. 63-66; OHCHR, High Commissioner's Strategic Management Plan 2008-2009, Geneva: United Nations, pp. 42-46; Action 2 Interagency Plan of Action, Strengthening Human Rights-related UN Action at Country Level, available at: <http://www.undg.org/index.cfm?P=74> last accessed 22 July 2009; Diane Paul, *A Fresh View on Protection: The Human Rights Field Officer's Perspective*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Nicholas Howen, *The Fundamental Protection Function of the Human Rights Field Operation*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 32-34, 36-38; Thomas Hammarberg, Patrick Gavigan, *Introduction*, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, pp. 19 and 29; Hurst Hannum, *Human Rights in Conflict Resolution: The Role of the Office of the High Commissioner for Human Rights in UN Peacemaking and Peacebuilding*, in *Human Rights Quarterly* 28, 2006, pp. 55-56.

¹⁵⁴ Report of the Panel on United Nations Peace Operations [Brahimi Report], U.N. Doc. A/55/305-S/2000/809 of 21 August 2000, para. 41; OHCHR, 2008 Report on Activities and Results, Geneva: United Nations, pp. 68 - 153; Susanne Ringgaard-Pedersen and Annette Lynch, *The Human Rights Field Operations of the Organisation for Security and Co-operation in Europe*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 374-5; Alain Aeschlimann, *Protection: The International Committee of the Red Cross Experience*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 233-234; OHCHR Staff, *The Human Rights Components of UN Peacekeeping and Peacebuilding Operations, and the Field Offices of UNDP and the Office of the High Commissioner for Human Rights*, in Bertrand G. Ramcharan (ed.), *Human Rights Protection in the Field*, Leiden, Martinus Nijhoff Publishers, 2006.

comprehensive institutional reform since institutions failed to protect rights in the past and need to operate differently now¹⁵⁵.

o Capacity building cannot be conducted separately from an assessment of the wider human rights situation, based on monitoring and reporting, and must be linked to accountability¹⁵⁶. Capacity building helps isolate points of resistance to reform, identifying whether political will for change is present or absent¹⁵⁷.

o With increased 'capacity', for example through training, comes increased accountability; and the target of the training can never again claim that he or she 'did not know'. If HRFOs do not link capacity building to accountability, the training, or other capacity building activity, can become mere 'window-dressing', allowing a government to use its participation in the training programme to claim it cares about human rights while avoiding the changes necessary for real reform¹⁵⁸.

o Capacity building programmes flow from sound monitoring and analysis, and follow-up monitoring. HRFOs ensure that accountability is tied to capacity building by monitoring the

¹⁵⁵ OHCHR Plan of Action, para. 40; Maria Stavropoulou, Protection: The Office of the United Nations High Commissioner for Refugees Experience, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 215-216; Karen Kenny, Introducing the Sustainability Principle to Human Rights Operations, in *International Peacekeeping*, Vol. 4, Issue 4, 1997, p. 69.

¹⁵⁶ William G. O'Neill, The Human Rights Field Operation in Partnership for Security, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p. 128; William G. O'Neill, Gaining Compliance Without Force: The Human Rights Field Operation, in Simon Chesterman (ed.), *Civilians in War*, Boulder: Lynne Rienner Publishers, 2001, pp. 111-118; Alain Aeschlimann, Protection: The International Committee of the Red Cross Experience, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 233-234.

¹⁵⁷ OHCHR Plan of Action, paras. 28-29; Thomas Hammarberg, Patrick Gavigan, Introduction, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, p. 173; Amnesty International, *A 12-Point Guide for Good Practice in Training and Education for Human Rights of Government Officials*, AI Index ACT 30/1/98, pp. 3-4.

¹⁵⁸ Shamin Razavi, *Emerging Issues for Human Rights Field Officers: Support for Criminal Justice*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Michael O'Flaherty, *Human Rights Monitoring and Armed Conflict: Challenges for the UN*, in *Disarmament Forum*, No. 3, 2004; Michael O'Flaherty, *Sierra Leone's Peace Process: The Role of the Human Rights Community*, in *Human Rights Quarterly* (26), 2004, p. 41; Amnesty International, *A 12-Point Guide for Good Practice in Training and Education for Human Rights of Government Officials*, AI Index ACT 30/1/98, pp. 3-4.

performance of institutions after they have received support, in order to evaluate whether their performance has improved, and if not, why not¹⁵⁹.

B. *Techniques*: efforts to improve the performance of institutions are based on an accurate diagnosis of their strengths and weaknesses. HRFOs conduct needs assessments with the participation of local partners, thereby incorporating ground-truth into capacity building efforts. Post-training assessments are equally vital to gauge the impact of the activity on behaviour, attitudes and performance¹⁶⁰.

o HRFOs work to improve the ‘sinews’ of institutions charged with respecting and protecting human rights. Addressing issues like hiring criteria and processes, personnel policies, management, budget and financial oversight, logistics and procurement, and overall disciplinary and accountability mechanisms is crucial to improving the capacity of such institutions, including those of a governmental and non-governmental nature. For example, vetting and reforming hiring criteria can help ensure that judges, police or other key government personnel reflect the ethnic, religious or racial diversity of a country, while also promoting improved gender balance. In addition, HRFOs place a high priority on promoting the reform of laws and regulatory frameworks¹⁶¹.

¹⁵⁹ OHCHR, *Human Rights Training – Professional Training Series No. 6*, New York and Geneva, 2000, p. 2; Amnesty International, *A 12-Point Guide for Good Practice in Training and Education for Human Rights of Government Officials*, AI Index ACT 30/1/98, p. 7; Maria Stavropoulou, *Protection: The Office of the United Nations High Commissioner for Refugees Experience*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p. 219; Brian McKeown, Karen Kenny, *Towards A Human Rights Partnership for Effective Field Work*, a Policy Discussion Paper of the International Human Rights Network, 1996; Thomas Hammarberg, Patrick Gavigan, *Introduction*, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, pp. 183-184.

¹⁶⁰ Human Rights Council, *Technical Assistance and Capacity Building: Advisory Services and Technical Cooperation in the Field of Human Rights*, Report of the Secretary-General, U.N. Doc. A/HRC/10/57 of 17 February 2009, para. 19; Brian McKeown, Karen Kenny, *Towards A Human Rights Partnership for Effective Field Work*, a Policy Discussion Paper of the International Human Rights Network, 1996; Thomas Hammarberg, Patrick Gavigan, *Introduction*, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, pp. 179-181; Abu Brima, *A Sustainable Approach to Human Rights Fieldwork: the Role of the Human Rights Field Officer*, paper submitted to the expert consultation held in Freetown, Sierra Leone, as part of the international research project “Consolidating the Profession: the Human Rights Field Officer”, available in the project library at www.humanrightspersonals.org; CARE, *Participation for Empowerment: A Manual for Development Agents*, 2001.

¹⁶¹ OHCHR, *Rule of Law Tools for Post-Conflict States – Vetting: An Operational Framework*, New York and Geneva: United Nations, 2006; Rachel Neild, *Internal Controls and Disciplinary Units: Themes and Debates in Public Security Reform: A Manual for Civil Society*, Washington DC: Washington Office on Latin America, 1998; Maria Stavropoulou, *Human Rights Field Officers Working for the Most Vulnerable: Internally Displaced Persons*, in Michael O’Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Susanne Ringgaard-Pedersen and Annette Lynch, *The Human Rights Field Operations of the Organisation for Security and Co-operation in Europe*, in Michael O’Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 374-5; Maria Stavropoulou, *Protection: The Office of the*

o HRFOs bear a particular responsibility to support development of non-governmental organisations by enabling their sustainable operation and ability to interact effectively with government¹⁶². Issues of their own internal management and administration, budgeting, oversight and accountability, as well as their ability to monitor, report, advocate and lobby government are areas where capacity building can be effective¹⁶³.

o Capacity building includes support for the establishment and strengthening of national human rights institutions in line with the *Principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles)*¹⁶⁴. This may include advising on their legal framework, assisting them in developing a capacity to monitor, analyse and report, receive and act on complaints, advising on strategy development, and other activities¹⁶⁵.

United Nations High Commissioner for Refugees Experience, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 215-216.

¹⁶² Nazia Hussain, *Human Rights Field Officers Working for the Most Vulnerable: Children*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; George Ulrich, *Towards an Ethical Base for the Work of Human Rights Field Operations*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, p. 83; Maria Stavropoulou, *Protection: The Office of the United Nations High Commissioner for Refugees Experience*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 215-216.

¹⁶³ United Nations High Commissioner for Refugees [UNHCR], *Protecting Refugees: A Field Guide for NGOs*, Geneva: UNHCR, 1999; Michael O'Flaherty, *Sierra Leone's Peace Process: The Role of the Human Rights Community*, in *Human Rights Quarterly*, Vol. 26, 2004, pp. 42-43; Catholic Institute for International Relations, *Capacity Building for Local NGOs: A Guidance Manual for Good Practice*, London, 2005.

¹⁶⁴ *Principles Relating to the Status of National Institutions (The Paris Principles)*, GA res. 48/134, U.N. Doc. A/RES/48/134 of 20 December 1993.

¹⁶⁵ OHCHR, *High Commissioner's Strategic Management Plan 2008-2009*, Geneva: United Nations, p. 43; OHCHR, *2008 Report on Activities and Results*, Geneva: United Nations, pp. 154-155; OHCHR, *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, Professional Training Series No. 4, New York and Geneva: United Nations, 1995; OHCHR, *Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions*, Professional Training Series No. 12, New York and Geneva: United Nations, 2005; Thomas Hammarberg, Patrick Gavigan, Introduction, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, pp. 177-178; OHCHR and International Council on Human Rights Policy, *Assessing the Effectiveness of National Human Rights Institutions*, Versoix: Switzerland, 2005.

o Partnerships with those experienced in development projects can enhance HRFOs' efforts to build the sound local institutions that are essential to protecting human rights¹⁶⁶.

o Attention to the integrity of those working in the institutions is as important as their competence. Vetting current officials, especially in sensitive posts like the police, military and judiciary, when properly done, removes those responsible for human rights violations, promotes accountability and builds public trust in the institution¹⁶⁷.

o Strategic training of local trainers is a fundamental approach adopted by HRFOs. This not only ensures that knowledge is disseminated in an appropriate and efficient way but also increases the likelihood of sustaining this knowledge in the long term. It can also be more cost-effective and a better use of scarce HRFO time and personnel¹⁶⁸.

¹⁶⁶ Daniel Seymour, *New Models for Human Rights Capacity Building in the Field: Human Rights Field Officers and Relief and Development Professionals*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Michael O'Flaherty, *Human Rights Field Operations: An Introductory Analysis*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 13-14; Michael O'Flaherty, *Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations*, in *Human Rights Law Review*, Vol. 53, No 3, 2003; Urban Jonsson, *Human Rights Approach to Development Programming*, New York: UNICEF, 2004; Michael O'Flaherty, *Human Rights Monitoring and Armed Conflict: Challenges for the UN*, in *Disarmament Forum*, No. 3, 2004.

¹⁶⁷ OHCHR, *Rule of Law Tools for Post-Conflict States – Vetting: An Operational Framework*, New York and Geneva: United Nations, 2006; *International Council on Human Rights Policy, Performance and Legitimacy: National Human Rights Institutions*, Versoix: Switzerland, 2000; A. Mayer-Rieckh, P. De Greiff (eds.), *Justice as Prevention: Vetting Public Employees in Transitional Societies*, New York: Social Science Research Council, 2007; see also, eg, the legislation of the Republic of Serbia: art. 14-22 of the *Accountability for Human Rights Violations Act*, published in the *Official Gazette of the Republic of Serbia* No. 58/2003.

¹⁶⁸ OHCHR, *Human Rights Training – Professional Training Series No. 6*, New York and Geneva: 2000, p. 1; OHCHR, *Human Rights and Prisons: A Trainer's Guide on Human Rights Training for Prison Officials*, New York and Geneva: United Nations, 2005; OHCHR, *Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for the Police*, Professional Training Series No. 5/Add. 2, New York and Geneva: United Nations, 2002; Thomas Hammarberg, Patrick Gavigan, Introduction, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, pp. 179-181; Amnesty International, *A 12-Point Guide for Good Practice in Training and Education for Human Rights of Government Officials*, AI Index ACT 30/1/98, p. 5; Abu Brima, *A Sustainable Approach to Human Rights Fieldwork: the Role of the Human Rights Field Officer*, paper submitted to the expert consultation held in Freetown, Sierra Leone, as part of the international research project "Consolidating the Profession: the Human Rights Field Officer", available in the project library at www.humanrightspersonals.org.

o Training integrates human rights into all aspects of a job, whether police, penal, judicial or military, and shows how every activity has a human rights component. Isolating human rights as special topic risks ghettoising and marginalising human rights¹⁶⁹.

o Human rights education is an important element in capacity building. HRFOs work with teachers and school officials to design locally appropriate human rights curricula for students of all ages. HRFOs also support local civil society actors to deliver public information campaigns on human rights for the general population¹⁷⁰.

- Promoting greater awareness of human rights both protects persons from violations and prevents further abuses. Once rights are better understood, the population is better able to make demands on their governments to respect, protect and fulfil all rights. By claiming their rights, the population pressures the state to respond, which in turn can highlight where the state may be weak and need assistance to fulfil its duties¹⁷¹.

- With greater demands on the state exerted by an aware population, HRFOs help pinpoint exactly where the state is weak and whether it is a question of lack of political will or lack of resources. In

¹⁶⁹ OHCHR, *Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police*, Professional Training Series No. 5, New York and Geneva: United Nations, 1997; OHCHR, *International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police*, Professional Training Series No. 5/Add. 1, Geneva: United Nations, 1997; OHCHR, *Human Rights Training: A Manual on Human Rights Training Methodology*, Professional Training Series No. 6, New York and Geneva: United Nations, 2000; William G. O'Neill, *The Human Rights Field Operation in Partnership for Security*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007.

¹⁷⁰ OHCHR, *ABC: Teaching Human Rights – Practical Activities for Primary and Secondary Schools*, available at <http://www.unhcr.ch/html/menu6/2/abc.htm>, last accessed 22 July 2009; Thomas Hammarberg, Patrick Gavigan, Introduction, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, pp. 179-181; *New Tactics for Human Rights: A Resource for Practitioners*, Handbook of the New Tactics in Human Rights Project, Center for Victims of Torture, 2004, pp. 133 and 145; J. Paul Martin, *Self-Help Human Rights Education Handbook*, available at http://www.hrea.org/erc/Library/curriculum_methodology/SELFHELP.html, last accessed 22 July 2009; Amnesty International, *International Human Rights Standards and Education*, AI Index POL 32/01/98, 1998; Abu Brima, *A Sustainable Approach to Human Rights Fieldwork: the Role of the Human Rights Field Officer*, paper submitted to the expert consultation held in Freetown, Sierra Leone, as part of the international research project "Consolidating the Profession: the Human Rights Field Officer", available in the project library at www.humanrightspersonals.org.

¹⁷¹ OHCHR Plan of Action, paras. 36-38; Karen Kenny, *Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice*, International Human Rights Network, 1996; International Human Rights Internship Program/Asian Forum for Human Rights and Development, *Circle of Rights – Economic, Social and Cultural Rights Activism: A Training Resource*, available at: <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/toc.htm>, last accessed 22 July 2009.

either case, the HRFOs are well placed to design an appropriate response to the problems identified. If it is a lack of will to effect change, then the solution includes political pressure on those resisting¹⁷².

C. *Skills*: capacity building requires a range of skills similar to those needed for monitoring (Guiding Principle 4) including:

o knowledge of international human rights law, local laws and the regulatory framework; report writing and analytical ability, training or teaching skills, especially adult learning tools; and knowledge of how to design, implement and evaluate projects (budgeting, recruitment, logistics and procurement); and skills related to media/public information activities. Also needed are statisticians, demographers, public health, labour and housing experts, who are most likely to be found in development and humanitarian agencies, hence the need for close partnerships¹⁷³.

¹⁷² OHCHR Plan of Action, paras. 28-29; Thomas Hammarberg, Patrick Gavigan, Introduction, in Alice Henkin (ed.), *Honoring Human Rights*, Leiden: Martinus Nijhoff Publishers, 2000, p. 173; Nicholas Howen, *The Fundamental Protection Function of the Human Rights Field Operation*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007, pp. 39-40; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, Geneva, 2006, pp. 52-53.

¹⁷³ See Annotations to Guiding Principle 4; James Darcy, *Human Rights and Humanitarian Action: A Review of the Issues*, paper delivered to a workshop on human rights and humanitarian action convened by OHCHR, UNICEF and International Council of Voluntary Agencies, Geneva, April 2004, available at: <http://www.odi.org.uk/resources/download/1558.pdf> last accessed 21 July 2009; Inter Agency Standing Committee, *Human Rights Guidance Note for Humanitarian Coordinators*, June 2006; Michael O'Flaherty, *The Human Rights Field Operations in Partnership for Humanitarian Relief and Reconstruction*, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007.

Guiding Principle 8: Partnership

Partnerships define the work of HRFOs. Without close cooperation, consultation and communication with international and national partners, HRFOs will never succeed. The best partnerships promote the primacy of local actors¹⁷⁴.

A. Partnerships between a HRFO and other actors reflect post-conflict reality:

- o with limited capacity, HRFOs can only identify a small proportion of violations¹⁷⁵;
- o the challenges are so vast that no one agency or office can tackle human rights issues by itself¹⁷⁶;
- o the range of factors affecting human rights conditions extends beyond the mandate of a human rights field operation¹⁷⁷;

¹⁷⁴ William G. O'Neill, *The Guiding Principles for Human Rights Field Officers Working in Conflict and Post-Conflict Environments: A Commentary*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

¹⁷⁵ OHCHR, Chapter VI: Identification and Prioritisation of Efforts Regarding Human Rights Violations, in *Training Manual on Human Rights Monitoring*; Amnesty International and CODESRIA, *UKWELI: Monitoring and Documenting Human Rights Violations in Africa – A Handbook*, 2001, pp. 8-10; William Clarence, *Field Strategy for the Protection of Human Rights*, in *International Journal of Refugee Law*, Vol. 9, No. 2, 1997 pp. 237-239; Marek Novicki, Zuzana Fialova, *Human Rights Monitoring*, Helsinki Foundation for Human Rights, 2001, pp. 35-50.

¹⁷⁶ United Nations General Assembly, *Strengthening the United Nations: An Agenda for Further Change*, Report by the Secretary-General, U.N. Doc. A/57/387 of 9 September 2002, paras. 45-54; Commission on Human Security, *Human Security Now*, New York, 2003; Nigel D. White, Dirk Klaasen (eds.), *The UN, Human Rights and Post-Conflict Situations*, Manchester: Manchester University Press, 2005; Paul Mahoney, *Human Rights in the Twenty-first Century: A Global Challenge*, Leiden: Martinus Nijhoff Publishers, 1993; Julie Mertus, *The United Nations and Human Rights: A Guide for a New Era*, Abingdon: Routledge, 2009; Julie Mertus, Jeffrey Helsing, *Human Rights and Conflict: Exploring the Links between Right, Law and Peacebuilding*, US Institute of Peace Press, 2006; Mats Berdal, David Malone, *Greed and Grievance: Economic Agendas in Civil Wars*, Boulder: Lynne Rienner Publishers, 2000.

¹⁷⁷ Brahimi Report, paras. 10-14 and 36-43; In *Larger Freedom: Towards Development, Security and Human Rights For All*, Report of the Secretary General, U.N. Doc. A/59/2005 of 21 March 2005; Office for the Coordination of Humanitarian Affairs, *Human Security in Theory and Practice*, New York: United Nations, 2009; Report of the Secretary General's High Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, U.N. Doc. A/59/565 of 2 December 2004; Bertrand G. Ramcharan, *The United Nations High Commissioner for Human Rights: The Challenges of*

o partnerships enlist the political, development, humanitarian and security mandates of other actors needed to address human rights issues comprehensively¹⁷⁸;

o improvements in human rights depend on the willingness and actions of national actors, especially state authorities¹⁷⁹; and

o HRFOs will leave and the long-term protection of human rights can only be assured by national actors¹⁸⁰.

o ‘Reinforce, don’t replace’ underlies all strategic planning for partnerships with national counterparts¹⁸¹.

International Protection, Leiden: Martinus Nijhoff Publishers, 2002; Michael O’Flaherty, We are Failing the Victims of War, in Bertrand G. Ramcharan (ed.), Human Rights Protection in the Field, Leiden: Martinus Nijhoff Publishers, 2006.

¹⁷⁸ Daniel Seymour, New Models for Human Rights Capacity Building in the Field: Human Rights Field Officers and Relief and Development Professionals, in Michael O’Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Michael O’Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in Disarmament Forum, No. 3, 2004, p.52; Bertrand G. Ramcharan, The Human Rights Field Operation in Partnership for Peace, William G. O’Neill, The Human Rights Field Operation in Partnership for Security, Michael O’Flaherty, The Human Rights Field Operation in Partnership for Humanitarian Relief and Reconstruction, all in Michael O’Flaherty (ed.), The Human Rights Field Operation: Law, Theory and Practice, Hampshire: Ashgate Publishing Limited, 2007.

¹⁷⁹ Human Rights Committee, General Comment No. 31 [80]: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004; CESCR, General Comment No. 3: The nature of States parties obligations (Art. 2, par.1), 14 December 1990; Report of the High Commissioner to the 2007 Substantive Session of ECOSOC Dedicated to the Issue of Progressive Realization of Economic, Social and Cultural rights, UN Doc. E/2007/82, 25 June 2007; Thomas Hammarberg, Patrick Gavigan, Introduction, in Alice Henkin (ed.), Honoring Human Rights, Leiden: Martinus Nijhoff Publishers, 2000, pp. 173.

¹⁸⁰ Action 2 Interagency Plan of Action, Strengthening Human Rights-related UN Action at Country Level: National Human Rights Promotion and Protection Systems, available at: <http://www.undg.org/index.cfm?P=74> last accessed 22 July 2009; Karen Kenny, Introducing the Sustainability Principle to Human Rights Operations, in International Peacekeeping, Vol. 14, No. 1, April 2007, p. 69; Karen Kenny, Towards Effective Training for Field Human Rights Tasks: Recommending an on-going international process to codify best human rights field practice, International Human Rights Network, 1996.

¹⁸¹ OHCHR, Chapter V: Basic Principles of Monitoring, in Training Manual on Human Rights Monitoring; Final Report of the Strategic Planning Workshop of the UN Development Operations Coordination Office (DOCO), 13-14 November 2008, New York, available at: <http://www.undg.org/index.cfm?P=1059>, last accessed 24 July 2009; Inter Agency Standing Committee, Growing the Sheltering Tree: Protecting Rights through Humanitarian Action, Geneva, 2002; Brian McKeown, Karen Kenny, Towards A Human

B. *Partnership objectives*: objectives can differ according to the partner but involve a combination of:

o a mutual sharing of information and analysis involving a learning process for all partners¹⁸²;

o HRFO advocacy to encourage the partner (e.g. state authority) to respect human rights¹⁸³;

o maximisation of human rights capacity on the basis of a rational division of labour, driven by the partners' respective mandates, resources and expertise (e.g. on advocacy, HRFOs have access to senior decision-makers and may issue public statements while humanitarian actors may prefer to engage in quieter diplomacy at the working level, but use the same information or analysis based on their prior collaboration)¹⁸⁴; and

o technical support from HRFOs to help a partner meet human rights responsibilities or understand how human rights principles can support their own activities¹⁸⁵.

Rights Partnership for Effective Field Work, a Policy Discussion Paper of the International Human Rights Network, 1996.

¹⁸² Paul LaRose-Edwards, Working in the Field for the UN and Other IGOs: Human Rights Operations, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008; Michael O'Flaherty, Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations, in Human Rights Law Review, Vol. 53, No. 3, 2003; Alice H. Henkin (ed.), Honoring Human Rights – From Peace to Justice, Recommendations, The Aspen Institute, The Hague: Kluwer Law International, 2000; Brian McKeown, Karen Kenny, Towards A Human Rights Partnership for Effective Field Work, a Policy Discussion Paper of the International Human Rights Network, 1996.

¹⁸³ See Annotations to Guiding Principle 6.

¹⁸⁴ United Nations, Common Country Assessment and United Nations Development Assistance Framework, Guidelines for UN Country Teams on Preparing a CCA and UNDAF, February 2009, available at <http://www.undg.org/index.cfm?P=16>, last accessed 24 July 2009; United Nations Development Group, Guidance Note on Joint Programming, December 2003, available at <http://www.undg.org/index.cfm?P=16>, last accessed 24 July 2009; The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among the UN Agencies, attachment to the Final Report of The Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN Reform, Stamford, USA, 5-7 May, 2003; UN Common Learning Package on Human Rights Based Approach, available at: <http://www.undg.org/index.cfm?P=531>, last accessed 10 June 2009.

¹⁸⁵ Human Rights Council, Technical Assistance and Capacity Building: Advisory Services and Technical Cooperation in the Field of Human Rights, Report of the Secretary-General, U.N. Doc. A/HRC/10/57 of 17 February 2009; OHCHR Staff, The Human Rights Components of UN Peacekeeping and Peacebuilding Operations, and the Field Offices of UNDP and the Office of the High Commissioner for Human Rights, in Bertrand G. Ramcharan (ed.), Human Rights Protection in the Field, Leiden: Martinus Nijhoff Publishers, 2006; Michael O'Flaherty, Sierra Leone's Peace Process: The Role of the Human Rights Community, in Human Rights Quarterly, Vol. 26, 2004, pp. 42-43.

C. *Partnership with whom*: the range of partners is broad¹⁸⁶. The most obvious groups include:

o national state authorities (particularly those in the ministries responsible for justice, interior, foreign affairs, defence, women, children, health, education, land and development); national and international non-governmental organisations; national human rights institutions; non-state actors, including armed opposition groups (where present and permitted under the mission's mandate and policy)¹⁸⁷.

o Community leaders, teachers, trade unions, political party leaders, lawyers, judges and a range of other actors within 'civil society' are often important partners and should be sought out as a priority by HRFOs¹⁸⁸.

o Local counterparts know best the local context. Nevertheless, local partners must be chosen and developed with care to preserve the real and perceived independence of HRFOs and of their local counterparts¹⁸⁹.

¹⁸⁶ Paul LaRose-Edwards, *Working in the Field for the UN and Other IGOs: Human Rights Operations*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, pp. 13-23.

¹⁸⁷ OHCHR, *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, Professional Training Series No. 4, New York and Geneva: United Nations, 1995; Liam Mahony, *Protection: A Non-Governmental Organisation Experience*, Peace Brigades International, in Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007; Hurst Hannum, *Human Rights in Conflict Resolution: The Role of the Office of the High Commissioner for Human Rights in UN Peacemaking and Peacebuilding*, in *Human Rights Quarterly* 28, 2006, pp. 52-56; Philip Alston, *Non-State Actors and Human Rights*, Oxford: Oxford University Press, 2005; International Council on Human Rights Policy, *Ends and Means: Human Rights Approaches to Armed Groups*, Versoix: Switzerland, 2000; Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection*, Centre for Humanitarian Dialogue, Geneva, 2006; Catholic Institute for International Relations, *Capacity Building for Local NGOs: A Guidance Manual for Good Practice*, London, 2005.

¹⁸⁸ *New Tactics for Human Rights: A Resource for Practitioners*, Handbook of the New Tactics in Human Rights Project, Center for Victims of Torture, 2004, pp. 68-75; Brian McKeown, Karen Kenny, *Towards A Human Rights Partnership for Effective Field Work*, a Policy Discussion Paper of the International Human Rights Network, 1996; Abu Brima, *A Sustainable Approach to Human Rights Fieldwork: the Role of the Human Rights Field Officer*, paper submitted to the expert consultation held in Freetown, Sierra Leone, as part of the international research project "Consolidating the Profession: the Human Rights Field Officer", available in the project library at www.humanrightspersonals.org.

¹⁸⁹ Paul LaRose-Edwards, *Working in the Field for the UN and Other IGOs: Human Rights Operations*, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, Norwegian Centre for Human Rights, May 2008, p. 24; Todd Howland, *Case Study: The United Nations Human Rights Field Operation in Angola*, in Michael O'Flaherty (ed.), *The Human Rights Field*

o The human rights mission may also need to establish strong working partnerships and mainstream human rights with the United Nations Country Team and other inter-governmental organisations, the military or police or other components of a mission, humanitarian and development agencies, and with the diplomatic community¹⁹⁰.

D. *Techniques*: Taking full account of distinct mandates and responsibilities, HRFOs encourage and facilitate or support the coordination of human rights activities¹⁹¹. Partnerships can be formal or informal depending on the need. Capacity building activities, such as training, can contribute to the development of a partnership. Similarly, HRFOs can help partners obtain resources for projects or can advise on their programming, ensuring it has a human rights component and framework¹⁹². HRFOs must ensure that partnerships do not block a partner's accountability for violations and do not inappropriately favour one partner over another¹⁹³.

Operation: Law, Theory and Practice, Hampshire: Ashgate Publishing Limited, 2007, pp. 329-331; International Council on Human Rights Policy, Ends and Means: Human Rights Approaches to Armed Groups, Versoix: Switzerland, 2000; Samantha Power, Chasing The Flame: Sergio Vieira De Mello and the Fight to Save the World, London: Penguin Press, 2008, pp. 159-180.

¹⁹⁰ Espen Eide, Anja Kaspersen, Randolph Kent, Karen Von Nippel, Report on Integrated Missions: Practical Perspectives and Recommendations, Independent Study for the Expanded UN ECHA Group, May 2005; Inter-Agency Standing Committee, Growing the Sheltering Tree, New York: UNICEF, 2002; Diane Paul, A Fresh View on Protection: The Human Rights Field Officer's Perspective, in Michael O'Flaherty, George Ulrich (eds.), The Professional Identity of the Human Rights Field Officer, Hampshire: Ashgate Publishing Limited, 2009, forthcoming; Michael O'Flaherty, Future Protection of Human Rights in Post-Conflict Societies: The Role of the United Nations, in Human Rights Law Review, Vol. 53, No. 3, 2003, p. 74; William G. O'Neill, Gaining Compliance Without Force: Human Rights Field Operations, in Simon Chesterman (ed.), Civilians in War, Boulder: Lynne Rienner Publishers, 2001, p. 116.

¹⁹¹ Paul LaRose-Edwards, Working in the Field for the UN and Other IGOs: Human Rights Operations, in Siri Skåre, with Ingvild Burkey and Hege Mørk (eds.), Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, Norwegian Centre for Human Rights, May 2008, pp. 23-24.

¹⁹² Urban Jonsson, Human Rights Approach to Development Programming, New York: UNICEF, 2004; Michael O'Flaherty, Sierra Leone's Peace Process: The Role of the Human Rights Community, in Human Rights Quarterly (26), 2004, pp. 42-43; Michael O'Flaherty, Human Rights Monitoring and Armed Conflict: Challenges for the UN, in Disarmament Forum, No. 3, 2004, p. 52; Joel E. Oestreich, Power and Principle: Human Rights Programming in International Organisations, Washington DC: Georgetown University Press, 2007.

¹⁹³ Boris Kondoch, Human Rights Law and UN Peace Operations in Post-Conflict Situations, in Nigel D. White, Dirk Klaasen (eds.), The UN, Human Rights and Post-Conflict Situations, Manchester: Manchester University Press, 2005, pp. 34-41; Karen Kenny, UN Accountability for its Human Rights Impact: Implementations through Participation, in Nigel D. White, Dirk Klaasen (eds.), The UN, Human Rights and Post-Conflict Situations, Manchester: Manchester University Press, 2005.

Guiding Principle 9:¹⁹⁴ Integrity

HRFOs must exercise high integrity as part of a human rights field operation, including through professionalism, a commitment to human rights, appropriate personal behaviour and the skills and knowledge needed to fulfil their responsibilities.

A. Ethical standards and personal integrity: HRFOs must adhere to certain norms of behaviour described in the *Statement of Ethical Commitments of Human Rights Professionals*, which is annexed hereto. This Guiding Principle aims to highlight some of the practical implications and challenges involved in applying and upholding the *Statement of Ethical Commitments*.

o HRFOs must exercise high personal integrity¹⁹⁵ during their working and non-working hours, extending respect to nationals of the host country and to their colleagues.¹⁹⁶ This standard applies in contexts as wide-ranging as working within the ideals of the Charter of the United Nations, to more mundane issues such as attention to driving within speed limits, appropriate behaviour in public restaurants or bars, or ensuring that residential neighbours are not disturbed by music or parties.

B. Commitment to human rights: while it may seem obvious, a genuine commitment to human rights is not always inherent in every HRFO, and needs to be restated.¹⁹⁷ A commitment to non-discrimination¹⁹⁸ (notably on the basis of gender or race) must be ingrained in every HRFO.

C. Professionalism: requires a combination of high quality substantive work and professional behaviour. Substantive work must meet a high standard commensurate with the responsibility of protecting the human rights of other persons. Work should be accomplished on time, and be accurate

¹⁹⁴ Since the subject matter covered in covered in Guiding Principles 9 and 10 to a large extent overlaps with the *Statement of Ethical Commitments of Human Rights Professionals*, direct references to the relevant paragraphs of the latter document will be indicated below. For specific literature references, the reader is advised to consult the annotated version of the *Statement*.

¹⁹⁵ Cf. *Statement of Ethical Commitments of Human Rights Professionals*, §9: 'Human rights professionals are committed to be impartial in the promotion and protection of human rights irrespective of the identity or status of perpetrators and victims. They shall endeavour to ensure that their impartiality is evident to all relevant actors.'

¹⁹⁶ Cf. *Statement of Ethical Commitments of Human Rights Professionals*, §12: 'Human rights professionals shall engage with colleagues and other counterparts, regardless of position and contractual status, in a just, respectful and constructive manner.'

¹⁹⁷ Cf. *Statement of Ethical Commitments of Human Rights Professionals*, §2: 'In all of their actions, human rights professionals shall promote and protect human rights on the basis of the international standards.'

¹⁹⁸ Cf. *Statement of Ethical Commitments of Human Rights Professionals*, §3: 'Human rights professionals are obliged to recognise and respect the dignity of every human being and to honour the principles of equality and non-discrimination on the grounds of race, colour, gender, sexual orientation, language, religion, opinion, national or social origin, disability, age, property, birth or other status.'

and professionally presented. And, although less easy to quantify, work should meet not only short-term expectations but also, where relevant, be sustainable in the long-term. Professional behaviour requires that appointments are rigorously kept, careful attention given to the choice of clothing when at work or in public, and that HRFOs recognise and respect appropriate cultural practices¹⁹⁹ such as formalities of greetings and praise, dress and comportment in public places.

D. Training, skills and knowledge: all HRFOs need to have a good knowledge of international human rights law and how to apply it. HRFOs need to have a familiarity with international humanitarian law and the *Rome Statute of the International Criminal Court*. Some tasks require special knowledge or skills (see the examples listed in this document). In some missions, training to improve certain skills is provided.

E. Professional development: professional development is an ethical obligation of every HRFO.²⁰⁰ The HRFO takes responsibility for his or her own professional development, notwithstanding the extent to which deploying organisations provide such support. He or she does not passively wait for training opportunities to appear but rather actively seeks out possibilities to enhance skills and knowledge. A great deal of training and building one's skills can now be accomplished by the HRFO through self-learning, supported by periodic access to the internet. There are a number of online training programmes or materials on different skill and knowledge sets. In addition, HRFOs have an obligation to ensure that prior to arriving on mission, and during a mission, that they actively develop a knowledge of the country in which they are working and seek to understand and reflect upon the application of international human rights in this local context.

¹⁹⁹ Cf. Statement of Ethical Commitments of Human Rights Professionals, §8: 'Human rights professionals, both in their personal and official capacities, shall demonstrate respect for all individuals, irrespective of their cultural, religious and other values. This does not preclude the legitimacy of candid dispute, disagreement or action regarding practices that may affect human rights.' See also Statement of Ethical Commitments of Human Rights Professionals, §5: 'Human rights professionals in all their acts and expressions shall demonstrate and ensure respect for the dignity of victims and others affected by human rights violations. They shall act with a sense of propriety and cultural sensitivity.'

²⁰⁰ Cf. Statement of Ethical Commitments of Human Rights Professionals, §17: 'Human rights professionals are obliged to stay informed about developments in international human rights standards and mechanisms, and to practice their profession accordingly.'

*Guiding Principle 10:*²⁰¹ *Do no harm*²⁰²

HRFOs in all their actions must ensure, to the greatest extent possible, that they do no harm, and in particular they must take account of the vulnerability of specific groups.

A. *The extent and limits of 'do no harm':* The 'do no harm' principle guides human rights work. 'Harm' of both direct and indirect nature can take many forms, including killing, torture, disappearance or threats, but also mental trauma from having to recount for a HRFO a traumatic experience.

o At its most basic, the principle serves as a guide to HRFOs when making decisions (e.g. to interview a witness, or publish a report on an incident) – 'will this action expose anyone to harm'? If the answer is yes, then the most obvious result is that the HRFO does not perform the action.

o In practice, the answer to the question is usually more complex and rarely a simple 'yes' or 'no'. In some extreme situations, HRFOs must assume that almost everyone with whom they meet may be at risk of threats or retaliation. It may be very difficult to measure the extent of risk faced by a person. And in some situations (e.g. a key witness against a senior official guilty of violations) a person may willingly assume a level of risk in the interest of stopping further violations against individuals in the community. In these situations, the HRFO must weigh different factors and give special respect to the wishes of the witness, while also making certain that the witness is fully aware of the limitations on the protection that the HRFO can provide.

o Despite such complexities, 'do no harm' remains an essential tenet of human rights work and can help a HRFO to, if not stop an action entirely, then at least conduct the action in a manner likely to reduce as far as possible the possibility that harm might be inflicted on a person.

B. *'Do no harm' and vulnerable groups:*²⁰³ HRFOs devote priority attention to the most vulnerable groups in society, often women, children, the elderly, refugees, internally displaced persons and human rights defenders. Each vulnerable group presents its own set of challenges. For example, survivors of sexual abuse often suffer from various forms of physical and emotional trauma. Interviewing them requires special skills and expertise. Gender issues are taken into consideration so

201 Since the subject matter covered in covered in Guiding Principles 9 and 10 to a large extent overlaps with the Statement of Ethical Commitments of Human Rights Professionals, direct references to the relevant paragraphs of the latter document will be indicated below. For specific literature references, the reader is advised to consult the annotated version of the Statement.

²⁰² Cf. Statement of Ethical Commitments of Human Rights Professionals, §6: 'Human rights professionals shall seek to anticipate any risks of harm to others that may arise in connection with their work and shall take every possible measure to avoid exposing individuals, communities or peoples to undue risks of harm.'

²⁰³ Cf. Statement of Ethical Commitments of Human Rights Professionals, §7: 'Human rights professionals in all their activities shall respect the principle of participation that empowers individuals, communities and peoples. Human rights professionals shall strive to ensure the participation of the most marginalised and vulnerable members of society in activities and decisions that affect them.'

that whenever possible female HRFOs, with female interpreters, interview female survivors. Similarly for children, specialised interviewing skills are required and only HRFOs with this particular knowledge and experience interview child survivors or child witnesses of human rights violations. When working with children, HRFOs consult with and involve child protection specialists and local non-governmental organisations working with children, who often have the skills and experience required in this delicate work, showing how sound partnerships reinforce the principles of what is in the 'best interest of the child'.

C. *Know your limits*.²⁰⁴ HRFOs cannot solve every problem alone. HRFOs need a healthy dose of modesty, tempered with a realistic assessment of the situation. The best officers quickly realise their limitations and identify potential partners among local and international actors to provide the required expertise, resources and influence.²⁰⁵

²⁰⁴ Cf. Statement of Ethical Commitments of Human Rights Professionals, §16: 'Human rights professionals shall be guided under all circumstances by the need to accomplish the objectives of their mission. This includes the avoidance of unnecessary and/or disproportionate risks to themselves and people working with them in the conduct of their professional activities.'

²⁰⁵ Cf. Statement of Ethical Commitments of Human Rights Professionals, §10: 'Human rights professionals have a duty to react to actual and impending human rights violations that they confront and to alert their own organisations and, where appropriate, government authorities and other relevant actors.'

Statement of Ethical Commitments of Human Rights Professionals

Preamble

As human rights professionals,²⁰⁶ we share an unwavering dedication to human rights as enshrined in the Universal Declaration of Human Rights²⁰⁷ and other international instruments²⁰⁸ and hold to values of human dignity, equality and non-discrimination, justice,

²⁰⁶ The Statement is intended to serve as a reference document for all human rights professionals, i.e. not only or primarily those working in the context of international field operations, as is the case with the Guiding Principles. A primary reason for this expanded scope of application, so to speak, is that professionals naturally move in and out of different employment situations, and it does not make sense to present a set of ethical standards or commitments as valid at one point in time and then not applicable later on, simply because the person in question may have changed his or her job description, perhaps even within the same employing organisation. Furthermore, the very endeavour to draft a statement on ethics has been motivated by a wish to reinforce a sense of shared professional identity among diverse groups of individuals working in the area of human rights, and in order for this to take root, surely it must encompass all human rights professionals irrespective of the specific capacity in which they happen to work at a given moment in time.

²⁰⁷ General Assembly Resolution 217A (III), UN Doc. A/810 at 71, 1948.

²⁰⁸ See notably: International Convention on the Elimination of All Forms of Racial Discrimination [ICERD], G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force 4 January 1969, art.2(1)a; International Covenant on Civil and Political Rights [ICCPR], G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, art. 2(1); Convention on the Rights of the Child [CRC], G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force 2 September 1990, art. 38(1); European Convention for the Protection of Human Rights and Fundamental Freedoms [ECHR], art.1; American Convention on Human Rights [American Convention], O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force 18 July 1978, art. 1; African (Banjul) Charter on Human and Peoples' Rights [African Charter], adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986, art. 1 and 25; Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field [Geneva Convention I], adopted in Geneva 12 August 1949, entered into force 21 October 1950, art.1; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea [Geneva Convention II], adopted in Geneva 12 August 1949, entered into force 21 October 1950, art. 2; Convention (III) relative to the Treatment of Prisoners of War [Geneva Convention III], adopted in Geneva 12 August 1949, entered into force 21 October 1950, art.1; Convention (IV) relative to the Protection of Civilian Persons in Time of War [Geneva Convention IV], adopted in Geneva 12 August 1949, entered into force 21 October 1950, art.1; Convention relating to the Status of Refugees [Refugee Convention], 189 U.N.T.S. 150, entered into force 22 April 1954; Inter Agency Standing

rule of law, international solidarity, mutual understanding and tolerance, and respect for the capabilities and values of others.

Our vision is a world in which every man, woman and child may live in dignity and freedom.²⁰⁹ We contribute to the attainment of this vision through strong personal commitment and the highest degree of professional integrity. We must undertake our work with truthfulness, humility and compassion. We shall at all times uphold the highest ethical standards.

As human rights professionals, we work in a variety of institutional settings.²¹⁰ Irrespective of our affiliation and location, we affirm this statement of the main ethical principles and standards that guide us in our work:

1. The primary commitment of human rights professionals is to the human rights of the individuals, communities and peoples they serve; in cases of professional dilemma or uncertainty, this commitment shall be the fundamental consideration.²¹¹

Committee, *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, Geneva, 2002, pp. 11-13.

²⁰⁹ Compare 'Standards of Conduct for the International Civil Service' (ICS Standards of Conduct), adopted by the International Civil Service Commission 1954, most recently revised in January 2002, §1: "The United Nations and the specialized agencies embody the highest aspirations of the peoples of the world. Their aim is to save succeeding generations from the scourge of war and to enable every man, woman and child to live in dignity and freedom." Available at <http://icsc.un.org/resources/pdfs/general/standardse.pdf>, accessed 26 May 2009.

²¹⁰ For a general elucidation of the defining characteristics of human rights professionals see Michael O'Flaherty and George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming. For a comprehensive survey of the nature and challenges of human rights field operations, see Michael O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Hampshire: Ashgate Publishing Limited, 2007.

²¹¹ Compare OHCHR, 'Code of Conduct for OHCHR staff', Directive No. 2, 1999 (OHCHR Code of Conduct) §1: '[OHCHR staff shall] Promote the advancement and observance of all human rights as defined by international instruments, and base all actions, statements, analysis and work on these standards.' The same basic commitment is expressed even more clearly in the OHCHR training manual on human rights monitoring Chpt. 22, C.1 §29: 'First, UN human rights personnel should be aware of and should be bound by United Nations human rights norms, including the principles and spirit of the UN Charter, the International Bill of Human Rights, other human rights treaties, and further international human rights instruments' (emphasis in original). Available at <http://www1.umn.edu/humanrts/monitoring/chapter22.html>, accessed 16 June 2009. The ICS Standards of Conduct establishes as a point of departure in §3 that: 'The values that are enshrined in the United Nations organizations must also be those that guide international civil servants in all their actions: fundamental human rights, social justice, the dignity and worth of the human person and respect for the equal rights of men and women and of nations great and small.' As example of a specific – and particularly

2. In all of their actions,²¹² human rights professionals shall promote and protect human rights on the basis of the international standards.²¹³
3. Human rights professionals are obliged to recognise and respect the dignity of every human being and to honour the principles of equality and non-discrimination²¹⁴ on the

pertinent – application of the same general principle, the World Medical Association (WMA) Declaration of Tokyo, adopted 1975, establishes that medical doctors must in every regard avoid becoming implicated in torture and other cruel, inhuman or degrading treatment or punishment and proclaims that the WMA will ‘support, and should encourage the international community, the National Medical Associations and fellow physicians to support, the physician and his or her family in the face of threats or reprisals resulting from a refusal to condone the use of torture or other forms of cruel, inhuman or degrading treatment.’ Available at <http://www.wma.net/e/policy/c18.htm>, accessed 16 June 2009. An interesting parallel primary commitment is found in the American Anthropological Association’s 1971 Principles of Professional Responsibilities, §1: ‘In research the anthropologist’s paramount responsibility is to those he studies. Where there is conflict of interest, these individuals must come first.’ Available at: <http://www.aaanet.org/stmts/ethstmnt.htm>, accessed 16 June 2009. This document generated considerable controversy within the profession – in part due to this statement of a ‘paramount responsibility’ to those studied – and has since been replaced by a AAA Code of Ethics, most recently revised in February 2009; available at: <http://www.aaanet.org/issues/policy-advocacy/upload/AAA-Ethics-Code-2009.pdf>, accessed 16 June 2009. For a general discussion of the issues involved, see Carolyn Fluehr-Lobban, *Ethics and the Profession of Anthropology: Dialogue for Ethically Conscious Practice*, 2nd Edition, Oxford: Altamira Press 2003.

²¹² The OSCE Code of Conduct For Staff/Mission Members, Appendix 1 to the OSCE Staff Regulations and Staff Rules, Permanent Council Decision 550/Corr.1, 27 June 2003 (OSCE Code of Conduct) §4 extends this principle to individuals with whom the human rights professional is associated: ‘OSCE officials shall refrain from any conduct which could be detrimental to the goals of the OSCE. This includes but is not limited to an affiliation with any person who is suspected of being involved in any activity that violates national or international law or accepted human rights standards.’ Available at http://www.osce.org/documents/sg/2002/03/2871_en.pdf, accessed 16 June 2009. Similarly the UNHCR Code of Conduct, 2002, §8: ‘[As a staff member of UNHCR, I commit myself to:] Refrain from any involvement in criminal or unethical activities, activities that contravene human rights, or activities that compromise the image and interests of UNHCR.’ Available at http://www.humanrightspersonals.org/images/unhcr_code%20of%20conduct.pdf, accessed 16 June 2009.

²¹³ Cf. supra note 3. A key issue at stake here is that the only valid point of reference for how to understand human rights is the established canon of international standards. Human rights professionals cannot base their work on a radically divergent interpretation of human rights, and cannot selectively embrace some human rights standards but not others.

grounds of race, colour, gender, sexual orientation, language, religion, opinion, national or social origin, disability, age, property, birth or other status.²¹⁵

4. Human rights professionals recognise their special responsibility towards the most vulnerable members of society, in particular regarding the protection, as a matter of the highest priority, of individuals who face immediate risk of grave human rights violations.
5. Human rights professionals in all their acts and expressions shall demonstrate and ensure respect for the dignity of victims and others affected by human rights violations.²¹⁶ They shall act with a sense of propriety and cultural sensitivity.

²¹⁴ Compare OHCHR Code of Conduct §2: '[OHCHR staff shall]: respect, uphold and enforce the United Nations principle of non-discrimination with regard to race, colour, gender, language, religion, opinion, national or social origin, property, birth or other status.' See also 'Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief' (ICRC Code of Conduct), adopted by the International Federation of Red Cross and Red Crescent Societies 1994, §2: 'Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.' Available at <http://www.ifrc.org/publicat/conduct/>, accessed 26 May 2009. ISC Standards of Conduct §14: 'Freedom from discrimination is a basic human right. International civil servants are expected to respect the dignity, worth and equality of all people without any distinction whatsoever. Assumptions based on stereotypes must be assiduously avoided. One of the main tenets of the Charter is the equality of men and women, and organizations should therefore do their utmost to promote gender equality.' OSCE Code of Conduct §6: 'All OSCE officials are treated equally and with respect, regardless of gender, race, religion or belief, nationality, ethnic or social origin, age, sexual orientation, marital status or other aspects of personal status.'

²¹⁵ In drafting the Statement, it was found advisable to align the text with recent efforts to broaden the application of the non-discrimination clause to groups of persons not explicitly identified in traditional human rights law. The inclusion of reference to discrimination based on age, disability, and sexual orientation thus reflects a deliberate insistence that human rights professionals by the very nature of their vocation must be fully committed to the human rights of all persons. For issues related to human rights and age, see Committee on Economic, Social and Cultural Rights, General Comment No. 6: The economic, social and cultural rights of older persons, U.N. Doc. CESCR 1995. For human rights and disability, see notably Human rights of persons with disabilities, UN Commission on Human Rights resolution, U.N. Doc. E.CN.4.RES.2000.51. See also Gerard Quinn and Theresia Degener, The current use and future potential of United Nations human rights instruments in the context of disability, United Nations New York and Geneva 2002; available at <http://www.unhchr.ch/disability/study.htm>, accessed 16 June 2009. For a clarification of the application of international human rights standards to issues of sexual orientation, see the Yogyakarta Principles, available at <http://www.yogyakartaprinciples.org/>, accessed on 16 June 2009.

²¹⁶ Given that they often work in situations of heightened vulnerabilities and sensitivities, human rights professionals are regularly faced with challenges of striking a balance between attending to exigent tasks at hand while at the same time preserving and

6. Human rights professionals shall seek to anticipate any risks of harm to others that may arise in connection with their work²¹⁷ and shall take every possible measure to avoid exposing individuals, communities or peoples to undue risks of harm.²¹⁸

projecting a sense of the dignity of the victims with whom they interact. As an indication of the difficulties involved in honouring this commitment, it is telling that journalists and international humanitarian organisations have occasionally been accused of exploiting images of suffering for purposes of campaigning, fundraising and institutional profiling, or in order to provoke a public reaction to natural and human disasters which otherwise all too often tend to be treated with indifference and apathy. For interesting and informative discussions of this issue, see S. Hofbauer, 'The Visualisation of Dignity. Photography from an Ethical Perspective', in E.M.A Awarded Theses of the Academic Year 2002/2003, Marsilio Editori, Venice 2004; and A. de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford: James Currey 1997). See also ICRC Code of Conduct §10: 'In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects.' Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief adopted by the International Federation of Red Cross and Red Crescent Societies (1994). UNHCR Code of Conduct §1: '[As a staff member of UNHCR, I commit myself to:] Treat all refugees and other persons of concern fairly, and with respect and dignity.'

²¹⁷ Compare WMA Declaration of Helsinki §16: 'Every medical research project involving human subjects should be preceded by careful assessment of predictable risks and burdens in comparison with foreseeable benefits to the subject or to others.' Declaration of Helsinki adopted by the World Medical Association General Assembly 1964 (most recently amended in 2000). Compare also UNICEF Ethical Guidelines: Principles for ethical reporting on children (UNICEF Ethical Guidelines) §I.6: Do not publish a story or an image which might put the child, siblings or peers at risk even when identities are changed, obscured or not used.' See also §II.1: 'Do no harm to any child; avoid questions, attitudes or comments that are judgmental, insensitive to cultural values, that place a child in danger or expose a child to humiliation, or that reactivate a child's pain and grief from traumatic events.' Available at http://www.unicef.org/media/media_tools_guidelines.html, accessed 16 June 2009.

²¹⁸ The principle of non-maleficence, not to expose persons or groups in one's care to harm or unwarranted risks of harm (often expressed in terms of the maxim *primum non nocere*) has long been established as a cornerstone of medical ethics. In the WMA Declaration of Helsinki §5 it is articulated as follows: 'In medical research on human subjects, considerations related to the well-being of the human subject should take precedence over the interests of science and society.' §10 states: 'It is the duty of the physician in medical research to protect the life, health, privacy, and dignity of the human subject.' For a more general discussion of the application of the no-harm principle in medical ethics, see T. L. Beauchamp and J. F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2008, 6th edn); B. Gert, *Morality: A New Justification of the Moral Rules* (Oxford: Oxford University Press, 1988); B. Gert, C. M. Cluver and K. Danner Clouser, *Bioethics: A Return to Fundamentals* (Oxford: Oxford University Press, 1997); G. Ulrich, *Globally Speaking: Report on the Ethics of Research in Developing Countries* (report prepared for Danida, Copenhagen 1998); and G. Ulrich,

7. Human rights professionals in all their activities shall respect the principle of participation²¹⁹ that empowers individuals, communities and peoples.²²⁰ Human rights professionals shall strive to ensure the participation of the most marginalised and vulnerable members of society in activities and decisions that affect them.²²¹

'Optimum Ethical Standards', in 'Proceedings Seminar on Health Research Ethics in Africa' Acta Tropica, Vol. 78 Supplement 1 (Elsevier, January 2001). When appropriately adapted, the no-harm principle obviously applies to other professions as well, including the human rights profession. Compare OHCHR Code §11: '[OHCHR staff shall]: Refrain from endangering, by way of their words or action during or after their service with the OHCHR, the safety and privacy of the people with whom they come into contact and their own safety (...).' For an insightful discussion of the application of the no-harm principle to the area of humanitarian assistance and peace building, see M. B. Anderson, *Do No Harm: Supporting Local Capacities for Peace Through Aid* (Cambridge: Local Capacities for Peace Project, Collaborative for Development Action, 1996). The importance of the no-harm principle to human rights field work, notably with regard to protecting the identity of informants and avoiding to expose human rights defenders or victims of violations to further harm, is well illustrated by Anonymous, 'The Sierra Leone Special Court: Undermining Possibilities for Partnership with Human Rights and Humanitarian Operations', *Humanitarian Exchange* No. 33, March 2006, which in fact was a project output of *Consolidating the Profession: The Human Rights Field Officer*; available at

http://www.humanrightspersonals.org/images/stories/anon_ethics_002_expert%20consultation.pdf, accessed 26 May 2009. See furthermore S. Razavi, 'Emerging Issues for Human Rights Field Officers: Support for Criminal Justice' in Michael O'Flaherty and George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

²¹⁹ Compare ICRC Code of Conduct §7: 'Ways shall be found to involve programme beneficiaries in the management of relief aid.' See also D. Seymour, 'New models for human rights capacity building in the field: Human Rights Field Officers and Relief and Development Professionals' in Michael O'Flaherty and George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

²²⁰ An interesting discussion of positive human rights obligations related to empowerment is found in Sandra Fredman, *Human Rights Transformed: Positive Rights and Positive Duties*, Oxford: Oxford University Press, 2008.

²²¹ Compare UNICEF Ethical Guidelines §I.4: 'When trying to determine the best interests of a child, the child's right to have their views taken into account are to be given due weight in accordance with their age and maturity.' For further elaboration of the application of the principle of participation to issues related to children's rights, see UNICEF Fact Sheet: *The right to participation*; available at <http://www.unicef.org/crc/files/Right-to-Participation.pdf>, accessed 16 June 2009. See also Nazia Hussain, *Human Rights Field Officers working for the most vulnerable: Children*, in Michael O'Flaherty, George Ulrich (eds.), *The Professional Identity of the Human Rights Field Officer*, Hampshire: Ashgate Publishing Limited, 2009, forthcoming.

8. Human rights professionals, both in their personal and official capacities, shall demonstrate respect for all individuals, irrespective of their cultural, religious and other values.²²² This does not preclude the legitimacy of candid dispute, disagreement or action regarding practices that may affect human rights

9. Human rights professionals are committed to be impartial in the promotion and protection of human rights irrespective of the identity or status of perpetrators and victims.²²³ They shall endeavour to ensure that their impartiality is evident to all relevant actors.

²²² Virtually all codes of professional ethics include at least one clause affirming the importance of cultural and religious sensitivity. This has two main aspects, one having to do with knowledge and the other with attitude and demeanour. The former aspect implies an obligation to actively inform oneself about the specificities of the cultural environment in which one works, and the latter implies an obligation to engage with local and international counterparts in a spirit of respect for cultural and religious differences. At an earlier point in time the emphasis was often on tolerance for cultural and religious differences; see e.g. ISC Standards of Conduct §6: 'Tolerance and understanding are basic human values. They are essential for international civil servants, who must respect all persons equally, without any distinction whatsoever. This respect fosters a climate and working environment sensitive to the needs of all. To achieve this in a multicultural setting calls for a positive affirmation going well beyond passive acceptance.' Meanwhile the language of tolerance has in many circles come to be viewed as potentially condescending, as it is difficult not to infer an asymmetrical imbalance between those who do the 'tolerating' and those whose values, customs and beliefs are being 'tolerated'. For this reason the prevailing opinion today is that a demeanour of respect is more appropriate; see OHCHR Code of Conduct §7: '[OHCHR staff shall]: Respect the culture, customs, and people of the country of operation and all other people with whom they come into contact.' The ICRC Code of Conduct states the matter succinctly, § 5: 'We shall respect culture and custom.' For an informative general discussion of the underlying issues, see Michael Walzer, *On Toleration*, New Haven and London: Yale University Press 1997. The ISC Standards of Conduct make a similar point with reference to notions of impartiality in personal conduct and cultural and religious tolerance; see §9: 'Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions. While their personal views remain inviolate, international civil servants do not have the freedom of private persons to take sides or to express their convictions publicly on controversial matters, either individually or as members of a group. This means that, in certain situations, personal views should only be expressed with tact and discretion.'

²²³ Affirmation of the principle of impartiality, or some related principle, features as a standard provision in comparable codes and statements of professional ethics. However, since the record of human rights violations, which in the first place determines the need for an international presence in a given area, is often directly related to the existing social divisions and conflicts, it may be difficult to uphold impartiality in practice. In seeking to end human rights abuses and bring perpetrators to justice, representatives of the international community as well as nationally recruited mission workers will often appear to be partisan in the conflict at hand. The central challenge with regard to

10. Human rights professionals have a duty to react to actual and impending human rights violations that they confront and to alert their own organisations and, where appropriate, government authorities and other relevant actors.²²⁴

11. Human rights professionals shall recognise the primary and fundamental importance of effective local human rights protection structures, governmental and otherwise, and shall seek to strengthen them.²²⁵

professional conduct consists in emphasising a strong commitment to principles, notably of human rights, and a corresponding condemnation of actions in blatant violations of these principles, without extending such condemnation ad hominem to the individuals or communities stereotypically associated with the actions in question. Impartiality in this sense is conceptually different from 'neutrality', which in the classical interpretation implies a non-interventionist mode of engagement, staying aloof from the issues under contention, and treating all parties involved as equally legitimate irrespective of the nature of their actions. Consultation participants contributing to the drafting of the present Statement stated emphatically that human rights professionals cannot remain neutral, i.e. passive, in the face of imminent or on-going human rights violations. They must always take a stand on the side of human rights and on the side of the victims of human rights violations. Compare OHCHR Code of Conduct §5: '[OHCHR staff shall]: Conduct, and be seen to conduct, themselves in an impartial and objective manner at all times – while always promoting human rights – and avoid expressions of partisanship and prejudice.' The OSCE Code of Conduct §3 states: 'OSCE officials shall conduct themselves at all times in a manner befitting the status of an international civil servant. They shall refrain from any action that might cast doubt on their ability to act impartially.' The ICRC Code of Conduct, by comparison simply affirms in §3 that 'Aid will not be used to further a particular political or religious standpoint' and in §4 that 'We shall endeavour not to act as instruments of government foreign policy.'

²²⁴ The commitment to take action in the face of impending human rights violations is based on principles both of beneficence, i.e. doing good for one's fellow human beings, and of standing up for justice. This is particularly pertinent in a global context in which most large-scale human rights violations occur in relative isolation or marginalisation from the mainstream international community and to a large extent are rendered possible by continued international ignorance and/or indifference and apathy. However, it must at the same time be recognised that the capacity of individual practitioners to affect change at the systemic level or in relation to large scale events will usually be rather limited. The fact that normative commitments at this level often exceed the scope of agency of the actors involved confronts human rights professionals with complex ethical dilemmas about where best to invest their limited resources and energies and where not to do so. It is for this reason that the article primarily foresees taking action of an awareness-raising nature directed at one's own organisations, government authorities, and other relevant actors, which in some cases might include the international or local media.

²²⁵ This commitment reflects a keen awareness that agents of the international community often stand at risk of substituting rather than reinforcing local human rights

12. Human rights professionals shall engage with colleagues and other counterparts, regardless of position and contractual status, in a just, respectful and constructive manner.²²⁶

protection structures, and thus possibly of doing damage in the long run even when positive change is affected in the immediate situation. To prevent this and help to ensure that interventions are sustainable, as far as possible, the article suggests that human rights professionals must expressly acknowledge the principal role of local actors and deliberately adopt a supporting role in the protection and promotion of human rights. Consistent with the principles of participation and empowerment, as discussed above in relation to article 7, this requires placing emphasis on activities aimed at strengthening and mobilising local knowledge and skills. What is at stake is also a matter of exhibiting respect for local competences. Compare ICRC Code of Conduct §6: 'We shall attempt to build disaster response on local capacities.' It may be noted, furthermore, that the ethical commitment articulated here is fully compatible with the notion of a 'light footprint' of international field presences, as coined by Lakhdar Brahimi in his capacity as UN Special Representative for Afghanistan; see e.g. A. J. Bellamy, *Responsibility to Protect* (Polity 2009, p. 178f.).

²²⁶ The complex negotiation of hierarchical and vertical relations, authority dynamics, career ambitions, salary expectations, agenda setting, claims to recognition, entitlements and frictions that can be summarised by the phrase 'the ethics of collaboration' presents complications within any professional context. This is an area of consideration that is often ignored in professional codes of ethics yet is universally perceived to be important by practitioners on the ground. It turns on issues of fairness or equity, reciprocity and respect, and involves striking a delicate balance between pursuing personal interests and honouring broader ethical commitments and policy objectives. Due to the sensitivity of personal vested interests, it is often particularly difficult to broach issues related to the ethics of collaboration in a candid and open fashion, yet a failure to do so is likely to have a negative impact on the success of the given mission and may lead to breaches of ethics in other regards. Surprisingly few ethics codes address this issue explicitly. A noteworthy exception is the Code of Ethics of the US National Association of Social Workers (NASW Code of Ethics) adopted 1996 and most recently revised 2008, in which the entire section 2 is devoted to Social Workers' Ethical Responsibilities to Colleagues; e.g., §2.01: '(a) Social workers should treat colleagues with respect and should represent accurately and fairly the qualifications, views, and obligations of colleagues.' Available at: <http://www.naswdc.org/pubs/code/code.asp>, accessed 26 May 2009. The issue is also taken up at length in the OHCHR training manual on human rights monitoring Chpt. 22, C.4 §32: 'Relations within the operation are also a very important issue. HROs, including officers in management positions, should be respectful of the important contribution all personnel -- fellow officers, UN Volunteers, seconded staff, support staff, national staff, etc. -- are making to the overall effort of the human rights operation. Staff should avoid any act which detracts from the cohesiveness of the operation. Staff should make every effort to share equitably the equipment and other resources which are available to make the operation as effective as possible. Each member of the staff should see themselves as part of the overall human rights operation rather than as a representative of whatever agency may have recruited them. Regardless of how a staff member is recruited, paid, equipped, or classified, it should be clear that the head of operations is responsible for the management of the operation. At a minimum, UN personnel should abstain from any

13. Human rights professionals shall be aware of any power or privilege that their position commands and refrain from abusing their status, especially in relations with members of the local community.²²⁷

act that is oppressive, abusive, discriminatory, or likely to cause offence or humiliation' (emphasis in original). Compare also UN DPKO Ten Rules: Code of Personal Conduct for Blue Helmets, adopted 1997, §7: 'Show military courtesy and pay appropriate compliments to all members of the mission, including other United Nations contingents regardless of their creed, gender, rank or origin.' Available at http://www.un.org/Depts/dpko/dpko/Conduct/ten_in.pdf, accessed 16 June 2009.

²²⁷ Compare UNHCR Code of Conduct §7: '[As a staff member of UNHCR, I commit myself to:] 'Prevent, oppose and combat all exploitation and abuse of refugees and other persons of concern. ... I undertake not to abuse the power and influence that I have by virtue of my position over the lives and wellbeing of refugees and other persons of concern. I will never request any service or favour from refugees or other persons of concern in return for protection or assistance. I will never engage in any exploitative relationships – sexual, emotional, financial or employment-related – with refugees or other persons of concern.' A characteristic aspect of international field operations is a tendency to assign a high level of responsibility to the individuals involved. Conflict areas tend generally to be marginalised from the mainstream professional working environments, and human rights professionals working in such settings are often assigned responsibilities beyond their ordinary capacity or at a level that they would only attain in their home environments through a gradual process of advancements, subject to on-going tests and controls. This produces imbalances and sometimes strained relations between locals and internationals, which are further exasperated by a widespread perception that national and international staff of intergovernmental human rights field operations are accorded different levels of pay and personal respect and therefore are subject to unequal professional treatment. In other regards, too, internationals are in a privileged position in comparison with nationally recruited colleagues; they are, e.g., accorded better protection provisions and have the option to leave the area, if they should so choose. All of this clearly adds a dimension of ethical complexity to the work of human rights professionals in the field. While the underlying imbalances are beyond the control of individual human rights professionals, a minimum ethical requirement is that they remain aware of the relative power and privilege that their position commands and explicitly resolve to refrain from taking advantage of such privileges. The OHCHR Training Manual on Human Rights Monitoring makes a related observation in Chpt. 22, A §8 (p.450), where it is noted that 'UN personnel are sometimes viewed as leading a privileged lifestyle in the field. The international staff may be paid salaries far in excess of national personnel and thus may drive rents and other local prices out of the reach of other people. UN personnel may also experience problems of adjusting to local customs. At the same time local residents may have exaggerated expectations of the UN personnel as perfect representatives of the highest standards of the international community with no human failings or inadequacies' (emphasis in the original). No concrete implications are derived from this observation; only a reinforcement of the general importance of maintaining high personal and professional standards of conduct. For some concrete examples of the inter-personal dynamics in the field, see B. Adams, 'UN Human Rights Work in Cambodia: Efforts to

14. Human rights professionals shall work loyally and in conformity with the aims and regulations of their organisation.²²⁸ They bear a responsibility to bring to the attention of the organisation any of its policies or practices that they consider to be incompatible with human rights.²²⁹

Preserve the Jewel in the Peacekeeping Crown', in Henkin (ed.), *Honoring Human Rights*, pp. 345-382; M. Brand, 'Effective Human Rights Protection: When the UN Becomes the State', in N. White and D. Klaasen (eds.), *The UN, Human Rights and Post-Conflict Situations*, pp. 347-375; and R. Wilde, 'International Territorial Administration and Human Rights', in N. White and D. Klaasen (eds.), *The UN, Human Rights and Post-Conflict Situations*, pp. 149-173.

²²⁸ The ethical obligation to conduct oneself in compliance with the objectives and explicit policies of the organisation for which one works, and with the established standards of one's profession, tends to be accorded a central status in many ethics codes for the simple reason that any case of serious misconduct may have negative consequences for the organisation or profession. It is thus telling that more than half of the twelve articles contained in the 1999 OHCHR Code of Conduct are devoted to issues of compliance with organisational aims, policies and procedures and projecting an image of professionalism on behalf of the organisation. See OHCHR Code of Conduct §§3, 4, 5, 6, 8, 9, 10, 12. Compare ICS Standards of Conduct §4: 'International civil servants should share the vision of their organizations. It is loyalty to this vision that ensures the integrity and international outlook of international civil servants; it guarantees that they will place the interests of their organization above their own and use its resources in a responsible manner.' Beyond immediate questions of compliance with institutional rules and procedures, it is important that international actors in the field are seen to operate efficiently and fairly and to make good use of available resources. What is at stake is, on the one hand, the good reputation and hence efficacy of the given organisation or mission and, on the other hand, the general receptivity of the environment in which the mission is situated to input and interventions by external actors. Since professionals working in various capacities for international missions in immediate post-conflict situations often constitute a particularly visible group of international actors, the level of ethical standards and professionalism which they are seen to maintain has far-reaching consequences for subsequent developments in the area.

²²⁹ Cf. OHCHR training manual on human rights monitoring Chpt. 22, C.4 §36: 'HROs officers should always avoid criticizing the human rights operation, or any of its staff members, to any person who is not a staff member. Criticism of the operation to people outside of the operation can be very damaging to the human rights work of the operation. It is particularly harmful to engage in such criticisms when talking with journalists or with the members of other organizations. Such criticism gives an extremely poor impression of the human rights operation and reflects badly on the professionalism of the individual making it. Generally, a HRO who criticizes his/her own operation in this manner is trying to distance him/herself from the operation in the eyes of the person being addressed. If the criticism is genuine and the HRO feels very strongly about the problem, it would be better to raise the issue within the operation or within the UN. If those efforts fail, resignation is preferable to undermining the operation' (emphasis in the original). Compare ICS Standards of Conduct §33: 'It would

15. Human rights professionals have a duty to react appropriately to any serious ethical misconduct or human rights abuse, including sexual exploitation,²³⁰ that comes to their knowledge.²³¹ This duty extends to acts committed by persons contracted by their own and partner organisations. The reaction may include reporting the misconduct to the competent authorities.²³²

not be proper for international civil servants to air personal grievances or criticize their organizations in public. International civil servants should endeavour at all times to promote a positive image of the international civil service, in conformity with their oath of loyalty.'

²³⁰ Sexual exploitation and harassment is an egregious example of ethical misconduct deserving explicit mention, as it unequivocally warrants action on the part of the human rights professional irrespective of the prevailing societal context. This has numerous manifestations, including harassment in the work place, the patronising of a sex trade that in many cases is closely connected with trafficking in women and children, and heinous sexual exploitation of vulnerable women and children in post-conflict or post-disaster areas. Rumours, and in some cases documented evidence, of such sexual exploitation by international professionals and peacekeepers have on various occasions in recent years shocked the international community and have had a detrimental impact on the work of international organisations in these areas. It is for this reason appropriate that the UN DPKO Ten Rules: Code of Personal Conduct for Blue Helmets specifically state in §4: 'Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children.' For comparative reference, it may be noted that the NASW Code of Ethics §1.11 defines sexual harassment as follows: 'Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.'

²³¹ The NASW Code of Ethics elaborates the implications of this ethical principle in considerable detail under section 2.11 Unethical Conduct of Colleagues: '(a) Social workers should take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues. (b) Social workers should be knowledgeable about established policies and procedures for handling concerns about colleagues' unethical behavior. Social workers should be familiar with national, state, and local procedures for handling ethics complaints. These include policies and procedures created by NASW, licensing and regulatory bodies, employers, agencies, and other professional organizations. (c) Social workers who believe that a colleague has acted unethically should seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive. (d) When necessary, social workers who believe that a colleague has acted unethically should take action through appropriate formal channels (such as contacting a state licensing board or regulatory body, an NASW committee on inquiry, or other professional ethics committees). (e) Social workers should defend and assist colleagues who are unjustly charged with unethical conduct.'

²³² Compare ICS Standards of Conduct §19: 'It must be the duty of international civil servants to report any breach of the organization's rules and regulations to a higher level official, whose responsibility it is to take appropriate action. An international civil servant

16. Human rights professionals shall be guided under all circumstances by the need to accomplish the objectives of their mission. This includes the avoidance of unnecessary and/or disproportionate risks to themselves and people working with them in the conduct of their professional activities.²³³

17. Human rights professionals are obliged to stay informed about developments in international human rights standards and mechanisms, and to practice their profession accordingly.²³⁴

who makes such a report in good faith has the right to be protected against reprisals or sanctions.'

²³³ This article reflects concern that some human rights professionals may feel compelled to take action that puts themselves or others at risk for the sake of providing human rights protection. Its aim is to avoid a 'hero mentality' and thereby implicitly also affirms the premise that an important aspect of professional conduct has to do with taking basic precautionary measures to protect oneself. This principle is established in various relevant codes of conduct including, e.g., the OHCHR Code §11: '[OHCHR staff shall]: Refrain from endangering, by way of their words or action during or after their service with the OHCHR, the safety and privacy of the people with whom they come into contact and their own safety, strictly comply with UNSECOORD security directives, and refer any security queries to the appointed security advisor or Designated Official' (emphasis added); cf. supra note 13. Compare UNHCR Code of Conduct §5: '[As a staff member of UNHCR, I commit myself to:] Promote the safety, health and welfare of all UNHCR staff as a necessary condition for effective and consistent performance. ... I will remain aware of and comply with all instructions designed to protect my health, welfare and safety. I will always consider the safety of staff in operational decisions. If I have doubts regarding an instruction that I consider threatening to my safety or the safety of other persons, I will bring this immediately to the attention of my supervisor.' See also ICS Standards of Conduct §37: '... it is the responsibility of organizations to make sure that the health, well-being and lives of their staff, without any discrimination whatsoever, will not be subject to undue risk. The organizations should take measures to protect their safety and that of their family members. On the other hand, it goes without saying that it is incumbent on international civil servants to comply with all instructions designed to protect their safety.'

²³⁴ To comply with the basic values guiding any profession, it is necessary that practitioners stay informed about the most recent knowledge-based developments in their field and likewise that they are fully familiar with the relevant systemic implementation mechanisms. To feign professionalism without adequate technical competence is blatantly unethical, as it is likely to lead to various forms of misconduct and to have adverse consequences for the intended beneficiaries of the given activity. This is no less relevant for human rights professionals than for professionals in other fields. To ensure a continual updating of knowledge about relevant developments in the area of international human rights requires not only a strong personal commitment on the part of practitioners but also adequate encouragement and support from the employing organisations. Compare, e.g., WMA Declaration of Helsinki §12: 'Medical research involving human subjects must conform to generally accepted scientific

18. Human rights professionals, in particular those in managerial positions, shall expend every effort to foster a work environment in which these ethical principles can be upheld.²³⁵

This *Statement* should not be interpreted as restricting or limiting any ethical commitments made in the context of specific institutional employment.²³⁶

principles, be based on a thorough knowledge of the scientific literature, other relevant sources of information, and adequate laboratory and, as appropriate, animal experimentation.'

²³⁵ Compare ICS Standards of Conduct §15: 'Managers and supervisors are in positions of leadership and it is their responsibility to ensure a harmonious workplace based on mutual respect; they should be open to all views and opinions and make sure that the merits of staff are properly recognized.' See also UNHCR Code of Conduct §4: '[As a staff member of UNHCR, I commit myself to:] Contribute to building a harmonious workplace based on team spirit, mutual respect and understanding.'

²³⁶ This is intended as a standard 'without prejudice' clause aimed at ensuring that the Statement is construed as fundamentally compatible, rather than in potential competition, with ethical and procedural obligations established by the organisations employing human rights professionals. In emphasising this point, it is hoped that the Statement can emerge as a common ethical reference document for all human rights professionals, irrespective of their specific employment situation at any given time.