

A woman in a pink and white shirt and a patterned wrap carries a stack of metal pots on her head. She stands in a field of rubble, with the remains of destroyed buildings in the background. The scene is brightly lit, suggesting a sunny day.

Human Rights Guidebook

This guidebook is a tool to help users navigate the process of monitoring, documenting, and reporting human rights violations, as well as advocating for victims, in conflict zones of West and Central Africa.



Centre for Democracy & Development

Centre pour la démocratie et le développement

Human Rights Guidebook

This guidebook is a tool to help users navigate the process of monitoring, documenting, and reporting human rights violations, as well as advocating for victims, in conflict zones of West and Central Africa.

Contents

Preface	4
About this Guidebook.....	5
Background/Context for the Handbook	7
Definition of Human Rights and it's instruments.....	10
Human Rights Violations	16
Overview Of Human Rights Monitoring, Documenting, and Reporting (MDR) Processes.....	21
Tools for Human Rights Monitoring.....	30
Documenting Human Rights Violation	35
Human Rights Reporting	42
Human Rights Advocacy.....	43
Conclusion	45

Preface¹



December 2019 marked the 71st anniversary of the United Nations General Assembly’s ratification of the Universal Declaration of Human Rights (UDHR). Developed in the aftermath of the Second World War, the UDHR was a landmark convention, ushering in an era of profound reflection on the rights of individuals, and the obligations of state and international actors to protect them. Previously, the notion of state sovereignty had been the dominant concept in the construction of norms and laws that purported to govern international relations and global order. The cataclysmic events of 1914-1918 and 1939-1945, served to demonstrate the limits of such a notion in restraining states and emerging violent non-state actors from bloodshed. Another principle was needed and internationalists landed upon the oft-disregarded – yet by no means ‘new’ – idea of rights: universal and inalienable obligations owed to every person by every person, strictly on the grounds of person being a person. Thus, the inherent rights of individual humans gained prominence as a key guiding principle in customary international law.¹

This renewed attention on human rights profoundly influenced events in intervening decades. Considerations of human rights helped reveal the inherent instability and moral hypocrisy of European imperialism, leading to the independence of dozens of new states across Africa and Asia. During the Cold War, human rights ideology became embroiled in the political and ideational battles between the Communist and Capitalist powers, as each side fought to establish its legitimacy as a defender of human rights. Rights were frequently invoked to justify foreign involvement in proxy wars across the globe. Even after the fall of the Soviet Union, multinational missions and interventionist conflicts were conducted in the name of upholding the universal ideals of human rights.²

Whilst the bipolarity of the Cold War has evaporated, a multitude of new and resurgent forces which endanger global order and threaten human flourishing have emerged. Political violence, and its attendant human misery, remain – and will continue to remain – familiar phenomena for much of the world. Human rights continue to be threatened and trampled upon by both state and non-state actors. The need for brave individuals and organizations to document these violations, and thereby hold wrongdoers to account for their deeds remains as urgent today as it was in 1948.

Nowhere is this more apparent than the Lake Chad Basin; the intersection of Cameroon, Chad, Niger, and Nigeria’s borders. This region, long subject to underdevelopment and political marginalization, has, since 2009, played host to the Boko Haram insurgency. Boko Haram militants have committed every imaginable violation of human rights, including murder, torture, forced labour, forced recruitment (including minors), abduction, sexual violence, forced conversion and mutilation. Counterinsurgent forces, too, stand accused of widespread abuse, including extrajudicial killing, torture, arbitrary arrest, unlawful detention and sexual violence.

The Boko Haram insurgency is the most visible conflict in a constellation of violence across West and Central Africa. Nigeria, the epicentre of the Boko Haram conflict, also suffers from separatist militancy and organized crime in the Niger Delta, as well as inter-communal violence between pastoralists and agriculturalists in the Middle Belt and across its northern states. In addition to the threat from Boko Haram, Cameroon has an armed

1 See M. Glen Johnson and Janusz Symonides, *The Universal Declaration of Human Rights: A History of Its Creation and Implementation, 1948-1998*, UNESCO Publishing, 1998.
2 See Rosemary Foot, “The Cold War and Human Rights,” in *The Cambridge History of the Cold War*, Ed. Leffler and Westad, Cambridge U.P, 2010.

separatist movement in southern, Anglophone, areas, while Chad only recently emerged from civil war in 2010, and continues to be affected by flashpoint violence on its Sudanese and Libyan frontiers. Niger faces additional Islamist threats, along its border with Mali and Burkina Faso, posed by Al Qaeda in the Islamic Maghreb and the Islamic State of the Greater Sahara.

All of these conflict theatres present grave threats to human security and rights, as terrorist and insurgent groups regularly target civilians and possess strategic aims that are incompatible with fundamental human freedoms. Likewise, state actors themselves routinely become perpetrators of human rights violations through heavy-handed counter-insurgency measures or the actions of ill-disciplined troops.

Human rights defenders are working in all of these conflict areas to document and report violations in order to encourage government accountability, combat impunity and provide justice for victims who are often unable to seek redress by themselves. These groups are often locally-focused, working to address individual violations at community and sub-regional levels. At the same time, their work may frequently take on national and international policy importance. National human rights bodies, including the National Human Rights Commission of Nigeria (NHRC), the Chadian Commission National des Droits de l'Homme (CNDH), the Cameroonian National Commission on Human Rights and Freedoms (NCHRF) and Nigerien National Commission on Human Rights and Fundamental Liberties (La Commission National des Droits de l' Homme et des Libertes CNDHLF) as well as international human rights groups, such as Amnesty International and Human Rights Watch, often rely on these local human rights groups for information-gathering and field reports. Such reports help inform policy debates on needed governance reforms, better counterinsurgency strategies and improved institutional protection of human rights.

In the process of carrying out their duties, these human rights groups encounter many challenges, including shortages of human and material resources, a lack of training, insufficient reporting infrastructure and resistance or outright abuse from civil or military authorities. Given their crucial role in alleviating human suffering due to violent conflict and upholding international human rights standards, it is imperative that grassroots human rights groups receive greater material and professional support in their efforts to monitor, document and report human rights violations.

About this Guidebook



In an attempt to address the aforementioned needs of local human rights groups, this guidebook has been composed to guide local actors on the basic principles and best practices of upholding human rights. It is written for all those who put their lives on the line in their work to monitor, document, report and publicize human rights violations. This includes civil society organizations (CSOs), activists, development workers, women leaders, journalists and lawyers. Its purpose is to strengthen the capacity of these groups and individuals to be effective agents of positive change both in the local communities where they work, as well as in the national and international networks of which they are a part.

This guidebook is a tool to help users navigate the process of monitoring, documenting, and reporting human rights violations, as well as advocating for victims, in conflict zones of West and Central Africa. It provides simple steps and practical guidelines for safe and effective human rights work. It also equips users with a rudimentary background in human rights law, as well as familiarization with available mechanisms for combating violations and seeking justice for victims.

CHAPTER ONE

BACKGROUND/ CONTEXT OF THE HANDBOOK



ISWAP has simultaneously engaged in a robust rebranding campaign, striving to foster grassroots solidarity with disaffected populations in the region, and abandoning the brutality of Boko Haram leader Abu Bakr Shekau.



Background/Context for the Handbook

Since late 2019, there has been a major upsurge in attacks around Lake Chad Basin (LCB) attributed to the Islamic State – West Africa Province (ISWAP), a splinter faction of the terrorist group popularly known as ‘Boko Haram.’ Most of these attacks have targeted Nigerian and Nigerien military installations or formations, and demonstrate ISWAP’s continuing capability to directly confront state authority in the LCB. ISWAP has simultaneously engaged in a robust rebranding campaign, striving to foster grassroots solidarity with disaffected populations in the region, and abandoning the brutality of Boko Haram leader Abu Bakr Shekau. While the ascendance of ISWAP might thus be presumed to have a potential positive impact on human rights in the LCB, observers must be wary of the continuing and growing threats to human rights by these ‘kinder, gentler’ insurgents, as well as the unpredictable actions of an increasingly frustrated Nigerian military.

ISWAP strategic goal is to establish a theocratic Islamic State- Caliphate whose principles are incompatible with democratic peace and fundamental freedoms. The group remains willing to commit horrific atrocities in the pursuit of these goals. But as Lake Chad governments come to grips with the new jihadist threat, they risk prolonging the conflict by using harsh and repressive counter-insurgency tactics, which also represent human rights violations in their own rights. Indeed, the successes of the Multi-National Joint Task Force (MNJTF) in degrading Boko Haram in 2015 and 2016 failed to translate appreciably into human rights gains and the violations synonymous with the height of that insurgency continue to this day – committed by both state and non-state actors. These violations, which in some cases date back to the origins of Boko Haram in the early 2000s, include:

- Abduction of children (ISWAP and Boko Haram)
- Forced recruitment of children as foot soldiers and suicide bombers
- Maiming and disfigurement
- Forced conversion
- Extrajudicial killing
- Torture
- Arbitrary arrest and illegal detention
- Rape and other forms of sexual violence
- Excessive use of force
- Indiscriminate use of violence
- Disruptions of communities and social settings
- Destruction or dispossession of dwellings, livelihoods and personal belongings
- Forced displacement
- Lack of protection by security forces



The governments of the Lake Chad states have taken some crucial steps at national and regional levels to counter Boko Haram and ISWAP. This includes the expansion of the mandate of the MNJTF from the earlier security outfit for cross border crime to counter-terrorism and counter-insurgency security architecture, Operation Lafiya Dole and the exchange of intelligence. However, little has been accomplished in addressing the root causes of the insurgencies: poor governance, dogmatic interpretation of Islam via extremist ideology and poverty. In tandem with regular human rights violations at the hands of military, police and vigilante forces, this failure to holistically provide for human security in the region promotes further radicalization, destabilization and the continuing cycle of abuse. State and non-state threats to human rights are further exacerbated by the growing number of people migrating across the Sahel and transiting the Lake Chad area, as well as the on-going crises of internal displacement, with over 1.8 million IDPs located in North East Nigeria alone in 2016.³

LCB states' military operations have been repeatedly condemned for failing to adhere to the Geneva Conventions⁴ and the basic rules of engagement under which the counter-insurgency is being carried out remains opaque. International human rights watchdog groups, particularly Amnesty International and Human Rights Watch, have routinely accused MNJTF member states of perpetrating or deliberately overlooking serious human rights violations. Documentation by such groups often facilitated or carried out by local, grassroots partners, is nonetheless decried as partisan and biased by MNJTF members. Critical international and Western voices are often unwelcomed in the context of the LCB military operation.

Grassroots human rights groups retain the local knowledge and community contacts to effectively report on the human rights violations of state and non-state actors alike in the LCB. This handbook is developed as a guide to empower such local groups across the LCB and other West and Central African conflict zones; to amplify the effect of the important and hazardous work they are already doing; and provide them with the methodological resources necessary to build trust through accurate and comprehensive reporting of human rights violations.

Objectives of the Human Rights Documentation Guideline in Conflict Zones



The major objectives of this Guidebook are:

- To facilitate the capacity building of local human rights groups (including CSOs & media) in identifying, documenting and reporting human rights abuses in conflict situations.
- To facilitate coordination among CSOs and media at national levels in collective efforts to support victims of human rights abuses and to hold perpetrators accountable.
- To facilitate the documentation and publication of identified human rights abuses by local actors in conflict areas in order to enhance informed discussion of policy alternatives.

³ North-East Nigeria Recovery and Peace Building Assessment. April 2016
⁴ See generally Amnesty International, Stars on their shoulders blood in their hands

CHAPTER TWO DEFINITION OF HUMAN RIGHTS AND ITS INSTRUMENTS

“ This chapter provides a brief overview of fundamental human rights as enshrined in the United Nations’ Universal Declaration on Human Rights document. It explains how each of these rights carries with it corresponding obligations



Kindly flip over



Definition of Human Rights and Its Instruments

This chapter provides a brief overview of fundamental human rights as enshrined in the United Nations' Universal Declaration on Human Rights document. It explains how each of these rights carries with it corresponding obligations. It examines the nature and extent of states' obligations under international and national human rights standards in order to establish an understanding of what can and should be expected from the state and how rights can best be guaranteed.

ways or to refrain from certain acts, in order to fulfil the duties due to protect human rights.

In 1948, the United Nations adopted the Universal Declaration of Human Rights (UDHR), a defining statement concerning the breadth and constitution of human rights, as well as the demarcation of state and individual obligations to protect them. The 1948 UDHR defined human rights as:-

2.1: What are human rights?



Human rights are basic moral guarantees that all people – regardless of any contingent characteristic, like race or nationality – have simply because they are human. Put differently, a human right is a legal and moral duty owed to each individual person, by each individual person..⁵ These rights are inherent in all human beings, whatever their nationality, class, political opinion, ancestry, place of residence, sex, ethnic origin, colour, religion, language, or any other status. These rights are interrelated, interdependent and indivisible.

Rights inherent to all human beings regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and many more. Everyone is entitled to these rights without discrimination.⁶

Human rights are often expressed or codified as legal norms, in the form of treaties, customary international law, general principles and other sources of international law. Such legal norms express the obligations of states and individuals to act in certain

⁵ See Yemi Akinseye-George, Improving Judicial Protection of Human Rights (Centre for Socio-Legal Studies, 2012).

⁶ See UN Human Rights: Shaping Our Future Together (Find at <https://www.un.org/en/sections/issues-depth/human-rights>)

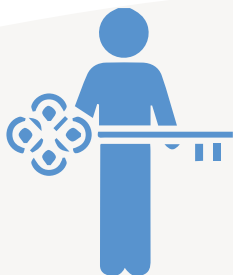
2.2: Characteristics of Human Rights

- Below are some of the distinguishing features of human rights under Nigerian law and practice:
- **Universality-** Human rights are universal in that they belong to all human beings equally regardless of race, colour, sex, or any other status. All people are born free and equal in dignity and rights.
- **Inalienability-** Human rights are inalienable in that they cannot be taken away or withdrawn. People still have human rights even when their governments violate or deny the existence of those rights. Certain curtailments of rights, such as the imprisonment of a convicted criminal or the killing of an enemy combatant in war, may be justified as a corrective measure Or necessity of collective welfare when an individual or group fails to respect the rights of other humans. Nonetheless, even when a right is curtailed in this way, it can never be revoked.
- **Interconnectedness/interdependence-** Human rights are connected and depend on each other. This means that the enjoyment of one or more rights often depends on other rights. For example, one's ability to participate in governance is directly affected by one's right to freedom of peaceful assembly, association, and expression.
- **Indivisibility-** Human rights are indivisible. Just as no right can be treated in isolation, one right is not more important than another. However, certain priorities may be observed in the breadth of human rights, as well as in the obligations of states or individuals to promote them. For instance, a basic right to life must come before a right to free expression – inasmuch as one must be alive to have any expression at all.
- **Non-discriminatory-** Just as human rights are universal to all humans, the respect and honour of such rights must not vary or depend on non-essential characteristics. There should be no restrictions, distinctions, or exclusions in the application of rights based on characteristics like race, colour, age, sexual orientation, national or ethnic origin, language, religion, or sex.



UNIVERSALITY

Human rights are universal in that they belong to all human beings equally



INALIENABILITY

Human rights are inalienable in that they cannot be taken away or withdrawn



INTERDEPENDENCE

Human rights are connected and depend on each other



INDIVISIBILITY

Human rights are indivisible



NON-DISCRIMINATORY

Human rights are universal to all humans

2.3: Human rights instruments



Every government has an obligation to protect and promote the basic human rights of its citizens as expressed and guaranteed by law. Human right laws are contained in treaties, customary law, general legal principles, and national and international law.

National, regional and international human rights laws or instruments lay down obligations for governments to act in certain ways or to refrain from certain acts, in order to promote and protect these rights. Examples of these laws and instruments include the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Africa Charter on Peoples and Human Rights⁷, and the UDHR. International Humanitarian Law, as expressed in the Hague and Geneva Conventions (among others), concerns the status of human rights' legal protection in wartime.

The fundamentals of human rights law are reflected, inter alia, in the UDHR, as well as in a number of international human rights treaties and in customary international law. The following are core universal human rights treaties in which almost all the LCB countries are also signatories

- The International Covenant on Economic, Social and Cultural Rights and its Optional Protocol
- The International Covenant on Civil and Political Rights and its two Optional Protocols
- The International Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol
- The Convention on the Rights of the Child and its two Optional Protocols
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The International Convention for the Protection of All Persons from Enforced Disappearance
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol.

The instruments are a comprehensive list of human rights that governments must respect and promote. These rights include (but are not limited to):

- Right to life
- Right to fair judicial hearing
- Right to freedom of thought, conscience and religion
- Right to private and family life
- Right to own property
- Equality
- Security of person
- Freedom from slavery
- Freedom from arbitrary arrest/detention
- Freedom of movement and residence
- Due process of law
- Freedom of association and assembly
- Right to safe and healthy working conditions
- Right to form trade unions and to strike
- Right to adequate food, clothing, and housing
- Right to education
- Right to healthcare

⁷ See Yemi Akinseye-George, *Improving Judicial Protection of Human Rights* (Centre for Socio-Legal Studies, 2012)

■ Rights Outlined in the Constitutions of the Lake Chad Countries

In addition to the international protocols mentioned above, individual states generally codify national recognition of such rights in their constitutions or related foundational legal documents. The primary human rights recognized by the constitutions of Nigeria⁸, Chad⁹, and Niger¹⁰ are as follows:

- Right to life
- Right to respect of dignity
- Right to equality
- Right to liberty
- Right to a fair hearing
- Right to privacy
- Freedom of expression
- Freedom of assembly and association
- Freedom of movement
- Right to freedom of conscience and religion
- Right to own property
- Right to freedom from discrimination

In Cameroon, these rights are listed in the preamble to the Constitution, and the Constitution specifically declares that the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights. In doing so the state affirms its attachment to the fundamental freedoms enshrined in the UDHR, the Charter of the United Nations and the African Charter on Human and Peoples Rights, all of which have been ratified.

2.4: State Obligations and Human Rights ■

The principles of human rights envision a free, just, and peaceful world with minimum standards for how individuals and institutions everywhere should treat people. Human rights come with both rights and obligations. States, as the primary duty bearers, carry a legal duty under human rights law to respect the human rights of its citizens and other people resident in the country. A human rights violation occurs when states fail in this duty, or fail to prevent other individuals within their jurisdiction from infringing on the rights of another. It is therefore imperative that the state, through its agents, the Judiciary and the National Human Rights Commission of Nigeria fulfils its obligations to uphold human rights.

⁸ The 1999 Nigerian Constitution: Chapter IV (Fundamental Rights) Article 33-35 stipulates that “ Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria. Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty”. Available at <http://www.waado.org/NigerDelta/Constitutionmatters/1999constitution/chapterfour.html>

⁹ Chad’s Constitution of 1996 with Amendments through 2015 on freedoms of the fundamental rights and duties Article 12 stated that the freedoms and the fundamental rights are recognized and their exercise guaranteed to the citizens within the conditions and forms provided for by the Constitution and the law. Articles 13-14 also stated that Chadians of both sexes have the same rights and same duties and they are equal before the law. The state assures to all equality before the law without distinction of origin of race of sex of religion of political opinion or of social position. It has the duty to see the elimination of all forms of discrimination with regard to women and assure the protection of their rights in all the domains of private and public life. Available at: <https://www.fd.uc.pt/g7+/pdfs/Chad.pdf>

¹⁰ The 1990 Nigerien Constitution stated that most human rights as defined by the UDHR are upheld and protected. The Constitution guarantees certain rights for every citizen of Niger. These include rights to equality before the law, due process, universal suffrage, freedom of speech and freedom of religion. Available at: <https://en.m.wikipedia.org>

Under international human rights law, the government has both the obligation to protect and the obligation to uphold certain rights:

- **The obligation to respect:** states must refrain from interfering with or curtailing the enjoyment of rights of citizens, residents and visitors.
- **The obligation to protect:** the state and its agents is required to prevent the violation of any individual's rights by any other individual or state actor. Where this does occur, the state must act to prevent further violations and to guarantee access to legal remedies for victims of the violation.
- **The obligation to fulfil:** states must take positive measures that will ensure the full realization of these rights. In the context of our discussion, states are obliged to make appropriate laws as well as provide appropriate, effective and accountable grievance mechanisms that will guarantee individual and group opportunities to seek redress when their rights are violated.

The recognition of particular normative obligations as rights, and the extent of state responsibility to fulfil such obligations, is contentious. While nearly everyone would agree that a state must respect basic human rights – e.g., a state cannot massacre its own people, torture them, or jail them extra-judicially – the obligation to protect raises some tricky questions. If the government fails to protect its citizens and other, forms of atrocities is the government guilty of violating human rights? Or are the murderers guilty? Is the guilt shared? More contentious yet is the state's obligation to fulfil human rights, particularly those rights that involve services or access to resources. If access to healthcare is a human right, is a government obligated to provide free medical care to all persons within its borders? When a government fails to do this – as most do – is it guilty of violating human rights? At least intuitively, there is a clear priority to these obligations. Most important, for states and individuals, is the obligation to respect rights – to refrain from directly acting to interfere with or curtail particular rights. The obligation to protect rights is a secondary obligation of the government. The obligation to fulfil rights, if valid, certainly must play a tertiary role in the state's responsibilities vis a vis human rights. For the purposes of monitoring and reporting on human rights violations in conflict, the monitor must focus on violations of the obligation to respect rights, first and foremost, both at the hands of the state and non-state actors. The monitor may consider state failure to prevent other actors from violating rights to be a violation itself, as when a military decides not to intervene in an insurgent attack on civilians, a secondary consideration. Often questions regarding the obligation to fulfil are best left until peacetime.

Just as states have a role to play in the protection or realization of these rights, so too do non-state actors, including private companies and transnational corporations, in terms entrenching corporate social responsibility. This is because some of their actions or policies affect may lead to the violation of fulfilment of relevant human rights for instance, the continued environmental pollution by multinational companies in the Niger Delta or atrocities perpetrated by the military during counter-terrorism operations. At the individual level, our role is to ensure we do not become a stumbling block to the realization of the rights of others.

In reporting and documenting human rights violations, the human rights worker or monitor must bear these obligations in mind.

CHAPTER THREE HUMAN RIGHTS VIOLATIONS



This chapter discusses a number of conceptual issues to guide the reader understand the dynamics of human rights violations and the role of human rights workers or monitors in responding to these violations.



Kindly flip over



Human Rights Violations

This chapter discusses a number of conceptual issues to guide the reader understand the dynamics of human rights violations and the role of human rights workers or monitors in responding to these violations. It identifies and discusses various grievance mechanisms that monitors can access.

What is a human rights violation?

A human rights violation occurs when the basic human rights of an individual are disrespected, denied or curtailed. A human rights violation may be intentional, linked to a deliberately repressive act, practice or strategy. Or it may be unintentional, the result of a technical, material, financial or structural incapacity to protect individuals or provide certain basic services. Therefore, violation includes not only acts of violence and arbitrary use or abuse of power or discriminatory practices, but can also include failure to assist people in need. However, as noted in Chapter 2, such violations can be difficult to define or prosecute. The bulk of human rights ‘violations’ that are generally considered in a conflict context concern deliberately repressive act. Nonetheless, according to the International Committee of the Red Cross (ICRC), violations can also come in less obvious guises, such as the economic or social ostracism of some parts of the population.¹¹

Violations almost always result in human and humanitarian consequences for the individual or group concerned. It is these consequences that the human rights worker is required to report, document or monitor cases of violations.

3.1: Patterns and Trends of Human Rights Violation in Conflict Zones of the Lake Chad Basin



For many years, the LCB has been marginalized and underdeveloped, resulting in high underlying rates of poverty. According to the Oxford Poverty and Human Development Initiative’s 2017 reporting, Cameroon’s Far North region and Chad’s Lake region remain the poorest subnational zones in their respective countries, while Nigeria’s Borno state and Niger’s Diffa region rank as the 10th out of 36 and 6th out of 8 poorest, respectively.¹² Over the past ten years, Boko Haram violence has made the situation worse. The capacity of Boko Haram to recruit is hugely dependent on the nature of the economic underdevelopment and poverty level in the region.¹³ The prevalence of poverty particularly in the Northern part of Nigeria opened up the ungoverned spaces that makes it easier for extremist groups like Boko Haram to mobilize disenchanted elements in pursuit of their ideological goals¹⁴

11 International Review of the Red Cross Volume 90 No: 871 Sept. 2008

12 Find reports at http://www.dataforall.org/dashboard/ophi/index.php/mpi/country_briefings.

13 Nuhu K Achi “Theoretical perspectives on Terrorism & Insurgency in Africa: in (ed) Tar A U and Bala B New Architecture of Regional Security in Africa, 2020, pp.27-47

14 Mala Mustapha and Kamsalem Shehu (2020), Humanitarian Agencies, Counter-Terrorism, and Counter Insurgency in the Lake Chad Basin (eds), Tar U.A and Bala B, New Architecture of Regional Security in Africa: Perspectives on Counter-Terrorism & Counter-Insurgency in the Lake Chad Basin. Published by Lexington Books: New York. pp.437-454.

Boko Haram, officially Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād (JAS), is a homegrown Salafi-Jihadi terrorist group, with origins in the historic homelands of the Kanuri people (the former Kanem-Bornu Empire).¹⁵ Its ideology includes at its core the belief that political power in the LCB has been usurped by infidels, and that local Muslims have been and continue to be corrupted through exposure to western culture.¹⁶ Since 2009, the group has waged a mid-to high-grade insurgency against the governments of Nigeria, Niger, Chad, and Cameroon, striving to create a pure Islamic State ruled by Shariah.¹⁷ In the course of the fighting, Muslim civilians – often viewed by JAS as complicit with secular authorities – have been targeted in horrific campaigns of suicide bombings, gun attacks, abductions, sexual slavery and other atrocities.¹⁸ Despite major setbacks and loss of territory in early 2015, and repeated claims by the Nigerian government regarding the group's defeat, Boko Haram has demonstrated extraordinary resilience and adaptability and remains a constant presence in many parts of the LCB.¹⁹

Since mid-2016, Boko Haram has been divided into two main factions: a group led by long-time leader Abubakar Shekau, which retains the JAS label and Boko Haram moniker, and ISWAP, led by Abu Mus'ab al-Barnawi, son of Boko Haram's late founder, Mohammed Yusuf, which possesses ties to the international Islamic State jihadist group.²⁰ This factionalization has changed the dynamics of the conflict. The Shekau group remains brutally aggressive, responsible for serial suicide bombings and small arms attacks on civilians and soldiers alike. Their activities are predominantly confined to southern Borno State and northern Adamawa State in Nigeria, and just across the Mandara Mountain in Cameroon. ISWAP, by contrast, has undergone a concerted rebranding effort in an attempt to garner local support, emphasizing its distinctive nonaggressive approach toward Muslim civilians and its provision of community services. The faction remains active throughout northern Borno and Yobe states, the Diffa region of Niger, and the islands and shoreline communities of Lake Chad.

Since the beginning, state reactions to the insurgency have often been heavy-handed and ill-managed, resulting in accusations of gross human rights' abuses at the hands of security actors. This includes arbitrary arrest, torture, summary execution, indiscriminate fire, forced displacement, looting, extortion and sexual violence.²¹ The Nigerian military has continually and emphatically rejected international reports of widespread abuse, often challenging the legitimacy and authenticity of actors like the Human Rights Watch and Amnesty International.²² State actors have also contributed to the deterioration of overall living conditions and economic output in the LCB, with harsh restrictions on farming, herding, fishing and trading. Ostensibly enacted to cut off support to insurgents, they have also had the effect of increasing poverty and reducing goodwill toward the state. In some cases, the military has even hijacked economic activities for its own benefit or colluded with Non State Armed Groups (NSAGs) to garner profit. Despite the brutality of JAS and its tactics, state-associated actors (military, police and vigilante groups) have been implicated in nearly two-thirds of reported incidents this year.²³

15 Fr. Atta Barkindo, "How Boko Haram Exploits History and Memory," Africa Research Institute, 4 October 2016, available at <https://www.africaresearchinstitute.org/newsite/publications/boko-haram-exploits-history-memory>.

16 Alex Thurston, "The Disease is Unbelief: Boko Haram's Religious and Political Worldview," Brookings Institution, January 2016, available at https://www.brookings.edu/wp-content/uploads/2016/07/Brookings-Analysis-Paper_Alex-Thurston_Final_Web.pdf.

17 Shariah is widely referred to as the religious law of Islam and as the expression of God's command for Muslims and in application, constitutes a system of duties that are incumbent upon all Muslims by virtue of their religious belief. The sources of its law are derived from the Islamic Holy book of Quran and the Hadith the sayings of the Prophet Muhammad. Available at <https://www.britannica.com/topics/shariah>

18 See Jason Warner and Hilary Matfess, "Exploding Stereotypes: the Unexpected Operational and Demographic Characteristics of Boko Haram's Suicide Bombers," Combatting Terrorism Center, August 2017, available at <https://ctc.usma.edu/app/uploads/2017/08/Exploding-Stereotypes-1.pdf>.

19 Mark Wilson, "Nigeria's Boko Haram Attacks in Numbers – as Lethal as Ever," BBC, 25 January 2018, <https://www.bbc.com/news/world-africa-42735414>.

20 Omar Mahmood and Ndubuisi Ani, "Factional Dynamics within Boko Haram," Institute for Security Studies, 6 July 2018, available at <https://issafrica.org/research/books-and-other-publications/factional-dynamics-within-boko-haram>.

21 Amnesty International, "Nigeria: 'They Betrayed Us': Women who Survived Boko Haram Raped, Starved, and Beaten in Nigeria," 24 May 2018, available at <https://www.amnesty.org/en/documents/afr44/8415/2018/en/>.

22 Vanguard Nigeria, "Military Slams Amnesty International over Rape Report on Troops," 26 May 2018, available at <https://www.vanguardngr.com/2018/05/military-slams-amnesty-international-rape-report-troops/>.

23 Vanguard Nigeria, "Military Slams Amnesty International over Rape Report on Troops," Ibid.

Unlawful detention and torture of suspected Boko Haram members is widespread, as are summary executions and other forms of indiscriminate violence. Insurgents continue to regularly loot, raze, and destroy settlements, occasionally bombing or attacking populations suspected of collaborating with the military. Non-Muslims are forced to convert to Islam or face death. Abductions of children continue, both at the hands of ISWAP and JAS. The military, in turn, has been serially accused of refusing to protect civilian populations from imminent or on-going insurgent attacks. Sexual and gender-based violence (SGBV) is widely prevalent in displaced communities, particularly in the insurgency's epicentre of Maiduguri, perpetrated by military and private citizens alike.

3.2: Links between human rights violation, conflict and Insecurity. ▮



There is a strong link between human rights violations, conflict and insecurity. The violation of human rights often leads to insecurity and conflict and conversely, conflict and insecurity are often accompanied by an increase in human rights violations. It is not surprising, then, that human rights violations are often at the centre of conflicts and that protection of human rights is central to peace, security and development.

In Nigeria, perceived violations of political and economic rights by the state are the root causes of many conflicts and setbacks the country has experienced since the transition to democracy in 1999. When rights to freedom of belief, assembly, political participation or cultural life and adequate standard of living are denied, there is likely to be social unrest as parties demand that their basic needs be met. When such demands are not met, conflicts may arise and individuals and groups may arm themselves against other groups or the government perceived as responsible for the denial of their rights.

3.3: Grievance Mechanisms ▮



A dispute, complaint or accountability mechanism is a formal, legal or non-legal complaint system that can be used by individuals, groups, communities or CSOs that perceive their rights have been violated by the state, individuals, groups or corporate entities, to seek redress. There are also informal grievance settlement mechanisms, such as peace forums set up by communities to address local community conflict concerns.

Nigeria's National Human Rights Commission (NHRC) is one of the many examples of grievance settlement mechanisms that citizens or groups can use to address their human rights concerns. There are also some grievance settlement mechanisms that are specific in terms of the matters or issues they can address. Nigeria's National Environmental Standards and Regulations Enforcement Agency (NESREA) can attend to community complaints regarding environmental pollution by activities of extractive industries and the state.

These mechanisms, whether formal or informal, vary in their objectives, legal frameworks, scope, approach, target groups, cost effectiveness and level of government support. The majority of informal grievance settlement mechanisms are designed to resolve problems through dialogue or joint problem-solving methods and are usually facilitated by a neutral party. Formal grievance settlement mechanisms, like NHRC, have the mandate to conduct investigations and assist victims to seek redress that may lead to policy or legal recommendations, reparations or even the prosecution of perpetrators.

NHRC, with offices in the six geopolitical zones of Nigeria, has the mandate to act as a check on government power, and works to ensure that the government lives up to its human rights obligations.

The National Human Rights Commission Act lays out the following mandates for the Commission:

- To effectively respond to human rights complaints against public or private entities such as individuals, groups, companies or state security agencies e.g. the police or military.
- To constantly review the government's human rights policy in order to detect shortcomings in human rights observance and enforcement, in order to suggest ways of improvement.
- To monitor, document and report the state's compliance or non-compliance with its own national and international human rights laws that they are signatory to.
- To improve human rights awareness of citizens.

The human rights worker should be familiar with the reports of NHRC, as they are a useful starting point in developing templates, questionnaires and checklists to be used on assignment.

Other states of the LCB possess national human rights bodies similar to that of Nigeria. In the Chad, the national commission for human rights is known as The Commission Nationale des Droits de Homme (CNDH); in Cameroon, it is known as National Commission for Human Rights and Liberties of Cameroon Republic; in Niger, the commission - which is a creation of the country's constitution - is known as the Nigerian National Commission on Human Rights and Fundamental Liberties (La Commission Nationale des Droits l'Homme et des Libertes Fondamentales, CNDHLF). Just like their Nigerian counterpart, these bodies are charged with investigating breaches of human rights law and advising governments on human rights issues. Human rights workers in any of these countries will find the reports of these bodies useful starting points in beginning their work.

The human rights worker should be familiar with the reports of NHRC, as they are a useful starting point in developing templates, questionnaires and checklists to be used on assignment.

Photo by Charles Lomodong/Afp/Getty

CHAPTER FOUR

OVERVIEW OF HUMAN RIGHTS MONITORING, DOCUMENTING, AND REPORTING (MDR) PROCESSES



This chapter provides an overview of the role of human rights observers in monitoring, documenting, and reporting human rights violations.



Overview Of Human Rights Monitoring, Documenting, and Reporting (MDR) Processes

This chapter provides an overview of the role of human rights observers in monitoring, documenting, and reporting human rights violations.

4.1: What is MDR? ▮



In general, Monitoring, Documenting and Reporting (MDR) involves a systematic and active collection of data, analysis of such data and dissemination of such information on human rights violations for immediate use by concerned and interested parties. MDR forms the basis of the work done by human rights actors.

Importance of MDR

Monitoring, documenting and reporting human rights violations:

- Establishes a record of situations where there is a potential violation
- Enhances awareness of the human rights situation
- Stimulates a response from government or other actors to address violations
- Reinforces local capacity for protecting human rights

Monitoring: involves the long-term observation process and analysis of the human rights situation in your locality.

Documenting: involves assessing individual allegations and analysing the overall evolution of the human rights situation. This analysis includes identifying trends and patterns, processing the information in a report and recording and storing the information safely.

Reporting: involves the dissemination of reports generated to your target audience, which could be government, national or international human rights bodies, or the general public.

4.2: KEY PRINCIPLES OF MDR: Monitoring, Documenting and Reporting; or monitoring human rights violations in non-conflict zones

The immediate concern of this work is with monitoring human rights violations in conflict zones, such as LCB where government troops have for years engaged Boko Haram insurgents in a bloody conflict. It is, however, necessary to begin with the principles and methods generally applicable to human rights monitoring in non-conflict zones.

- **Do no harm:** While it is not within the purview or capacity of human right monitors to ensure the safety of victims of human right violations, it is crucial for human right monitors to know that their duty is first to the victims and those sharing information on human right violations. Informants may face great risk in providing information; therefore, the monitor is to make every possible effort to protect informants and victims through the course of researching an incident.
- **Understanding and respecting the mandate:** Human rights monitor should have clear knowledge of their mandate before they can be actively involved in carrying out such a sensitive task. Monitors should understand how the monitoring will fulfil the mandate, what actions are permissible under the mandate and what ethical considerations and potential harms are associated with it. The reason the mandate must be respected is to prevent monitors from going beyond their limits and scope of duty. It is imperative for monitors to understand as well as respect their mandates.
- **Seek consultation:** Monitors should communicate with team members and leaders throughout the monitoring stage. Consulting widely with individuals or organizations adds value to the work of human rights monitoring. Expert consultation can assist in various stages of the process. There exist a good number of persons and organizations that understand the dynamics prevalent in a given community. Consulting with such individuals or organizations can greatly enrich the outcome of the investigation. Consultations can help the practitioner to develop or vet interview questions for different stakeholders, or provide legal advice about potential consequences for participants in the monitoring project. Consultation will also help the monitor to determine what may help promote the victim's rights.
- **Respect for Authorities:** Human right monitors need to understand their roles as objective fact finders and must always respect authorities' roles and responsibilities. Monitors must realize that they are not in competition with the authorities. To this end, monitors are not to be antagonistic with the authorities, because the actions and inactions of the authorities may have influence on the achievement of their goals. Authorities are to be seen as partners in progress. It should be noted that an important objective of monitoring is to change or stimulate state's response to a particular human rights situation. A practical demonstration of respect for authorities is by observing local laws and ordinances and by seeking official permission to conduct monitoring activities.
- **Impartiality and objectivity:** Monitors must endeavour to be objective, neutral and impartial in all stages of the monitoring and documentation process. Neutrality enhances the credibility of the outcome of any investigation. Prejudices must be avoided while carrying out the task of collecting and analysing information about violations. Monitors must not exhibit political biases against government officials, interviewers or other relevant bodies in their work. Monitors should avoid using subjective reference points; rather, they should rely on their project mandate and international human rights frameworks as the standard for evaluation.
- **Precision:** Human right monitors must ensure and maintain a great degree of precision and accuracy in information reported. The need for monitors to ask specific and thorough questions and ask follow-up questions for clarity is paramount. The project template should provide the foundation for the collection of

accurate and precise information by cross-checking claims with multiple sources before raising them publicly or in reports

- **Confidentiality:** The project design should include an assessment of the level of confidentiality necessary or possible for adequate fact-finding or redress of abuse. The need for informants to understand and trust that the information that they provide is confidential cannot be overemphasized. It must be noted that without this confidence, informants are unlikely to share information and it is the monitor's responsibility to protect the confidentiality of their informants. Safeguarding and preserving confidentiality is crucial to doing no harm, upholding the integrity of the identity of the project, maintaining credibility and promoting effectiveness. Maintaining the anonymity of an interviewee or informant is a key factor in gaining the trust and ensuring the safety of those that human rights actors work with. It is important to always explain to the interviewees/informants their rights to confidentiality.
- **Visibility:** The monitors' availability at crucial times emboldens the contact and helps victims to feel secure that their course of redress is being vigorously pursued. Monitors may want to make relevant authorities and the local community aware that monitoring activities are taking place. This may involve public outreach and meetings with certain community leaders. The extent of information one discloses about the monitoring activity will depend on the nature of the project. In some cases, making the project visible may be an integral part of the project design. However, monitors must be wary of the kind of questions they plan to ask and monitors should consider whether public knowledge of those questions could place them, the victims or any other person at any risk of further violence, intimidation or retaliation.
- **Sensitivity:** Human right monitors should endeavour to consider all possible legal ramifications and social consequences of the project. The monitor must be sensitive to the culture and environment of the operation. Organizations should constantly train monitors on how to assess the harm a victim may have experienced, the short and long-term consequences, and the potential of re-traumatization of victims. The monitors should also be trained on the cultural and linguistic sensitivities peculiar to different communities.
- **Know the standards:** Monitors must know and understand the applicable standards and laws, including relevant international and regional human rights standards. They must understand the state's obligations and the extent to which these obligations can be enforced. In addition, monitors should know and understand relevant domestic laws, policies and practices. These include federal, state (or regional), and local laws, as well as policies and guidelines issued by different state bodies. For example, when monitoring the government's response to domestic violence, team members should not only understand the statutory laws, but should also seek to obtain protocols from the police, prosecutorial agencies, health care providers and child protection agencies. Practitioners should also examine the issue broadly to determine if more general standards apply. For example, protocols related to crime victims, although not specific to domestic violence, may still be applicable.
- **Exercise good judgment:** When monitoring human right violations, unanticipated situations may arise that require monitors to change the monitoring protocol. When deciding whether to deviate from the established protocol and what specific action to take, the monitor should always use his or her best judgment and adhere as much as possible to the other monitoring principles, particularly those of do no harm and respecting the project's mandate.
- **Credibility:** Monitors should strive to maintain their credibility and that of the organization they represent. Credibility is crucial to successful monitoring, documentation, reporting and advocacy. Individuals, whether victims, witnesses, informants, policymakers or media will be more open to coming forward and providing reliable information if they trust the organization. Credibility is also important in the presentation of the

findings. The impact of any advocacy initiative will depend on the accuracy of the facts upon which it is based. If monitors cannot guarantee accuracy and objectivity, the outcome may not be helpful, either for the campaign or in advancing the cause of the affected communities.

- **Transparency:** Monitors should be open and transparent about their organization, the project and its processes without compromising confidentiality. A transparent methodology enables monitors to account for each step taken to investigate a human rights violation and how they arrived at conclusions. Clearly laying out the project background at the start of an interview and establishing a methodology for drawing conclusions for the report can promote transparency.
- **Security:** In addition to the security measures for respondents, organizations should take steps to ensure the security of monitoring team members. These steps may include requiring team members to: check-in with a team leader or other member regularly and after each interview; avoid taking risks that may place the team member or others' safety in jeopardy; carry a cell phone; and travel in pairs or teams, especially in unsafe areas.
- **Understand the context:** Before embarking on a monitoring project, monitors should understand the community in which they will be working. Monitors should carry out preliminary research to know the people, local history, government structure and culture. Where relevant to the mandate, monitors should understand the dynamics of micro-communities, such as customs, language, past histories and family and community structures. In cases where the community is deliberately not involved as monitors to avoid placing them at risk, or where multiple communities are involved, forming an advisory committee representative of that population can still ensure that fact-finders will comprehend its dynamics.
- **Need for consistency, persistence and patience:** Although situations will differ and unanticipated circumstances will arise, monitors should strive to follow the protocol consistently. Monitoring nearly always has challenges, so it requires monitors to persevere, be patient and flexible. At times, monitors may need to adapt or amend their protocol to achieve their goals. They should be prepared to do so, but remember to respect the mandate and other monitoring principles (particularly do no harm) when doing so.
- **Integrity and professionalism:** Monitors should always demonstrate integrity, honesty and respect to all participants and team members. They should maintain a professional demeanour, be knowledgeable and exercise diligence and competence in their work. Monitors should avoid making promises they cannot keep.
- **Holistic and Multidimensional approach:** The monitors' strategies should be based on comprehensive analysis of problems/violations and their causes and consequences. This does not necessarily mean that the monitor will respond to problems in a given situation. However, it ensures an effective setting of priorities, which should be based on the following criteria.
 - The nature and gravity of the violation.
 - The effects of the violation on victims.
 - The impact on victims that the monitor can reasonably expect his action to have.
 - The monitor's capacities and means at his disposal.
- **Search for result and impact:** Monitoring activities are aimed at achieving results, to have impact, and to put in place effective and lasting solutions to the problems they address.

4.3 Challenges of monitoring, documenting and reporting of human rights violations in conflict zones



Attempts to report, document or monitor human rights violations in conflict zones involve the application of the foregoing principles. But in addition, monitoring violations in conflict zones often face some unique challenges which call for additional care and efforts on the part of the monitor. The challenges include:

- Lack of vibrant civil society groups on human rights protection
- The loss of respect for both local law and international standards
- The erosion of traditional values and kinship ties caused by a breakdown of community structures
- Loss of respect and effectiveness of traditional authorities and the legal structure including the judicial system
- Grave humanitarian crises which cause massive suffering
- A lack of food, clean water, health services, education and economic resources
- Forced dislocation of large numbers of people
- Restrictions on travel
- Destruction of roads, bridges, markets, schools and infrastructure
- The rise of (often several and competing) armed opposition groups
- Pervasive human rights abuses by both government forces and non-state entities
- Unwillingness of the subject of the assessment (these may be governments, non-state actors or citizens)
- Lack of cooperation which may take the form of refusal of access to important sites, refusal to speak or the denial of access to documents
- Preventing the human rights researcher from entering a country
- Intimidation of witnesses
- Destruction of sites, evidence or other sources of information
- Reluctance of witnesses to testify in cases of sexual violence
- Vulnerabilities of witnesses and victims.

Despite all the difficulties listed above, the monitoring, documenting and reporting of human rights violations can still be carried out in conflict zones if an activist approach is adopted.

4.4 Common abuses of human rights to watch out for in conflict zones



Armed conflicts are often accompanied by widespread abuses of human rights and disruptions of socio-economic life. These may take the form of torture, summary executions, political killings, abductions, disappearances, sexual exploitation, death in custody, arbitrary arrests, detention without trial, killing of prisoners of war and indiscriminate killing of civilians. Other abuses include the conscription of children as armed soldiers by both government forces and armed opposition groups. All these are violations of human rights humanitarian law.

It may be dangerous to monitor and document human rights abuses in situations of armed conflict. In preparing to conduct fieldwork in such zones, the human rights worker must conduct an assessment of the risks involved for the workers and for the people they intend to interview. The worker must discuss with his or her organization the dangers involved and ascertain whether it is safe to go or not.

Not all killings are human rights violations

Killings resulting from fighting between government troops and an armed faction are not necessarily human rights abuses. Killing other armed troops during war is not the same as killing in violation of the laws of war. During armed conflicts, indiscriminate killing or reckless shooting without distinction between soldiers and civilians or armed persons and unarmed persons is illegal and a violation of both human rights humanitarian law. The deliberate killing of unarmed persons or of civilians is illegal. Execution of civilians who are accused of taking sides with the opposition group is illegal. Torture in any form is illegal. The use of child soldiers is illegal. The minimum age for any young person to take part in war is 15 years. Thus, enlisting anyone under 15 into the fighting forces is a violation of Human Rights Law and International Humanitarian Law.

Child soldiers and other children who are arrested must not be detained in the same place as adults. They should be allowed access to their relatives or organizations working on their behalf, such as UNICEF or ICRC.

4.5 Refugees and displaced people

Another feature of conflicts is the frequently high number of refugees and displaced persons resulting therefrom. The human rights worker should find out why the people are leaving their homes and whether they are being forced to leave, by government troops or armed groups, or choosing to do so fearful of the ensuing conflict. The number of those arriving, their sex, age, available provisions, and the identity of their caretaker(s) (if any) should be recorded. Further, the human rights worker should ascertain whether special provisions are available for traumatized women and children; for pregnant women; how the displaced people are being treated by the host communities, the authorities, security agents or armed opposition groups; whether people from different backgrounds (ethnic, religious) are lumped together in one camp; and whether this causes further tensions or problems.²⁴

4.6 Additional Principles to govern Reporting, Documentation and Monitoring of Human Rights Violations in Conflict Zones

According to the practice of the United Nations Office of the High Commissioner for Human Rights, once a monitor has gathered and to some extent verified information, it may be necessary to contact the authority responsible. This entails the need to understand the structure of the government and the appropriate officials who might be contacted about various problems. In dealing with armed opposition groups, like Boko Haram, however, such follow-up is considerably more difficult. The following are the guiding principles as recommend and practiced by United Nations Office of the High Commissioner for Human Rights:

- **Avoid giving recognition to armed opposition groups:** With regard to contacting a government official, it should already be clear that the government has ratified or otherwise accepted certain human rights norms and is responsible for ensuring and protecting the human rights of individuals within its territory or under its jurisdiction. In contacting an armed opposition group, however, it is not only unclear who to contact, but also it may be difficult to ascertain their legal responsibility or the legal consequences of making contact. However, one can draw from the experience of past human rights field operations such as that of - ICRC UNHCR, UNICEF - and other various non-governmental organizations with some basic principles, which might be useful

²⁴ Amnesty International, Monitoring and Reporting Human Rights Violations in Africa (2002) Pp.77-82.

for the leadership of human rights field operations to consider in pursuing such follow-up activities. One basic principle, from Common Article 3 of the Geneva Conventions, states that its application “shall not affect the legal status of the parties to the conflict.” In other words, it should be made clear that monitoring and contacting armed opposition groups would not give them a greater international status or official recognition. Indeed, human rights field operations should be in touch with all sectors of the society, including armed opposition groups, churches, mosques or other religious bodies, local community groups, women’s leaders and others, in order to establish a holistic perspective of the human rights situation on the ground.

- **Transparency:** This is a very important principle. Both the government and armed opposition groups should be aware that the human rights field operation is having discussions with each side. In seeking to establish discussions, the field operation should be aware that they are likely to be subjected to surveillance and take precautions for their own safety – as well as to avoid jeopardizing the safety or betraying the whereabouts of informants.
 - **Preserving impartiality:** The concerns of the human rights field operation may be different with regard to the government and armed opposition groups, but the human rights field operation should be perceived by each to be impartial. Sometimes this principle is referred to as neutrality. While it is correct that the human rights field operation should not be seen by any party as preferring their side or the other side, the field operation should always make clear that it is committed to the impartial protection of human rights in all circumstances. It should insist that all sides at least comply with the fundamental general principles of humanitarian law.
 - **Assessing security concerns:** There are serious security concerns in pursuing contacts with armed opposition groups. These security concerns must be carefully assessed before undertaking contacts.
- Avoid interference with other humanitarian organizations: The monitor should be aware of the work of the ICRC and other humanitarian organizations in the field which are likely to have far more experience in dealing with armed opposition groups. The human rights monitors should not interfere with or otherwise obstruct on-going discussions with other experienced humanitarian organizations such as the ICRC.
- **Understanding the structure of non-state actors:** It is necessary for the project monitoring team to know who can speak for or have influence with the non-state actor. In many contexts an armed opposition group has established a spokesperson or representative outside the area of conflict or even outside the country who represents them. Just as with complex governmental structures, it is necessary to develop an understanding of the structure of any non-state actor, who might be appropriately contacted to identify and reach responsible persons and who can influence their human rights conduct without placing those individuals at undue risk.
 - **Explaining the mandates and objectives:** Once contact has been initiated, it will be necessary for the human rights field operation to explain its mandate and its reasons for wishing to keep in touch with the non-state actor. While such an explanation of the mandate would be routine with regard to contacting government officials, it is far more critical to overcome suspicions and misunderstandings on the part of opposition groups. Since the human rights field operation has already been working for some time with the government and probably has a working relationship with its officials, the leadership of the opposition group will need to be reassured about the impartiality and transparency of the human rights field operation.
 - **Engaging in promotion activities:** In order to develop contacts with opposition groups and to explain the mandate of the field operation, as well as to achieve its basic human rights objectives, the field operation may need to engage in broadly based human rights promotion activities. As an example, the ICRC often undertakes public education and media coverage about the Red Cross symbol and the need for general

respect of its humanitarian meaning so that everyone will recognize Red Cross staff and activities. The ICRC also broadly disseminates information about humanitarian principles and the need to respect them.

- **Determining persuasive arguments:** Armed opposition groups may differ considerably with regard to the sorts of arguments that may encourage them to keep in contact with the human rights field operation. Some armed opposition groups see themselves as representing a clear political alternative to the present government, such that they are seeking governmental power and responsibility. It should be relatively easy to persuade such politically ambitious opposition groups that it is in their long-term and short-term interest to respect the norms of human rights and humanitarian law. They are likely to be persuaded by traditional arguments about how they cannot aspire to be considered as part of the international community unless they follow some basic human/humanitarian principles.
- **Reconciling monitoring and other efforts:** In dealing with governments, there are often inherent conflicts between monitoring and the public revelation of human rights abuses on the one hand, and human rights capacity-building and other forms of assistance on the other. Governments have generally committed themselves to human rights treaties and other norms; they have international relationships which impose obligations and which make them somewhat willing to accept both monitoring with the possibility of publicity for serious violations on the one hand, and human rights advisory services and capacity-building programmes on the other. Non-State actors may be much less willing to accept such dual-edged activities by the human rights field operation. Armed opposition groups would be unlikely to see a human rights field operation as sufficiently neutral, if other similar human rights organizations and personnel are engaged in active peace-enforcement with armed forces in the area.

Grassroots human rights workers should carefully consider whether direct interaction with non-state actors like Boko Haram or ISWAP will actually assist them in fulfilling their mandate, or simply pose an unreasonable security risk with little chance of benefiting the investigation. Most of the time, contacts with non-state armed groups, particularly jihadist organizations, are best left to larger, better financed, and internationally-linked groups. Therefore, it is imperative that local human rights organizations work closely with internationally-connected groups to better understand the positions of both state and non-state actors.

Grassroots human rights workers should carefully consider whether direct interaction with non-state actors like Boko Haram or ISWAP will actually assist them in fulfilling their mandate, or simply pose an unreasonable security risk with little chance of benefiting the investigation.

CHAPTER FIVE TOOLS FOR HUMAN RIGHTS MONITORING

“ This chapter provides monitors with an overview of the approaches and tools needed to effectively monitor human rights violations.



Kindly flip over



Tools for Human Rights Monitoring

This chapter provides monitors with an overview of the approaches and tools needed to effectively monitor human rights violations.

5.1: Introduction to Human Rights Monitoring



As noted earlier, monitoring is a broad term describing the active collection, verification, and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about incidents, observing events (elections, trials, and demonstrations, visiting places of detention and refugee camps, and discussions with government authorities to obtain information and to pursue remedies. The term includes evaluative activities at the level of the United Nations head offices as well as first hand fact-gathering and other work in the field. Monitoring has a temporal quality in that it generally takes place over a protracted period of time. It offers long-term observation and analysis of the human rights situation in your sphere of operation so as to understand trends and prevalence in order to make informed decisions and take strategic actions. The collection, verification and the utilization of this information can be used to support measures aimed at reducing human rights violations. The key objective of human rights monitoring is to reinforce the state's responsibility to protect human rights and create an atmosphere that promotes the respect of human rights.

5.2 What information should monitors collect, and where do they find it?



There is a variety of information that a human rights observer should collect to monitor the human rights situation in their area. The process of monitoring and keeping an up-to-date and accurate assessment of the human rights environment in the area of observation, can help human rights monitors better analyse violations or trends of violations when they occur.

Below is a sample human rights monitoring information matrix that might be used in keeping track of relevant events in the area of operations.

Table 1: Human Rights Monitoring Information Matrix

Information	Details	Sources	Comments
Contextual Information	Historical context, Economic indicators (unemployment rate, growth rate, economic policies), Social Indicators (access to health care and education, quality of life), Demographic Data (size and age of population, presence of refugees or internally displaced persons,	Possible Sources of Information: Government or NGO reports, academic writing, media	
Political information	Nature of the political system, Role of security forces, Political tensions and conflicts, Ethnic cleavages, History of human rights violations,	Possible sources of information: political speeches, NGO or international organization reports, the media	
Legal and Constitutional Information	International conventions and treaties ratified by the government, Important court cases, Relevant constitutional provisions, Laws,	Possible sources of information: court documents, lawyers, police records, media, organizations working on the justice system	

5.3 Tips for Monitoring



The following are some key tips to help human rights monitors:

Table 2: Tips for Human Rights Monitors

Tips	Notes
Have an In-depth knowledge of human rights as provided by National and International human rights instruments	Knowing the laws will help you understand what human rights is all about, when they are violated, and what obligations the state or non-state actors have to protect these rights.
Have an in-depth knowledge of accountability mechanisms and their legal framework	This knowledge will help you know the grievance settlement mechanisms in place and how to access them.
Determine your objectives, identify issues and needs, and define your scope:	Because of limited time and resources, you may not be able to monitor or document everything. Having clear objectives, knowing what issues you are most interested in, and the geographic area you can realistically access will help you focus your work.
Network with other credible human rights organizations; never work or fight alone:	There may be other organizations working on similar issues or in similar areas with which you can work, combining skills, knowledge and resources.
Build credible and reliable contacts	These contacts can help you stay more up-to- date on happenings in an area or notify you when an incident occurs. Always review your contact list to ensure it is up-to-date.

Tips

Have a simple format for reporting and share with your contacts and your links

Notes

An important element of monitoring is building a broad network of relevant contacts or informants that consistently provide the human rights monitor with information or reports of incidents that relate to human rights violations. A human rights monitor cannot simultaneously be monitoring the human rights environment continuously in all of the areas he or she hopes to cover. Having a network of contacts provides access to information about happenings in communities where the monitor is not continuously present. Also, because they are from the community or hold a certain position, the contacts may have access to information that the monitor would not ordinarily be privy to.

5.4 Contacting Building



An important element of monitoring is building a broad network of relevant contacts or informants that consistently provide the human rights monitor with information or reports of incidents that relate to human rights violations. A human rights monitor cannot simultaneously be monitoring the human rights environment continuously in all of the areas he hopes to cover. Having a network of contacts provides access to information about happenings in communities where the monitor is not continuously present. Also, because they are from the community or hold a certain position, the contacts may have access to information that the monitor would not ordinarily be privy to. The larger the size of a contact networks, the greater the monitor's ability verify information and provide credible reports to relevant authorities. Information from only one source may not be reliable. However, a monitor can use his/her network of contacts to verify information or check facts before documenting or reporting the information. Having contacts in the area you are operating in also helps mitigate security risks by building a safety network. A network of contacts can help pass along information of elevated tensions or signs that the monitor or his/her informants are at risk.

Contacts ideally should be diverse in social status, so as to cover as many sectors and elements of society as possible. The following are possible sources of contacts: (a) local, national or international non-governmental organizations (b) public officials (c) security agencies (d) members of political parties e) associations f) media organizations g) vigilante groups (h) trade Associations (i) women/youth groups (j) Community-based/faith-based organizations.

5.5 How to build and retain contacts

To build and retain contacts six key issues are worth keeping in mind:

- Initiate and establish a relationship based on mutual trust, confidentiality and respect
- Trust is a very significant element in building relationships with your contacts. The contacts must have a basis to rely absolutely on you so that they can be forthcoming with information.

Table 3: Steps to building trust:

- Communicate clearly and be specific. State clearly at the onset what you expect of your contact persons and what they should expect from you.
 - Care about the well being of your contact persons; put them first, rather than the information you want from them).
 - Show genuine concern for the plight of the victim. Where possible and within your mandate, attend to basic needs such as provision of relief materials, food, clothing and shelter.
 - Do not make promises you cannot keep.
 - Provide feedback and share findings
-
- **Keep the lines of communication open:** Unrelenting communication through mails, phones or in-person meetings should be maintained with the identified contacts.
 - **Define and communicate expectations:** Spell out your expectations of the contacts from the outset so that their responsibilities would be put in better perspectives.
 - **Keep the contacts abreast of progress made:** Share with your contacts progress made on any matter regarding the monitoring of violations for which he/she has provided the information.
 - **Maintain confidentiality:** You must keep the identity of your contacts confidential as their lives could be at risk if people get to know their relationship with you and what information they have provided to you.

Having a network of contacts provides access to information about happenings in communities where the monitor is not continuously present. Also, because they are from the community or hold a certain position, the contacts may have access to information that the monitor would not ordinarily be privy to.

CHAPTER SIX

DOCUMENTING HUMAN RIGHTS VIOLATION

“

When human rights violations occur, it is important that there is an accurate and timely account taken of the incident, either to be presented in a legal case or used to document a trend in human rights violations.



Documenting Human Rights Violation

When human rights violations occur, it is important that there is an accurate and timely account taken of the incident, either to be presented in a legal case or used to document a trend in human rights violations.

Documentation consists of four main steps:

- **Step 1:** Collecting Data / Fact Finding
- **Step 2:** Collate and Organize your Data
- **Step 3:** Analyse the Case(s) Data
- **Step 4:** Evaluation

6.1 Step 1: Collecting Data or Fact-Finding



Before documentation can occur, a monitor needs to know the facts. When an incident or account of alleged human rights violations are brought to the attention of human rights monitors, they must engage in fact finding. Fact-finding involves the collection of information that either proves or disproves that the incident occurred.

Fact-finding will help the monitor collect key information about the incident, which will later form the basis of their analysis and reporting. The objective of fact-finding is to first and foremost determine if a violation did occur and what type of violation was involved. Once this is determined, there are key questions that the data collected should be able to answer:

- Who was involved? Who is/are the victims? Who is/are the perpetrator? Who witnessed the incident?
- What took place? What is the timeline of the incident? Have similar incidents occurred before?
- Where did the incident occur?
- When did the incident occur?
- Why did the incident occur? Were there any warning signs or events that may have led to the incident?
- How did authorities respond?

This list of questions is not exhaustive and is dependent upon the type and complexity of the violation that occurred. The type of violation and the circumstances will also determine what methods a monitor can use to collect data. The possible methods include:

- **Missions:** Monitors travel to the location where the incident took place. It can be a short-term mission, or it may be a long-term mission where the monitor stays in a location to collect information on violations that are ongoing that includes interviews, observations, visits to sites. It also includes limitations and challenges faced by monitors due to remoteness and insecurity typical of conflict zones.
- **Observation:** Monitors may observe events, trials, elections, or demonstrations to ensure that the process is properly carried out. For example, a group or individual may monitor a campaign rally to observe the behaviour of security forces or they may visit a prison to ensure that prisoners are treated humanely. This approach is often done pre-emptively when a process is likely to result in human rights violations, not in the aftermath of an alleged violation.
- **Interviews:** Monitors can speak directly with individuals who have knowledge of the incidents that occur. This could include the victim(s), eyewitnesses or community authorities.
- **Site Visits:** Information can be collected at the scene where an incident occurred. For example, if there is a case of poor working conditions, the monitor should try to visit the work site to see the conditions him/herself. If this is not possible they should
- **Surveys:** Monitors can conduct surveys to understand the scale of human rights violations. It can help a monitor to better see how frequently incidents occur. Surveys can also be used to understand the context or environment by asking a larger number of sources.
- **Focus Groups:** Monitors can gather a small group (8-10 people) to discuss incidents that occurred. In a group, people may be more encouraged to speak up or may provide different pieces of the puzzle. On issues sensitive to gender efforts should be made to ensure these spaces are ones in which all participants feel free to speak.
- **Audio-visuals:** Information on human rights violations is more reliable if there is video and picture evidence that supports the facts. Monitors should always carry a camera to capture audio-visual evidence, for example, homes that have been burned or property destroyed.

Sources of Data

The following are some possible sources of information including possible individuals you should speak to or material evidence you should collect:

(a) Individuals/Groups including

Victims, eye witnesses, relatives, community, traditional, or religious leaders, local human rights activists, medical personnel, journalists, security agents, judicial agents.

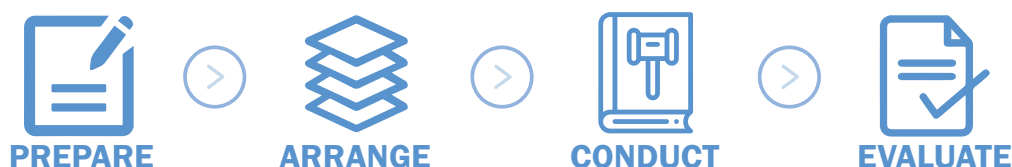
(b) Material evidence including

Hospital or morgue records, court and police records, weapons or ammunition at the scene, pictures video of the scene of the incident.

6.2 Interviewing Tips ▮



Interviews are the most common and often the most effective tool in the monitor’s tool box for collecting information on human rights violations. However, a good interviewer does more than just ask questions. A monitor must go into an interview aware of what information they hope to gain, what questions they should ask, how to ask good follow-up and clarifying questions, and how to treat the interviewee, who may have experienced or witnessed a traumatizing incident.



■ Step 1: Preparing for the Interview

Half the work of conducting a good interview takes place before the interview even starts. If a monitor goes into an interview unprepared, s/he is likely to omit key questions and potential miss vital evidence.

The first step is to identify what kind of information you hope to learn from the interview. What do you not know about the incident that the interviewee might be able to tell you? After identifying the type of information you hope to gain, it is important to write out the questions you must ask to illicit that information. Writing out the questions in a checklist will help you stay on track during an interview and ensure no important questions are missed. Figure 4 is an example of an interview checklist that you might use in an interview and can be tailored to a specific incident or type of violation. As the interviewer, you should think carefully about what questions to ask, depending on the type of violation that occurred and the output you are looking to produce.

Sample Interview Checklist

INTERVIEW	Name of interviewer(s)
	Location of interview
	Date and Time of interview
PERSONAL DETAILS	Full Names
	Age/Date of Birth
	Sex
	Address, Telephone Number
	Occupation/Employment/Name of Employer
	Family Status
DATE AND TIME OF THE VIOLATION	Day, Month, Year, Time of Day
LOCATION OF VIOLATION	Where exactly did the violation take place?
WHAT VIOLATIONS OCCURRED	What did you witness? (It is important to separate what the individual actually saw or experienced versus what they may have heard from other people) Describe the incident (or incidents) in detail. What happened leading up to the violations? (This could even mean asking questions about the history of the area or the community)
PERSONS INVOLVED IN THE VIOLATION	Do you know the violators? Did you see them, would you recognize them if you see them again? If they are security actors, which force did they belong to? How do you know? What type of vehicle (brand, colour, number plate) were they using?

WITNESSES	Did other members of the community or outsiders see the violation(s)? Who were they? (Collect full details, names and addresses if possible)
INJURIES AND DAMAGE	Any physical injury? If yes what part of the body. Any property damages? (Take pictures if possible). Did the victim(s) go to a doctor, medical clinic or hospital? Request for the medical report if available? If not available ask why?
RESPONSE BY AUTHORITIES	Was anyone arrested or detained? Did they give a reason for the arrest? Did they show any warrant? Was the victim taken away? How? Can you identify the type and number of vehicle? How many people were involved in the operation? Are you aware of any investigation by the authorities? If yes, who have they interviewed? Has any action been taken?
ADDITIONAL QUESTIONS	Is there anything that I may have left out, but you want to share with me? Additional questions that may be necessary

■ **Step 2: Guideline for Arranging the Interview**

When deciding for an interview, there are a few key points to keep in mind:

Issues	Notes	Comments
Timing	The interview should be conducted immediately after the incident occurred, if possible. If too much time elapses, the victim or eyewitnesses may forget key information.	
Introduce yourself and share purpose	Ensure that the interviewee is aware of the purpose of the interview and what the information will be used for.	
Voluntary participation	Never force a person to give a statement or interview. Providing information is voluntary and the interviewee should be made aware of this.	
Security	When choosing a location, ensure that it will be safe for both you and the interviewee. You should choose a location that is comfortable for the interviewee, but will also not attract too much attention to what you are doing	
Confidentiality	Unless the interviewee explicitly grants you permission to use information that could identify them, do not use it. Confidentiality, or maintaining the anonymity of an interviewee or contact, is a key factor in gaining the trust and ensuring the safety of those that human rights actors work with. Before interviewing or working with someone, it is important to explain their right to confidentiality. .	

■ **Step 3: Conducting the Interview**

When conducting the interview, it is important to keep these points in mind:

- **Ask clarifying or follow-up questions** - While it is important to follow your interview checklist, it is equally important to follow up with clarifying questions.
- **Record the answers accurately** - Record as much of the interviewee's responses as possible. Using a voice recorder can further ensure accuracy. However, the interviewee should be made aware that s/ he is being recorded and understand the risks of their voice being recognized.
- **Capture direct quotes** - Direct quotes are seen to be more reliable than a summary of what someone says. They also paint a more personal picture of what happened.
- **Check your checklist** - Before completing the interview, refer back to your checklist to ensure that you did not miss any questions.

■ **Step 4:** Evaluating the Interview

After completing the interview, it is important to evaluate how the interview went, both to improve your interviewing techniques and to determine your next steps.

Ask yourself:

- Did I get all of the information that I need?
- Did I miss any questions?
- Did new information emerge that I need to find out more about?
- Did the information I received verify what I already know?
- Is there information that I need to verify?

Based on these questions, you can identify new contacts to interview to find out more information or follow up briefly with the respondent.

6.3 Organizing Data ▮



It is important that monitors and monitoring organizations have a system in place for organizing information collected about human rights violations. Having a consistent process for organizing this data will make the process of analysing the data much easier. Monitors should consider using templates like the Interview Checklist or mission or site visit report template to ensure consistency in how incidents are document.

Data security is also an important consideration. Individual monitors and monitoring organizations should carefully consider how this information will be stored in a manner that is both accessible for those working on the case, but secure. For example, if security agents raid an office and take files on a human rights case, they may have access to information about the victim or confidential informants that could put these individuals at risk. You should consider how you can protect your data from these risks. You should consider how you can protect your data putting them under lock or saved in Google.

6.4 Analysing Data ▮



After collecting and organizing data, but before cases are reported, the next step in the documenting process is the analysis.

When looking at an individual incident, we return to one of the first questions we asked when fact-finding: Is the case at hand a human rights violation? This question requires a full examination of all of the data collected and a comparison with international human rights instruments, humanitarian conventions, and relevant national constitutions or laws to determine if a clearly defined right was infringed upon. Key questions to keep in mind are, do all the facts support that a violation has taken place? Are you certain that all of the information is valid? Once it is determined that a human rights violation has occurred, it is then important to consider if the violation is part of a trend:

- Is this case one of several cases of this type of violation?
- Are the violations occurring in a particular area or location?
- Are the violations occurring at a particular time?
- Is there a pattern in the identity of the victim (religion, ethnicity, political affiliation)?
- Is there a pattern in the identity of the perpetrator (from a particular security force, another armed group, or an individual)?
- Is there a pattern in how authorities respond (are victims detained, are the cases ignored, have perpetrators been questioned or arrested)?

After identifying these patterns or trends, the human rights worker will need to draw upon his/her knowledge of the conflict context to hypothesize as to why a particular trend is occurring. Considering such hypotheses may require reaching out to other human rights actors to determine if they have collected similar information in the same or nearby areas.

6.5 Ensuring effective analysis ▮



Guidelines for effective reporting and documentation of human rights violations

- **On site visit:** This requires field presence and ad hoc inquiries. It is unlikely that reports conducted without visits to the conflict zone will be based largely on secondary information derived from informants who often have an interest to serve. Information obtained via telephones and through social media may be subjective. Some form of field presence and inquiries in the conflict zone or proximate locations may enhance the credibility of the monitor's report on human rights violations.
- **The need for mapping:** These are initiatives aimed at gathering basic information on the most serious violations of human rights or international humanitarian law that took place in a particular territory during a specific timeframe. The aim is to chart major incidents in search of spatial patterns of violation and targeting. Mapping does not replace in-depth and ad hoc investigations on specific cases. Neither do they attach responsibility to individual perpetrators.²⁵
- **The need to confirm the veracity of information collected:** In documenting and reporting violations, the human rights worker must evaluate the information collected to assess its validity, relevance and veracity jointly with the reliability and probity of a source; the mode of conveying the information to the investigator and why the individuals or entities chose to share the information. The evaluation will also look for corroboration from other sources or physical evidence.

6.6 Sources of information ▮



The sources of information which may be explored by the monitor include:

- Published scholarly articles
- Reports of NGOs and international organizations
- News reports and other social media postings

²⁵ see Ms Navanethan Pillay, Human Rights Investigations and their Methodology (The Graduate Institute, Geneva, 24 Feb 2010)

- Interviews with victims, witnesses, authorities, officials, and others knowledgeable about the facts or who could lend their expertise – such as medical doctors, military specialists, ballistic experts, etc.
- Official documents
- Photo and video materials
- Satellite imagery and analysis
- Public hearings of victims and experts.

6.7 Interviewing victims or their relatives ▮



Interviewing victims of violations or their relations is extremely complex. It requires extensive preparatory work, considerable technical expertise, tact and sensitivity to the circumstances of the interviewee.

Important questions to be asked by the interviewer

- Identity of interviewee?
- Language of primary communication?
- Identity of translator?
- Where should the interview be held in order to protect the witnesses?
- How should the interview be recorded so as to protect the integrity of the information?
- What background information will help the interviewer?
- What cultural differences may hinder the interaction with the interviewer?

Witness protection

Victims and witnesses often live in insecure and volatile places. They therefore face a serious risk of retaliation for assisting reporters of violations. It is therefore necessary to establish appropriate safeguards by providing security for the protection of their lives, privacy, dignity and reputation. This may call for a preliminary risk assessment evaluation to determine the level of protection necessary.

Reporting and documenting gender-based violence or sexual offences

In such cases it is important to look at the whole range of such violence, rather than focusing solely on those acts of an overt sexual nature such as rape. Sensitivity of the investigator in conducting inquiries on gender-based violence is imperative, as is an understanding of the physical and psychosocial impact of this kind of abuse. The objective is to develop and maintain investigative conduct that does not re-traumatize the victim. In all circumstances, rights of witnesses to privacy and confidentiality have to be respected. All data and information must be protected and not shared with anyone without the person's informed consent. Finally, no presumptions should be made regarding the victims' circumstances. Indeed, women (and men) of all ages, ethnic groups and classes might be exposed to violence and abuse.

Deliberate misinformation by interested parties

In documenting violations, the reporter must be extremely alert to deliberate misinformation by entities engaged in the conflict or their sympathizers who pretend to be neutral witnesses or victims. Misinformation may also be due to involuntary distortions arising from lack of proper means of communication. For example, when an interview is conducted via telephone and the signals are not very clear, there may be involuntary distortion; or, when an interpreter is only semi-literate in one of the languages of communication, he may not pass the message across accurately.

The credibility of the entire investigation depends on corroborating the information provided by one source with that sought from other independent sources. Indeed, no matter how reliable a source is deemed to be, information must be verified against documentary or oral testimony. A test of validity often relies on corroboration by at least two additional and independent sources. However, in documenting or reporting sexual offenses, such corroboration is not always available as there are usually no witnesses to the incident. Quality of the evidence rather than quantity is more important in such cases.



Human Rights Reporting

The purpose of reporting information gathered above is to share and provoke positive actions, whether as preventive or responsive measure. The purpose of human rights reporting, and corresponding documentation efforts, must be clearly understood. They include:

- Identify perpetrators
- Protect victims
- Help establish a chain of accountability
- Serve as a deterrent to further violations
- Help to identify better ways of delivering justice and redress to the victims
- Influence positive change of behaviour
- Advocate for change in laws and practice

Reports on human rights violation can take many forms or follow many different patterns but there are critical questions that you need to consider before you commence the writing of the intended report. They are:

What must be proven and highlighted? Every report must show evidence that the violation alleged truly happened. The message that you are trying to convey must be clearly presented. It could be to emphasize a pattern of impunity, violence, indifference or lack of progress.

What is the main objective of the report? A human rights report could have one or more clearly defined objectives. Objectives could include redress for victims; policy changes; drafting and implementing of new laws to address subsequent violations; eliciting public opinion; or putting pressure on the government or perpetrators of violations.

Who is the target audience? Is the report targeting the government; the media; the public; international community or other NGOs. Take note that the target audience influences the form the report will take and should shape its recommendations

Persuasive and credible presentation of findings: Your arguments and facts must be presented in a logical, convincing and credible manner. The following gives an example of how to arrange your report:

- The political, historical or economic context and circumstances;
- Methodology used to gather facts
- A description of the incident;
- The nature of the human rights violation
- The identity of the victims, unless it is confidential
- The alleged perpetrators and/or responsibility of the authorities
- Recommendation on actions to be taken

It is also important to ask yourself if your report meets the following criteria:

- **Concise and clear:** Remember the acronym KISS - Keep it Short and Simple
- **Accurate and precise:** All information provided should be verified.
- **Prompt:** It is important to produce the report with a sense of urgency except if the release of its findings has the potential to provoke violence.

- **Neutral language:** Avoid insulting or loaded words that may demonstrate a lack of impartiality.
- **Action-oriented:** In producing the report, you should remember that the report is not an end, but a means to an end. The report should inspire actions in response to the concerns raised in the report. Therefore, appropriate recommendations, based on the assessed situation, should be targeted to key actors and authorities.
- **Use examples:** A case study, giving vivid examples of the issues, can strengthen the reports credibility in the eyes of the reader.

CHAPTER 8

Human Rights Advocacy

This chapter focuses on advocacy strategies monitors may wish to use in making the outcome of their MDR more impactful.

Human rights NGOs are a good independent source for research and information regarding the state of human rights in the country. This is because through MDR, they are able to give reliable information and coherent analysis of the human rights situation. These reports enable human rights and civil society actors to engage effectively with the government to improve human rights in West and Central Africa.

However, reporting human rights violations is not an end in itself, but rather a means to an end, as it forms the basis for further action. This is where advocacy strategies are important.

8.1: What is advocacy? ▀

Advocacy is a crucial component of human rights work, and finding the right allies and support is a key ingredient to success. Advocacy is the process of drawing attention to an important issue and directing decision makers toward a solution.

The goal of advocacy is to build support for a cause or an issue and gain the support of a critical mass of people or key people who support it, thus gaining the influence to change legislation or policies that affect that issue. Advocacy can be directed at different targets. Groups may try to advocate to international human rights bodies to put the international spotlight on an issue. Others may try to lobby legislators to gain passage of a law that addresses a human rights issue and also use to raise awareness among citizens. Using media like television or radio, a group may try to mobilize mass support for a cause.

8.2: Stages Involved in Advocacy ▮

The following are the five key steps involved in advocacy:

Figure 5 Five key steps for Advocacy

■ **Step 1: Preparation**

Define the specific position that will be advocated for

Research the issue; gather evidence and document it.

Identify the human rights standards that support your position.

Formulate the advocacy goals and objectives. What do you hope to achieve through this advocacy effort?

■ **Step 2: Stakeholder mapping**

Conduct a stakeholder's analysis to determine your target for advocacy

Identify targets for advocacy action

Identify allies that will support your cause

Identify likely opponents that would oppose the cause you are advocating for

■ **Step 3: Choose strategy (these can include)**

Lobbying - face to face lobbying; letter writing

Public awareness - organizing conferences and workshops; creating posters and leaflets; using the internet to gather and disseminate information

Media work - writing a press release; media interviews, holding a press conference

■ **Step 4: Act**

Implement the advocacy action plan

Promote the advocacy message to identified targets using chosen methods

■ **Step 5: Evaluate**

Monitor and evaluate the advocacy work

Measure whether the objective was achieved and identify next steps for sustained advocacy

Note

Add Case study (identify three scenarios that requires advocacy to be used as an assignment during the validation/in-country capacity building session – the feedback will be reviewed and used as a case study in this handbook

The scenarios to be shared across two/three working group as assignment during the in-country training



Conclusion

Human rights violations are regrettably common in the conflict zones of West and Central Africa. The task of the human rights monitor is complicated by the serious disruptions in the equilibrium of the society that breakdown of law and order, and perpetual cycles of violence, have caused.

Groups and individuals who are involved in human rights monitoring, reporting and advocacy are on the frontlines of documenting, and shedding light on, human rights violations and abuses with a view to promoting respect for human rights. As the nations of the LCB face a new phase in the counter-insurgency efforts against Boko Haram and its progeny, ISWAP, it is more important than ever for human rights workers and monitors to be out in the field collecting information and documenting human rights abuses. In doing so the monitor must diligently apply the numerous principles and methodologies, which have been developed to guide the monitoring, documenting and reporting of human rights violations in non-conflict and conflict zones.

It is important to remember, however, that human rights monitors are not alone in this effort. Community members and leaders, security agents and government officials are all partners in this process. In addition, human rights monitor and groups must work together in the challenging process of reporting on human rights abuses. Working with agencies that specialize in human rights protection, like NHRC, is key if the reports are to fulfill their aim of seeking accountability for human rights abuses, justice for victims and setting the foundation for advocating for policies and programmes that promote and protect human rights.

We hope that this guidebook serves as a useful tool in the human rights monitor's tool box to assist in this challenging but immensely important role of protecting human rights.

Acronyms¹

- CNDH** Commission National des Droits de l'Homme
- CNDHLF** La Commission National des Droits de l' Homme et des Libertés Fondamentales
- CSOs** Civil society organizations
- ICRC** International Committee of the Red Cross
- IDPs** Internally Displaced Persons
- ISWAP** Islamic State of West Africa Province
- LCB** Lake Chad Basin
- MDR** MONITORING, DOCUMENTING, AND REPORTING
- MNTJF** Multi-National Joint Task Force (MNJTF)
- NCHRF** The Cameroonian National Commission on Human Rights and Freedoms
- NESREA** Nigeria's National Environmental Standards and Regulations Enforcement Agency
- NHRC** National Human Rights Commission of Nigeria (NHRC),
- NSAGs** Non-State Armed Groups
- SGBV** Sexual and gender-based violence
- UDHR** United Nations General Assembly's ratification of the Universal Declaration of Human Rights
- UDHR** Universal Declaration of Human Rights
- UNHCR** United Nations High Commissioner for Refugees
- UNICEF** United Nations Children's Fund

For further reading:

- Amnesty International, Monitoring and Reporting Human Rights Violations in Africa (A Handbook for Community Activists) (2002).
- Amnesty International Chad 2017/2018-<https://www.amnesty.org>>report Chad (Accessed 4th May, 2018).
- Amnesty International, Niger 2017/2018 <https://www.amnesty.org-niger> (Accessed 4th May 2018.)
- Annual Report Cameroon, [amnesty.org](https://www.amnesty.org) (Accessed)
- Building capacity for monitoring Human Rights in Nigeria: UNDP continues to train monitors Mar 31, 2015 <http://metrowatchonline.com/human-rights-abuses-amnesty-international-exposed-liar-says-ngo/> (Accessed 17/04/18)
- Human Rights Watch report on Cameroon- <http://www.hrw.org>>africa>Cameroon (Accessed 4th May, 2018)
- Human Rights Watch- <http://www.hrw.org>>africa.chad (Accessed 4th May 2018)
- Human Rights Watch, World Report 2018: Nigeria <http://www.hrw.org>>country
- Ms Navanethan Pillay, Human Rights Investigations and their Methodology (The Graduate Institute, Geneva, 24 Feb 2010).
- Search for Common Ground, Nigeria Human Rights Monitors' Guidebook, October 2014
- The Work of Amnesty International and Human Rights Watch: Evidence from...-NGO Monitor <http://ngo-monitor.org> (Accessed 17/04/18)
- Ukweli: Monitoring and Documenting Human Rights Violations in Africa, A handbook (Amnesty International and CODESRIA); <https://ihrp.law.utoronto.ca.documents> (Accessed 17 /04/18).
- US Department of State, Chad 2016 human rights report,<http://www.state.gov>>organization (Accessed 4th May 2018)

Supported By



Centre for Democracy & Development

Centre pour la démocratie et le développement

The Centre for Democracy and Development (CDD) was established in the United Kingdom in 1997 as an independent, not-for-profit, research training, advocacy and capacity building organization

Address

16, A7 Street Mount Pleasant Estate (CITEC), Jabi Airport Road, Abuja.

Phone No

+23492902304

Email

cddabv@cddwestafrica.org

Website

www.cddwestafrica.org