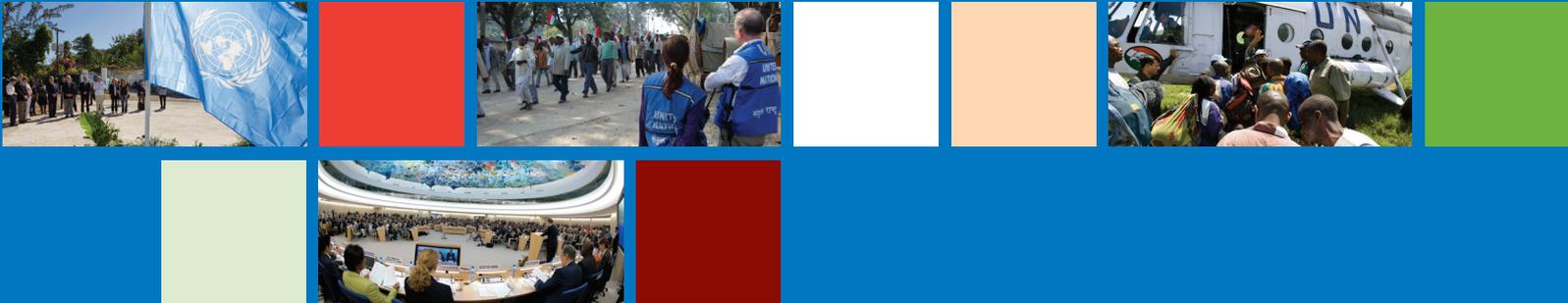


BASIC PRINCIPLES OF HUMAN RIGHTS MONITORING



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A. Key concepts



- **Monitoring should aim to reinforce the State's responsibility to respect, protect and fulfil human rights – not replace it.**
- **There are a number of basic principles of monitoring that human rights officers (HROs) performing monitoring functions should keep in mind and respect at all times. They are essential for effective human rights monitoring.**



B. Monitoring as a method of improving the protection of human rights

Monitoring is a method of improving the protection of human rights. Its ultimate **objective** is to **reinforce the State's responsibility to respect, protect and fulfil human rights**. HROs can also play a **preventive role** through their presence. Monitoring the conduct of duty bearers reinforces their accountability. This should result in more "human rights-responsible" behaviour.

In keeping with the concept of human rights monitoring, HROs actively collect and verify information on alleged human rights violations, engage with State authorities and other stakeholders to solve human rights problems and identify possible solutions to redress human rights situations by following the different steps of the monitoring cycle.

The principles outlined below apply to all monitoring activities covered by this *Manual*.

C. Do no harm

In all circumstances and at all times, HROs have an obligation not to jeopardize the life, **physical and psychological** safety, freedom and well-being of victims, witnesses and all those who enter into contact with them in the framework of their monitoring work. HROs have to make every effort to avoid causing harm when doing monitoring work. The best protection HROs can provide to cooperating persons is to **be aware of the potential risks of harm** and to exercise good judgement, caution and sensitivity in all their interactions. It is critical to remember that the **foremost duty of the HRO is to the victims and potential victims** of violations. While undertaking monitoring, HROs have a responsibility to balance the need to gather information and the potential risk of harm to those who may be in a position to provide such information. Preventing harm is paramount also in view of the limited capacity of field presences to ensure the safety of victims and witnesses of human rights violations. HROs should always assess whether it is necessary to establish contact with a person who may be placed at risk as a result of that contact. Contact should not be attempted if HROs determine that they will not be able to ensure the safety of the cooperating person, if the risk of harm is too high or if HROs do not have sufficient information to make an informed determination on the level of risk. At a minimum, the action or inaction of HROs should not jeopardize the safety of victims, witnesses or other individuals with whom they come into contact.

D. Respect the mandate

Field presences operate under the broad mandate of the High Commissioner for Human Rights.¹ Host country agreements establishing field presences and Security Council resolutions mandating peace operations or political missions with a human rights component might provide more details on the mandate of field presences. United Nations resolutions establishing commissions of inquiry or fact-finding missions, or their terms of reference, outline their mandate (see also chapter on *Human rights monitoring, fact-finding and investigation by the United Nations* [\[11\]](#)). Other organizations, like national human rights institutions, may have a monitoring mandate enshrined in the law establishing them.

¹ General Assembly resolution 48/141.

Every HRO must be aware of the mandate of the field presence, bear it in mind at all times, and learn how to apply and interpret it in the particular situations s/he will encounter. HROs should always be able to frame their actions within the mandate of the field presence. In evaluating situations, HROs can consider such questions as: What are the international standards underlying the mandate? How will the mandate be served by making a particular inquiry, by pursuing discussions with the authorities or by taking any other course of action? Is the field presence fulfilling its mandate by pursuing a certain course of action? How can HROs best explain the mandate to their counterparts? What action is the HRO authorized to take under the mandate? Could the action the HRO is about to take fall outside the mandate? What are the implications, if any, of that course of action?

E. Seek access

Field presences need full and unimpeded access to countries and territories to carry out their work, including human rights monitoring. The principle of freedom of movement and access to all areas, direct and unsupervised contact with individuals and entities is set out, *inter alia*, in the standard host agreements establishing field presences, in the terms of reference of country visits of special procedures and in the mandates of fact-finding mechanisms established by the Human Rights Council or other bodies.²

F. Know the standards

HROs should be fully familiar with the international human rights standards that are relevant to their mandate and applicable to the country of operation. International human rights standards, and international humanitarian law if applicable, not only define the mandate of HROs, but also provide the legal basis and legitimacy for their work and that of the United Nations in a specific country. They define the legal obligations of the Government and reflect the will (or the agreement) of the international community.

HROs should also know the national and regional standards relevant to the situation they are monitoring and refer to those as appropriate (e.g., advocating for their implementation or for their alignment with international standards when they do not comply with international human rights norms).

G. Exercise good judgement

Whatever their number, their relevance and their precision, **rules and guidance cannot substitute for the good personal judgement** and common sense of the HRO. HROs should exercise their good judgement at all times and in all circumstances.

² See, for example, article XIV of the agreements between the Plurinational State of Bolivia and Nepal and the United Nations High Commissioner for Human Rights (respectively available from http://bolivia.ohchr.org/docs/Acuerdo_Bolivia_OACNUDH.pdf and <http://nepal.ohchr.org/en/index.html> (accessed 11 November 2013)); article IV of the "Agreement between the Office of the High Commissioner for Human Rights and the United Mexican States on the Continuation of Its Activities in Mexico" (available from www.hchr.org.mx/files/convenios/acuerdogobierno_oacnudh_eng.pdf (accessed 11 November 2013)); and the terms of reference for fact-finding missions by special rapporteurs/representatives of the Commission on Human Rights (E/CN.4/1998/45, appendix V).



H. Seek consultation

Wisdom springs from discussion and consultation. HROs should **regularly consult** their colleagues and/or supervisors on the different aspects of human rights monitoring, especially when dealing with difficult cases.

Similarly, HROs will usually work with several United Nations and other organizations, including human rights and humanitarian organizations. They should make sure that there is appropriate consultation with them to avoid duplication or potentially conflicting activity. This is specifically relevant in situations where there are many organizations conducting monitoring (e.g., national human rights institutions, non-governmental organizations, various components of United Nations peace and political missions). In these cases HROs could consider setting up regular coordination meetings or even more formal networks to assist in coordination and consultation.

I. Respect the authorities

HROs should keep in mind that one of their objectives, and the **main role of field presences, is to encourage the authorities to improve their conduct**. In general, the role envisaged for HROs is **not to take over governmental responsibilities** or services. Instead, HROs should respect the proper functioning of the State institutions, welcome improvements, and seek ways to encourage human rights-compliant governmental policies and practices. Establishing and maintaining a respectful relationship with the authorities is essential.

J. Maintain credibility

The credibility of the HRO is crucial to successful monitoring. Unless interlocutors trust HROs, they will not be willing to cooperate and provide reliable information. The first contact with victims and witnesses of alleged violations is crucial and could set the tone for future interaction. Credibility also plays an important role in the relationship with counterparts, such as authorities, national human rights institutions and civil society. HROs have to prepare each interaction with their interlocutors carefully, be professional in following through their commitments and avoid making promises they cannot keep.

K. Respect confidentiality

Respect for the confidentiality of information is essential because any breach of this principle could have very serious consequences: (a) for the interviewee(s), for the victim(s), for the witness(es) and for anyone else involved; (b) for the credibility and safety of the HROs; (c) for the confidence enjoyed by the field presence among the local population; and thus (d) for its effectiveness. HROs should assure cooperating persons that their identity and, where appropriate, the information provided will be treated confidentially, unless specific consent has been given for their use (see below). Even if consent for the use of information is given, HROs have an obligation to assess the potential implications of that action for the safety of the person providing the information and of other people involved in the situation (e.g., the family of witnesses). If there is a risk of endangering any of them, HROs should not disclose the information or should do it in a manner that removes the risk. The safety of victims, witnesses and other cooperating persons must be a paramount concern for field presences and HROs; confidentiality as a measure to protect their safety should therefore take precedence over other considerations.

Special measures also have to be taken to **safeguard the confidentiality of recorded information**, including the identities of victims and witnesses. This relates to both the safe recording of information and its safe storage and handling (see chapter on *Protection of victims, witnesses and other cooperating persons* .

L. Ensure informed consent

When conducting interviews with victims of human rights violations, witnesses and other cooperating persons, HROs must obtain the interviewees' informed consent to use and/or share the information provided. This means explaining the principle of confidentiality, the intended use of the information and how the information will be protected. For instance, HROs should explain what information will be kept completely confidential, such as the identity and personal details of the interviewee, and what information may be included in a report, whether internal or public, or shared with others. HROs have the obligation to make interviewees fully aware of the potential implications of the use of information for their safety and well-being.

Informed consent has to be **specific**: e.g., consent for the field presence to use the information for internal and/or external purposes. When appropriate, consent needs to be sought to share information with other entities, such as the United Nations special procedures or other human rights mechanisms, international and regional courts, and other national or international judicial or quasi-judicial mechanisms.

Even if informed consent was granted to disclose information to a third party, HROs have an obligation to assess the potential implications of that action for the safety of the person providing the information and of those involved in the situation (see chapters on *Interviewing* and on *Protection of victims, witnesses and other cooperating persons* .

M. Respect security standards

This basic principle refers to the security of both the HROs and the persons who come in contact with them. HROs should protect themselves and their organization by taking **common-sense security measures** and **abiding by the United Nations security rules**. The latter refers to existing rules applicable to all United Nations staff as well as country-specific security measures established by the United Nations Department of Safety and Security.

HROs always have to **bear in mind the security of the people who provide information** and respect the interrelated principles of do no harm, confidentiality and informed consent in their monitoring work. HROs should not give unrealistic guarantees concerning the safety of cooperating persons.



N. Understand the context

HROs should endeavour to understand the country and context in which they work, including the **demographics, history, economy, governmental structure, social infrastructure and dynamics, culture, and customs** (see chapter on *Gathering contextual information* ). HROs will be more credible, more effective and more likely to receive the cooperation of the local population if they strive to deepen their knowledge of the country. They will also understand more thoroughly the root causes of violations and be able to design appropriate advocacy actions to help put an end to such violations and prevent them.

HROs must be mindful that understanding the context or the culture does not mean condoning, accepting or justifying human rights violations purportedly portrayed by some as being in line with a certain context or culture. HROs are always guided by human rights standards in assessing violations.

O. Ensure participation

This principle requires HROs to ensure to the extent possible meaningful participation and consultation of rights holders in key aspects of human rights monitoring. For instance, HROs should **consult rights holders in decision-making regarding monitoring** (e.g., determining monitoring priorities of a field presence). They should ensure the meaningful participation of the affected individuals in decisions on the corrective actions to pursue (e.g., raising their specific case with local authorities). In the latter example, the principle of participation is closely linked to that of informed consent.

HROs should make special efforts to ensure the participation and consultation with the most marginalized members of society, who face more difficulties in accessing the field presence and/or other protection mechanisms and institutions.

P. Integrate gender

HROs must integrate a gender perspective in human rights monitoring. This entails using **gender analysis at every stage of human rights monitoring** to identify the gender-specific aspects of the human rights situation that is monitored. Gender analysis looks at the differences between women and men, girls and boys, and how these differences affect the structure, institutions and values of a given society and the ways in which human rights are enjoyed or violated.

Some ways of integrating gender into human rights monitoring are: gathering sex- and age-disaggregated data; including questions during interviews on how particular situations may affect women, men, girls and boys differently; ensuring that measures advocated by the field presence to redress human rights violations take into account a gender perspective (see chapter on *Integrating gender into human rights monitoring* .

Q. Pursue consistency, perseverance and patience

Collecting sound and precise information to assess, document and respond to alleged human rights violations can be a long and difficult process. Information must be collected in a consistent manner and from a variety of sources. It will have to be examined, compared and verified carefully. **Immediate results cannot always be expected.** HROs should continue their efforts until a comprehensive and thorough inquiry has been completed, all possible sources of information have been explored, and a clear and consistent understanding of the situation has been obtained. Persistence may be particularly necessary in raising concerns with national authorities and other stakeholders.

R. Ensure accuracy and precision

A central goal of monitoring is to **provide sound and precise information and analysis.** The analysis produced through monitoring will serve as the basis for immediate or future action with the local authorities or for advocacy by the field presence, or will be used by other United Nations bodies or human rights mechanisms. Sound and precise analysis requires thorough and **well-documented information.**

Written records are essential to avoid lack of precision, rumours and misunderstandings. Reports prepared by HROs should reflect thorough inquiries, be submitted promptly, and contain specific facts, accurate analysis, including legal analysis, and useful recommendations. HROs should avoid vague allusions and generic descriptions. All conclusions should be based on detailed information (see chapter on *Human rights reporting* .

S. Preserve impartiality

The HRO has to keep in mind that the human rights field presence is an impartial body. Each task or interview should be approached with an attitude of impartiality **with regard to the application of the mandate and the underlying international standards.** Violations and/or abuses by all parties should be investigated with equal thoroughness. The HRO should not be seen as siding with one party over another.

T. Uphold objectivity

The HRO has to maintain an **objective attitude and appearance at all times.** When collecting and weighing information, when interacting with their interlocutors and in all stages of human rights monitoring, HROs **should objectively consider all the facts.** It is important for HRO to be aware of their personal biases and ensure that they do not affect their monitoring work.



U. Behave with sensitivity

When interviewing victims and witnesses, the HRO should be sensitive **to the suffering which an individual may have experienced** and, hence, show some degree of empathy. HROs must be particularly sensitive to the **problems of retraumatization** (see chapters on *Interviewing* and on *Trauma and self-care* ). HROs should also be very careful about any conduct or words/phrases which might indicate that their concern for human rights is not impartial or that they are prejudiced.

V. Act in accordance with core values (integrity, professionalism and respect for diversity)

Like all United Nations staff, HROs must be guided by the core values of integrity, professionalism and respect for diversity in all aspects of their work.

HROs should show **integrity** by treating all interlocutors and co-workers with respect and decency, and by working honestly, openly and impartially. **Professionalism** entails being able to work in a competent, diligent, calm and committed manner. **Respecting diversity** means the ability to work effectively, respectfully and inclusively with people from different backgrounds and with different perspectives.³

W. Ensure transparency

HROs should **be sure that the national, regional and local State actors, civil society and the local population are kept informed of the work** pursued by the field presence. Being transparent may mean, for example, keeping the authorities informed of monitoring undertaken by the field presence; informing civil society about planned field visits to certain areas; and informing victims and their families about the status of their case and the responses from authorities.

X. Pursue visibility

HROs should ensure that the authorities, civil society and the local population are aware of their presence and activities. In some contexts, the visible presence HROs can deter human rights violations. Often, a visibly active monitoring presence on the ground can provide some degree of protection to the local population, since potential violators usually do not want to be observed. Also, a visible monitoring presence can reassure individuals or groups that are potential victims and it can help to inspire confidence in crucial post-conflict processes, such as elections, reconstruction and development. In some situations, **effective monitoring means both seeing and being seen**. HROs must apply the principle of visibility only when appropriate. In some contexts, discretion and keeping a low profile are to be preferred, particularly when this is needed to respect the principles of confidentiality and do no harm.

³ For more information on the core values and competencies of the United Nations, see “UN competency development: a practical guide”, available from www.un.org/staffdevelopment/DevelopmentGuideWeb/intro1.html (accessed 11 November 2013).



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MANUAL ON human rights MONITORING

This chapter forms part of the revised *Manual on Human Rights Monitoring*. Following the success of its first edition, published in 2001, the Office of the United Nations High Commissioner for Human Rights has updated and restructured the *Manual*, to provide the latest and most relevant good practices for the conduct of monitoring work by human rights officers, under the approach developed and implemented by the Office.

The revised *Manual* provides practical guidance for those involved in the specialized work of human rights monitoring, particularly in United Nations field operations. This publication comprehensively addresses all phases of the human rights monitoring cycle, setting out professional standards for the effective performance of the monitoring function. It also outlines strategies to maximize the contribution of monitoring to the protection of human rights.

While each chapter has been made available separately, linkages with other chapters are highlighted throughout. A full reading of the *Manual* is thus recommended for a comprehensive understanding of human rights monitoring.

This tool has been tailored to the everyday needs of United Nations human rights officers in the field. The methodology it sets out would, nonetheless, be of equal relevance to others tasked with human rights monitoring functions. Its wider use and application by regional organizations, national human rights institutions, non-governmental organizations, relevant governmental bodies and others is strongly encouraged.



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