Theme: Human Rights Monitoring and Fact-Finding

Basic Elements of Human Rights Monitoring and Fact finding

Part 1. The Objectives
- Fact finding itself is not monitoring
- Monitoring without fact finding is ineffective

Fact finding and monitoring are linked through
(a). Legal processes, including
   International legal processes
Local processes are various actions available through courts, tribunals and the National Commissions themselves

(b). Lobbying processes
- Institutional lobbying
- Internal lobbying with government
- International Lobbying
- lobbying for mobilizing people

Fact finding and monitoring are not ends but beginnings

The end results expected are corrective actions, for example:

- Redress to victims - revealing to them the hidden story of the violations, thus helping to restore their shattered inner beliefs;
- Punishment to perpetrators
- Compensation
- Reconciliation

- Corrective Actions by the state, (to prevent repetition of similar violations)
- Legislative changes; this may include constitutional and other legal reforms
- Administrative changes
- Changes in education of public Servants
- Education of the public
**THE NATURE OF CORRECTIVE ACTIONS WILL DEPEND VERY MUCH ON THE EXTENT OF REPRESSION IN GIVEN SOCIETY IN WHICH LOBBYING AND MONITORING TAKES PLACE.**

- **Strengthening the lobby groups**
  - To sustain lobbying activities, which often may take long time before reaching final achievements
  - To create traditions of demanding accountability from state and social agencies
  - To sustain traditions of vigilance
  - To create a firm basis for democracy, good governance and participation.

**Means of Lobbying:**
- Oral communications
- Official communications- petitions, letters- reports
- Print media
- Electronic media and facilities - email lobby groups, web-sites

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**Part 2. What monitoring Human Rights practices of Governments involves**

**Collecting Information**
1. A proper system of receiving and recording of complaints

Such complaints may be oral and then reduced to writing- oral includes telephone messages
Written- including, letters, faxes, emails

Such a system must be regular- always open; and it must be a system of clear and accurate recording

2. Speedy system of relaying and further pursuing the details of the complaints; this may be done through regional sub-offices based on various regions or at least through persons based in these places or with easy access to transportation.

3. Proper follow up of complaints

4. Use of technical means- tape recorders, cameras, projectors etc

5. The ability of the information collectors to communicate with the ordinary folk of the community, where violations have occurred

Analysis of Information

This is the most important aspect of any fact-finding process; most fact finding attempts fail due to defects in this aspect.

Analysis has to take place at all stages of the inquiries; from the receipt of first information up to final stages.

Proper analysis requires mature persons, with a down to earth approach.

It requires arrangement of times for such analysis; often in inquiries there is no such times arranged and discussions take place only casually.

Where many persons are involved in information collection, provisions need to be made for thorough analysis of facts; with proper analysis of facts, the inquiry may often take a shorter time.

A primary characteristic of a good analyst is a thorough understanding of the socio-cultural situation in which the human rights violations has taken place.
**Technical Assistance**

Technical advice is sometimes required on various aspects that come up during inquiries. For example—exhumation of bodies. The inquirers must be resourceful in finding ways to get such technical assistance.

**Legal Information**

All inquiries involve legal matters. These legal matters may relate mostly to domestic laws. But they also may involve relevant international laws

A proper system of report writing

All the work of investigations and documentation may be lost if reports are not properly written.

Different types of reports on the same inquiry may be written, depending on the purpose of the report. For example, a report seeking prosecution written to a legal authority can be different from one written to the government seeking changes of policy or to the public for public awareness-raising.

**Skillful use of information**

The outcome of an inquiry does not depend on available information only. Skillful use of information is part of the process. This requires the ability to use local modes of communication and global communication systems effectively.

**Documentation**

1. Systems of immediate recording of collected information
2. Classification for easy access
3. Protection of documents
Modern technology can be useful in all these areas of documentation.


An overall consideration is that Human Rights inquiries must respect human rights norms. Improper inquiries have led to gross violations of human rights throughout history; e.g., the Inquisition

1. All inquiries must be thorough and many-sided. No conscious or unconscious deletion of any information that may be considered adverse.
2. Accuracy is guaranteed by the use of diverse sources of information
3. Impartiality; willingness to abandon any hypothesis, if there are reasons to do so.
4. Fair hearing to every party- particularly to the suspected party
5. Application of International standards
6. Following inquiries till it is brought to a logical ending.
7. All inquiries are likely to come under many obstacles. The inquirers must be resourceful to deal with such obstacles.

Part 4. A Few Modern Day Considerations to Fact Finding

1. Modern media provides much information of human rights related violations
2. The same media provides constant updates
This new situation poses challenges to traditional modes of human rights investigations.
* It can make some investigations repetitious.
* It can even make some investigations redundant

Facing these challenges,
1. Keep a tract of all reported material; this requires use of staff for this purpose
2. Careful selection of reliable material
3. Careful selection of usable material
4. Careful gathering of further needed information
5. Getting necessary clues from available information and following them up.
6. Finding subsidiary information from numerous web-sites

A *sine qua non* for such work is the capacity for and skill in the use of computers and modern information technology. A further need is a new type of training for investigations.

**Reference Material**

   Burma Issues, Post office Box 1076, Silom Post office Bangkok, Thailand
   Tel. 66 2 234 6674    Fax: 66 2 631 0133    Email: <durham@mozart.inet.co.th
   Also available in Burmese, this is a very clear and thoughtful guide to collecting, interpreting and communicating information and using the information for advocacy.
