

MANUAL ON human rights MONITORING

Chapter 31

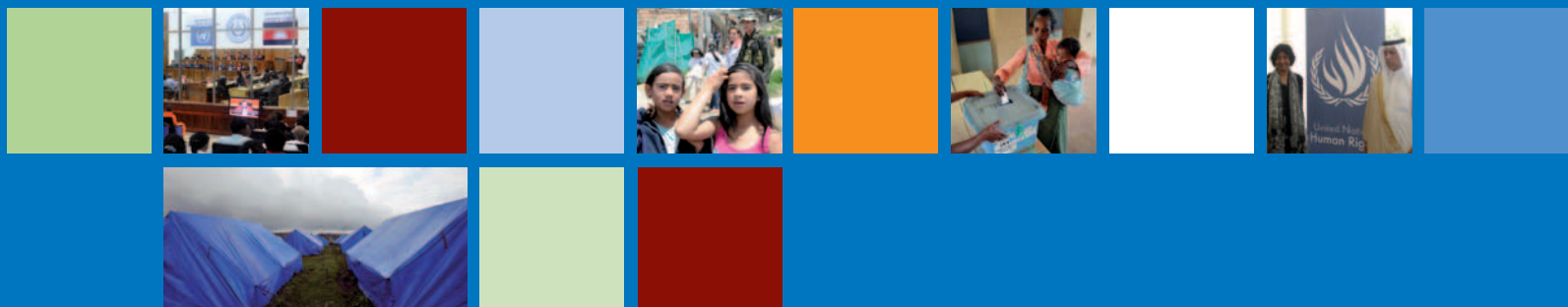
ADVOCACY AND INTERVENTION WITH THE NATIONAL AUTHORITIES

Chapter 31 Advocacy and intervention with the national authorities

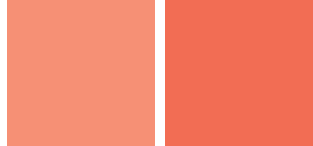


UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

ADVOCACY AND INTERVENTION WITH THE NATIONAL AUTHORITIES



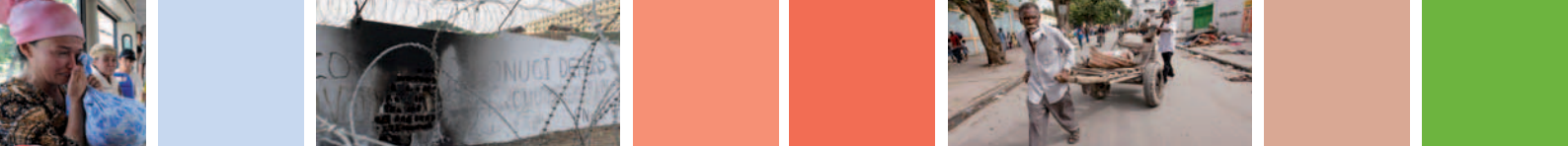
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A. Key concepts



- All interventions with the authorities to address human rights concerns require meticulous planning and consultation by human rights field presences in order to achieve the desired objective, i.e., corrective action.
- In particular, this implies identifying the relevant target authorities at the appropriate decision-making level to tackle the issue; carefully choosing the most suitable human rights officers (HROs) to engage in advocacy; if relevant, coordinating interventions with other national and international actors to maximize impact; designing effective advocacy messages; and having an appropriate conduct during meetings.
- During meetings with the authorities, HROs must always be respectful and observe local customs and culture; be prepared to clearly address the main reasons for the meeting; clarify expectations and confirm commitments taken by either side; consider alternative or complementary strategies if objections are raised; evaluate the outcome of the meeting; and follow up, as needed.
- Senior managers must ensure that clear internal policies and guidelines related to written communication by the field presence with the national authorities and non-State actors are adopted.



B. Introduction

Intervention with the authorities with a view to corrective action is one of the most effective human rights protection strategies available to a human rights field presence. It consists of interactions with State officials – based on verified and corroborated information about individual human rights violations or broader human rights concerns. The purpose is to address individual cases, patterns of violations, structural causes of violations or the general human rights situation, to make the authorities commit to acting on the information provided, including to carrying out their own investigations and to remedying human rights violations or problems.

This corrective action strategy requires sensitive and diplomatic intervention in everyday situations – a constant discourse and advocacy with key municipal, local, regional and national actors. The effect of constant interaction and communication with authorities is cumulative: it can influence local and national decision makers, thus reducing and preventing violations, remedying State omissions, and offering guidance and support to States to ensure their action complies with international human rights standards.

The term “advocacy” is used in this chapter in a very broad sense – referring to all communication that is intended to persuade or produce a particular change in action or behaviour. Advocacy can take the form of a single meeting or a series of meetings, confidential or public discussions, direct or indirect communication through intermediaries, written correspondence, public statements or reports, and so on. All require the human rights field presence to pursue regular follow-up action.



C. General considerations

Advocacy takes place at all levels of decision-making. Depending on the nature of the human rights problem identified, a complex process of communication with multiple national actors can be developed. These may be local community leaders, mayors, ministers, parliamentarians, judges, law enforcement officials, etc. In some instances advocacy could involve a single meeting to resolve the human rights problem. **The more a field presence develops relationships with these players, the more likely it is to positively influence them over time.**

Advocacy involves a wide variety of techniques, including direct or indirect pressure, politeness, humility, showing empathy for the interlocutor, praise and stressing mutual objectives or developing solutions together. An act as simple as the dissemination of human rights documents can be an effective tool in itself.

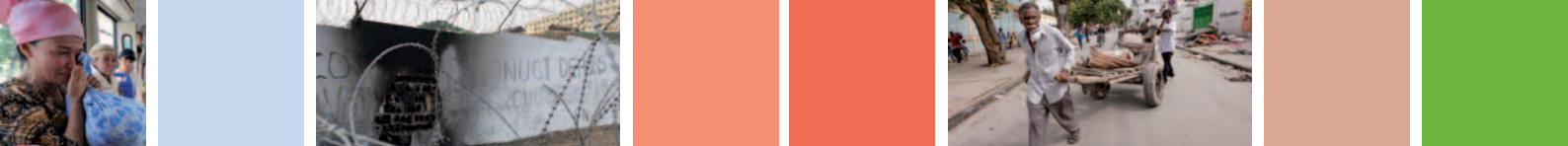
In tense and constantly changing situations, HROs must be ready to use their intuition when deciding how best to communicate and achieve their advocacy objective.

If meetings with local or regional authorities do not lead to any improvement in the human rights situation, it may be necessary for HROs or their supervisors to turn to higher authorities, communicate in writing, make use of alternative tools of influence, including United Nations mechanisms.

Like for all other functions, **intervention and advocacy by HROs should never delegitimize the role of the State or seek to displace ordinary government functions, but rather encourage the effective functioning of national structures and institutions.**

Errors in judgement when seeking corrective action can have serious consequences. To avoid such mistakes, HROs should always act in close consultation with their supervisors and other experienced colleagues. They should also refer to the head of the human rights field presence for advice and action, especially in difficult or sensitive situations.

If a small field presence has few staff and high staff turnover, its capacity to implement in full the intervention strategies proposed in this chapter will be restricted. Managers will have to set priorities and determine how many interventions can be carried out with sufficient commitment and follow-up, given the time and expertise available.




D. Key steps in planning and implementing advocacy strategies

The following steps are intended to guide HROs when planning and implementing advocacy strategies to address human rights concerns with the authorities:

- (a) Identify the target audience;
- (b) Coordinate interventions;
- (c) Plan meetings;
- (d) Design messages;
- (e) Conduct meetings;
- (f) Evaluate the outcome and ensure follow-up;
- (g) Consider alternative or complementary strategies.

1 Identify the target audience

Based on a strategic analysis of how to approach each human rights problem, human rights field presences will prioritize a certain set of actors – the target audience – who have the authority to bring about the desired change (see chapter on *Strategic planning for human rights impact* ).

A field presence's initial approach often involves presenting verified information and analysis of a human rights problem to the authorities that have the power to bring about change. Ultimately, most human rights violations or omissions can be addressed only by the authorities themselves. For example, direct advocacy with parliamentarians will be necessary if a field presence is concerned about discriminatory legislation and wants to suggest amending it.



Timor-Leste

In 2006 the human rights component of the United Nations Integrated Mission in Timor-Leste (UNMIT) started monitoring land management, housing rights and displacement, in relation to the right to an adequate standard of living. Since legislation on land and property rights was yet to be approved, it advocated with parliament the prompt adoption of legislation and provided inputs into other policies concerning housing rights and the identification of durable solutions for internally displaced persons (IDPs). Similarly, in 2008 it provided advice to a parliamentary working group on gender, land and property to propose an inheritance system that would ensure women's inheritance rights were observed in the civil code.

Authorities are often more prone to indirect influence through other contacts in the community, such as other policymakers, religious leaders, the media, community-based organizations and so on. HROs should consider and explore these avenues.

A proper analysis and actor mapping will help HROs to understand how different local actors relate to and influence each other, so that they may identify other individuals or organizations that can sometimes be more effective at transmitting human rights messages to particular authorities (see chapter on



Analysis (📖). **Meetings with these potential allies require the same preparation and diplomacy to achieve the best possible results.**

If intermediaries are used to transmit human rights messages to the authorities to reinforce a field presence’s message, HROs should think carefully about what their motives might be. They should approach them with an analysis and make a request for support that responds to their particular motivations and position, while maintaining the integrity of the human rights message.



Afghanistan

The human rights component of the United Nations Assistance Mission in Afghanistan (UNAMA) regularly consults the Afghanistan Independent Human Rights Commission on interventions with local actors and their potential cultural impact. In one instance, the Commission advised HROs on how to intervene with the national authorities in relation to women’s rights. Due to cultural sensitivities, it was decided that issues related to domestic violence would be brought to the national authorities’ attention by the Commission rather than by the UNAMA human rights component.

HROs must carefully pick the people they wish to meet based on their initial networks of contacts (see chapter on *Gathering contextual information* (📖)) and on closer relationships already developed with certain authorities and institutions (see chapter on *Engagement with national authorities and institutions* (📖)).

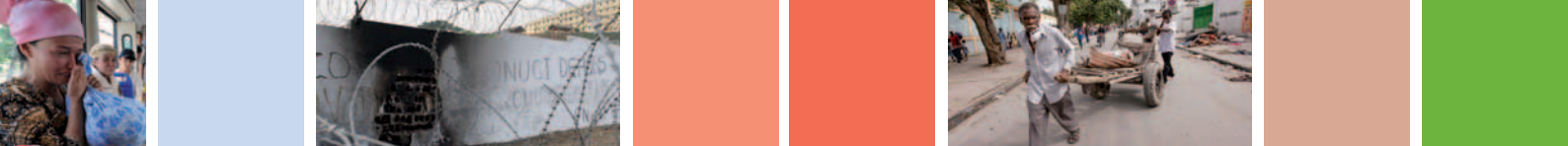
There can be situations where HROs have not yet developed a network of contacts and relationships – for example, because they are new to the location – and yet urgently need to engage local actors. In such situations, they should consult the field presence’s files and colleagues, and other United Nations agencies as appropriate, as well as any trusted local advisers, to get a sense of whom to contact.

Depending on the relations they have developed and the procedures they need to follow, it may be easier for HROs to intervene with officials holding relatively low positions. Unless the case is particularly controversial or a high-level policy change is sought, lower-level officials are often in a position to provide information or take measures to address the matter. It is in the interest of both the local officials and the human rights field presence to resolve a human rights problem at this early juncture.

Nevertheless, contact should not be made with officials who clearly have no power to act. If an official claims not to have jurisdiction over the matter, HROs should ask who does and take the matter up with that person.

2 Coordinate interventions


Certain human rights violations will draw the attention of other national or international organizations and United Nations entities present in the host country, too. For example, land, housing and property restitution issues or violence against women may be tackled by farmers’ cooperatives, humanitarian agencies, medical organizations, donors and others.



At a minimum, HROs should be aware of the advocacy by other national and international organizations to address a given human rights problem, so that there is no unnecessary duplication or conflict. Ideally, HROs should build support and coordinate advocacy and follow-up actions with other organizations, on the basis of individual mandates, capacities and tactics.

Building a constituency to support a field presence’s advocacy around a human rights issue is critical for success. The larger the support base, the greater the chances of success. Field presences need to reach out to and create alliances with NGOs, donors, coalitions, civic groups, professional associations, women’s groups and others that support the same objective.

HROs should ascertain the mandates and scope of activities of national and international NGOs in the country, in order to assess what kind of assistance, contribution or coordination may be expected from them.

A particular effort should be made to assess the intervention and advocacy capacity of civil society, so that the field presence’s human rights approaches do not weaken, replace or delegitimize these efforts (see chapter on *Engagement and partnerships with civil society* ).

As a member of the United Nations country team (UNCT), a human rights field presence plays an important role in assisting development partners in strengthening their rights-based protection activities. The UNCT is a useful forum for devising and coordinating joint advocacy strategies on human rights issues of concern to several United Nations entities.



Sierra Leone

A “human rights theme group” was created within the UNCT in Sierra Leone following a suggestion from the human rights component of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) to ensure a coherent United Nations effort to enhance the protection of human rights in the country when engaging with the Government. In other countries, human rights field presences have created similar groups within the UNCT.

Human rights components in United Nations peace operations can effectively plan and undertake joint advocacy with other mission components, such as child protection, justice, United Nations police, gender or the military.



Democratic Republic of the Congo

Confronted with a steadily increasing number of human rights violations committed by the police and frequent allegations of police commanders' interference in the judiciary, the human rights component of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) urged the Minister of the Interior to establish joint "follow-up committees" composed of the national police commander, the judiciary and MONUC human rights officers and United Nations police officers at provincial level. Once operational, these committees turned out to be effective tools not only for intensifying the regular dialogue between the four parties, but also maintaining pressure in the fight against impunity. They helped overcome situations where the police would not cooperate with the judiciary and provided international assistance for investigations and prosecutions of police officers responsible for the most serious human rights violations.

Human rights field presences are also members of the humanitarian country teams. In most cases, they participate actively in the cluster approach¹ structure and are fully integrated in humanitarian reform activities.



Sudan

In 2005 in Darfur (Sudan), rape victims were required to obtain a certificate from a medical practitioner in a prescribed form before filing a complaint with the police. The Government authorized new clinics to provide the certificate, which was issued for a fee, thus limiting the number of victims who could obtain it. Medical teams of international NGOs were not authorized by the Government to issue them and the numerous victims they treated had to undergo another medical examination in an authorized clinic if they wanted to file a complaint. In addition, international NGOs that recorded information from victims were threatened with expulsion if they continued to do so.

The issue was raised during a meeting of the protection cluster, in which the human rights component of the United Nations Mission in the Sudan (UNMIS) participated. HROs therefore collected information and analysed the negative impact of this rule on victims of rape. The human rights component strategized with the peace operation's protection unit and proposed amendments to the criminal procedure code. A joint advocacy strategy was mounted; it included several structured meetings with relevant Government officials and a joint visit to Darfur by the head of the human rights component and officials from the legal department to see how the procedure was put into practice. Subsequently, the Government amended the criminal procedure code, allowing international NGOs to record information from rape victims and provide, free of charge, the certificate required for filing a complaint with the police.

Within the humanitarian coordination structure, human rights field presences can ensure that human rights considerations are integrated into protection and early recovery strategies, for which human

¹ Human rights field presences' main support to the cluster approach is in the protection cluster, where OHCHR and the United Nations Children's Fund (UNICEF) have agreed in principle to lead in disaster response, as necessary and when resources allow. Additional information on the cluster approach is available from www.humanitarianinfo.org and www.humanitarianreform.org/.



rights promotion and protection are particularly relevant. They may furthermore play a key role in ensuring that protection and human rights are mainstreamed throughout humanitarian work.

The system of “protection working groups” has been implemented in a number of countries and contexts. These collective processes, whether national or local, provide a useful setting for understanding different organizations’ intervention plans and avoiding duplication or conflict. They also make it possible to strategize joint protection approaches or mutually reinforce separate approaches to key counterparts.



Uganda

On one occasion OHCHR-Uganda prepared a report on land, housing and property restitution regarding internally displaced persons (IDPs) and drew the attention of district partners and the national authorities through the national protection cluster of the Inter-Agency Standing Committee (IASC) to this issue in an effort to ensure informed decision-making. The report itself also became a major tool for advocacy by OHCHR among key decision makers in the central Government and in the districts.

Sometimes it can be useful for different organizations to approach the same authorities jointly or separately on one specific human rights violation, or on a policy that is being developed or amended. This combined approach can bring greater pressure to bear on the authorities to correct the violation or take preventive action, while lessening the political risk to any individual institution.



If there are different interventions, field presences should do their best to ensure that these are coordinated and consistent with one another. Whenever there are inconsistencies, authorities that are unwilling to solve a problem may use these as excuses to do only the bare minimum to address the specific problem.



Haiti

A successful example of joint advocacy was a case of a Haitian national who was deported to his home country and held in limbo in a police station for many months, though he had committed no crime there. While the police, the public prosecutor and the migration department of Haiti all recognized that he was arbitrarily detained, none of them wanted to assume responsibility for his release, since they feared that with no work, family or place to live, the person was likely to turn to crime to survive, for which they would be blamed. The human rights component of the United Nations Stabilization Mission in Haiti (MINUSTAH) identified a local NGO which offered some start-up funds to enable this individual to restart his life. Additionally, HROs contacted the International Organization for Migration (IOM), which was setting up a reintegration programme for deportees and agreed to integrate him. Finally, the joint advocacy and alternative solution proposed by the human rights component, IOM and the local NGO provided sufficient assurance to the public prosecutor, who intervened in the case and ordered the release of the man, who might otherwise have been held indefinitely and arbitrarily.

3 Plan meetings

When planning a meeting with the authorities about specific human rights issues or cases, HROs should always verify their information and make sure it is as complete as possible. This means that the validity of the information and the reliability of the source have been assessed, and that a proper legal analysis has been undertaken to determine whether the facts gathered amount to a human rights violation (see chapter on *Gathering and verifying information* ). In addition, **HROs must always obtain informed consent from victims in order to raise their individual cases with the authorities** (see chapter on *Interviewing* ).

A number of other considerations should be taken into account when preparing meetings with contacts, from the highest government authority to local community leaders, including:

- (a) Objective and desired outcome of the meeting;
- (b) Timing;
- (c) Nature of the counterpart, context and sensitivities;
- (d) Counterpart's perception of the field presence and its work;
- (e) Selection of the team attending the meeting;
- (f) The setting.

(a) Objective and desired outcome of the meeting

In preparing for meetings, HROs should identify the different issues they wish to raise and the order in which they wish to do so. They can consider the following questions:

- What is the precise objective of the visit?
- What is the desired outcome of the meeting?
- What specific information or undertaking is sought from the authority?

The substantive elements must be carefully considered and prepared. This implies not only gathering detailed information about the human rights issue to be raised, but also reviewing pertinent national legislation, policies and programmes, and the applicability of international human rights treaties and standards. If available, previous recommendations from regional and international human rights bodies or special procedure mandate holders should also be taken into account.

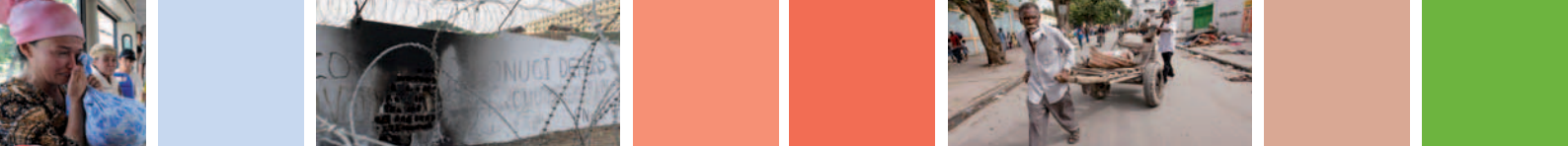
(b) Timing

HROs should consider the optimal timing for a meeting, since there may be pressing issues or other pressures affecting the counterpart and this could have an impact on the meeting. Whenever possible, it is best to approach people when they are in a good position to listen, rather than when they are distracted by other matters.

Furthermore, **HROs must always consider whether their intervention could potentially harm or endanger anyone, or contribute to a deterioration of the human rights situation, especially if tensions are running high**. Nevertheless, urgent situations may require immediate intervention.

(c) Nature of the counterpart, context and sensitivities

The field presence's analysis and available information on the authority and its institutional role are



important for the preparations. Information about its sensitivities, interests and concerns can help HROs to establish a rapport or provide an opening to discuss sensitive topics without prompting defensive reactions.

HROs should anticipate as far as possible the issues and counter-arguments that the authority may raise. They must be willing to concede some valid points, if required, and not insist on their own position. To better prepare, they should always review notes of any past meetings with the same actor and talk with colleagues who attended such meetings.

HROs should also take into account the political context in which the counterpart operates. Perhaps the counterpart has concerns about the meeting. For example, reform-oriented individuals in a State administration may themselves be in danger if seen or perceived to be collaborating with the human rights field presence. This analysis helps HROs to gauge what can realistically be achieved. Knowledge of the context will also bolster their credibility.

(d) Counterpart's perception of the field presence and its work

Each intervention should take into account the perception that the counterpart may have of the field presence and its work. In fact, it may have reasons to distrust the United Nations or have had negative experiences. Or it may have had very good experiences and look forward to further collaboration. A lower-level local official may see a United Nations representative as someone of higher status and show great respect. Another may consider having a higher status and be offended if approached by someone "less important". Officials may also have specific perceptions of individual HROs, including differences in attitude because of their age, sex or nationality. In such cases, it is important that at least one HRO is perceived to have an equal "status" as the counterpart. This HRO can be accompanied by more junior staff to be introduced formally as the liaison with the field presence.

One useful approach to counter these diverse perceptions is to take advantage of the range of professional experiences that may exist within the field presence. In United Nations peace operations for instance, military or United Nations police officers may be better placed to communicate with local police or military counterparts, taking advantage of their shared professional training or background. Local authorities may be more open to hearing concerns and recommendations from someone with a professional background they respect or associate themselves with. However, it is important to ensure that such colleagues possess a good understanding of human rights and work closely with HROs.



Haiti

A joint human rights-police investigation unit was established within the human rights component of MINUSTAH to investigate serious human rights violations. The presence of United Nations police officers proved beneficial in many instances to communicate more effectively and firmly with the Haitian National Police. When planning an intervention with the national authorities and other counterparts, the joint team would always make a strategic assessment of whether the HRO or United Nations police should take the lead in the meeting, and how the message should be delivered.




(e) Selection of the team attending the meeting

The messenger is as important as the message. When selecting HROs to engage in advocacy with the authorities, due consideration should be given to seniority, gender, culture, language skills, knowledge and expertise of the particular issue, capacity to speak in the name of the field presence and ability to manage the situation tactfully. HROs must also understand how gender and cultural sensitivities can affect perceptions of a field presence and its staff.

Moreover, HROs should have a clear understanding of the limits of the field presence's mandate and of what can or cannot be said. Mandates always require interpretation and HROs need to know their contours, limits and flexibility when faced with difficult questions. They should think creatively about the ways different issues can be expressed effectively within these constraints.

Whenever the situation permits, it is **best practice to have two HROs present during meetings**, especially if the contents or results can be misinterpreted or manipulated by the counterpart. HROs should agree in advance which role each person will play during the meeting and who will take notes, if permitted. One possibility is to have one HRO take the lead in the discussion while the other plays a support role and takes notes.

Thought should also be given to the language to be used during the meeting. It is best to use a language in which the HROs and the counterpart can converse comfortably. There is some advantage in choosing a language in which the HRO is fluent, but it is equally important that the Government official can understand and respond comfortably. Language fluency allows for smooth discussion, and without it the HRO can misunderstand or fail to grasp the nuances of a situation, even with the help of an interpreter.

Certain situations will require the **use of interpreters**. In such cases, special attention should be given to the choice of interpreters, taking into account their background, previous experience and possible cultural sensitivities. Interpreters must be briefed in advance on the purpose of the meeting so that they know what is expected of them. Whenever possible, interpreters should be provided with hard copies of relevant materials in advance to help them become familiar with the terminology and the issues. They also need to be briefed on security concerns and be reminded that they must abide by the principles of confidentiality and impartiality (see chapter on *Interviewing* ).

HROs should be able to objectively evaluate their own diplomatic skills to handle certain meetings. Sensitive meetings may require a higher level of seniority, experience, language skills or familiarity with the local context. An objective consideration has to be made of *who* in the field presence or local team is best qualified to engage with a particular counterpart.

Every HRO cannot be expected to be a masterful diplomat. However, an effort should be made to seek training and mentoring to acquire such skills. Whenever possible, documentation and training on communication and advocacy should be made available to HROs.²

2 Some key resources on communication and advocacy skills are: Michelle LeBaron, "Communication tools for understanding different cultures", *Beyond Intractability*, Guy Burgess and Heidi Burgess, eds. (Conflict Research Consortium, University of Colorado, Boulder, June 2003), available from http://msct.beyondintractability.org/essay/communication_tools/; and Gerard McHugh and Manuel Bessler, "Humanitarian negotiation with armed groups: A manual for practitioners" (New York, United Nations, 2005).



Managers and experienced HROs are encouraged to set aside time during team meetings to plan the design of advocacy messages for key interventions, and to mentor and coach less experienced colleagues, including by taking them as observers to high-level meetings, where appropriate. It is also useful for HROs to practise with other colleagues before embarking on a particularly challenging encounter: the more they practise, the more smoothly they are likely to perform in real meetings.

(f) The setting

HROs should endeavour to control the environment or setting of a meeting to the extent possible. Some meetings may be more effective if held in the field presence's offices, others not. Some meetings may require privacy and care must be taken when unexpected guests are brought in.

Efforts should be made to **ensure that sufficient time is set aside** for a meeting. When setting up meetings, especially with Government officials, it is useful for HROs to know in advance how much time is available for the discussion, as their strategy will depend on this.

Nonetheless, HROs should take advantage of opportunities for accessing key contacts in unexpected situations or informal gatherings even if the setting is not optimal, such as official ceremonies, embassy parties, etc. These informal encounters, which may not offer sufficient privacy or be long enough, will require a communication strategy appropriate to the particular setting and circumstances.

4 Design messages

Effective advocacy requires a clear discourse or message for each human rights situation, based on a thorough analysis of how to influence a particular case or problem. This message can be as simple as a formal courtesy visit or introduction, a mention of the field presence's objectives, an expression of concern about a specific situation, or an explicit request for action or improved cooperation. When appropriate, it may involve direct or veiled references to international reputation, accountability or opportunities stemming from cooperation. **Every interaction is a political and diplomatic event requiring judicious communication choices and advocacy skills.**

Advocacy messages are designed and tailored to specific authorities in order to frame a human rights problem and persuade the receiver to take action to improve the situation.

When developing such messages, HROs should answer these key questions:

- Who are they trying to reach with the message?
- What do they want to achieve with the message?
- What action do they want the recipient of the message to take?

The message and approach to each contact need to respond to an analysis of that contact (interests, needs, objectives and motivations).

HROs should always rely on and request compliance with relevant national and international human rights law and standards to reinforce their message or concern. It is also useful to consider whether there are documents (e.g., national and international laws, agreements between the host country and the field presence, any other text relevant to the theme under discussion) that can be brought to the meeting and used as a back-up if needed.



HROs have to carefully assess what information they share in each meeting, taking into account concerns about security and confidentiality. For instance, victims or witnesses of violations may have given permission for information or individual cases to be shared in certain kinds of situations but not in others. In other settings, any reference to individual cases could be too risky. Even if authorized, HROs must always evaluate the risks and potential harm to victims and others of sharing information, against the potential benefit of providing concrete elements to reinforce a key human rights message.

Furthermore, HROs need to select the most appropriate means for delivering advocacy messages. The choice is varied and the following constitute some of the most common used by human rights field presences.

(a) Indirect messages – implicit advocacy

Many interventions do not require a firm message or denunciation. It may be sufficient to raise an issue, ask questions and show concern, but without making explicit demands. Asking questions or clarifications on a situation is a particularly effective, yet indirect way of making a point, as it shows respect for the interlocutor’s opinion while conveying concern.

For instance, by asking a local hospital director to give her own analysis of the discrimination in access to health services faced by persons living with HIV in her city, a point is made without accusation. An HRO can also express concern for the safety of a human rights defender or journalist to the authorities, and in this way indirect call their attention to other categories of persons at risk.

(b) Direct messages – informal, discreet or confidential advocacy

An important communication mechanism is the use of confidential discussion and cooperation towards reform. This technique is effective not only at higher policymaking levels, but also further down the chain of responsibility. A low- or middle-level official may be afraid of being accountable to his or her superiors and prefer to resolve an issue quietly at his or her own level. There may be more willingness to listen to critical and serious concern expressed in a private meeting than in the form of public denunciations. Such interventions can include private warnings about the negative consequences of certain violations or types of violations.



Uganda

In 2007, monitoring and advocacy work by OHCHR-Uganda prompted several investigations by the Uganda People’s Defence Forces, following a private but constructive dialogue with district army officials. OHCHR-Uganda observed not only a positive trend among some commanders who were bringing military suspects before military courts in an effort to combat impunity, but also the transfer of cases of human rights violations committed by military personnel against civilians to civilian courts.

(c) Direct messages – public advocacy

At times a field presence’s strategy will require a more public reaction, such as a public statement, a call for public advocacy by others or explicit criticism in a public report.



Timor-Leste

On one occasion, the human rights and other components of UNMIT presented their concerns on a draft witness protection law in a public audience before a committee of the National Parliament of Timor-Leste. The committee's president welcomed their comments and requested further assistance in redrafting the law.

Sometimes a public strategy is raised at the international level, for instance with specific concerns mentioned in reports to the United Nations Security Council, the Human Rights Council, in public statements by the High Commissioner for Human Rights, or recommendations by United Nations treaty bodies, special procedures or the universal periodic review.



Sudan

As part of its work, the human rights component of UNMIS monitored and reported on forced evictions and relocations of local communities as a result of the construction of two large-scale hydropower dams in the northern Nile Valley, in the Sudan. It also monitored cases of arbitrary arrest and detention, extrajudicial killing and restriction of freedom of expression by the security forces, committed in the context of repression of community protests against the dams. The UNMIS human rights component shared the results of its monitoring activities not only with the Sudanese authorities, but also with other United Nations agencies and embassies of countries whose companies operated in the area. Special procedures mandate holders working on the right to housing, freedom of expression, arbitrary detentions and extrajudicial killings were also alerted and took action.

Direct public approaches can be very powerful and effective; but they can also strain the relationship with the authorities. While public advocacy is a function of human rights field presences, strategic decisions on when to resort to this tool always have to be made by their management.

(d) Written messages – official written advocacy

Written communication can strengthen an intervention strategy in a variety of ways. Sometimes a meeting has more impact if it is followed by a brief message of thanks, a restatement or a reminder to all parties of the commitments each may have made.

Intervention of the head of the field presence or the central office may be required when the human rights violations are particularly grave and/or may have been committed or at least sanctioned by a high-level local official. In these situations it may be easier to address the problem through the central authorities.

Correspondence with the national authorities on human rights violations regularly needs to be approved by the head of the field presence or a person delegated for this purpose. **Each field presence must have internal rules and guidelines about who within its staff is authorized to send official written communications to the authorities and at what level.**




Timor-Leste

The UNMIT human rights component compiles notes detailing cases of human rights violations that are submitted weekly to the Timorese Prime Minister by the UNMIT Special Representative of the Secretary-General. The human rights component then follows up to determine what action the authorities have taken to investigate them.



Uganda

OHCHR-Uganda and the United Nations Children's Fund (UNICEF) carried out joint monitoring and assessment missions to one district to look into the forced education of children by the Uganda People's Defence Forces in army primary schools. A position paper outlining the national and international legal and policy framework on education was subsequently prepared and used as an advocacy tool, identifying challenges and opportunities for the Government of Uganda in implementing the education policy and making a number of recommendations and follow-up actions.

With regard to **correspondence with non-State actors**, the practice may vary from one human rights field presence to another. A policy decision is normally taken at the senior level of the field presence – in consultation with OHCHR and the head of mission in United Nations peace operations – in relation to when and how such written communication should be maintained (see also chapter on *Interaction with non-State actors* ).

Unnecessary correspondence with the authorities should be avoided. A field presence should resort to written communication only in serious cases, when oral communication is not an option or when it has not produced the expected results. **A field presence needs to be selective in its approach to high-level authorities and avoid flooding them with too many cases, so as not to exhaust either their response capacity or their willingness to listen.**



Democratic Republic of the Congo

In the Democratic Republic of the Congo, one component of MONUC sent long lists of unverified cases of human rights violations to the Minister of Defence for action. The latter instructed the military prosecutor to investigate the cases, which were mostly related to minor offences. When the human rights component raised serious cases of human rights violations with the same prosecutor, it was told that he could not look into them because he was busy investigating the other cases on the order of the Minister of Defence.

Rules regarding conduct to be observed vis-à-vis the authorities also apply to written communication. When a field presence plans to send a communication to an authority, it must devote special attention to remaining within its mandate and be extremely accurate in its reference to facts, cases and legal



aspects. The communication should be formal and written in one of the official languages of the host country, using the correct forms of address and proper letter-writing etiquette.

Sometimes written communication can have more impact if copied to other key authorities that are logically linked to the institution or theme and have the potential to further promote a corrective response. Each case needs to be considered carefully, based on an analysis of the specific impact of the communication on the recipient.

Letters addressed to the authorities and their responses, as well as other written official correspondence in relation to human rights cases, should be kept in the archives of the field presence or scanned and stored in electronic folders or databases. This will help effective case management and allow for well-informed subsequent interventions by other HROs.

5 Conduct the meeting

HROs should always show respect by arriving on time. During meetings, they need to consciously control their behaviour and their tone of voice. HROs also have to observe customary rules of courtesy, greeting and dress code, respect people and cultures, project honesty and adopt a principled approach.

The opening moments of a meeting are very important for setting a tone of comfort and respect. The HRO must show respect for local traditions and culture. This may require patience, a willingness to engage in light conversation before entering into the planned discussion, the sharing of a cup of tea. In some cases it will be appropriate and effective for HROs to share something about themselves as individuals – for example their nationality, how long they have been in the country, what they like about the country. These brief social pleasantries can set a more relaxed tone for subsequent discussions. Moreover, showing cultural and gender sensitivity, command of the local language and use of traditional local greetings can prove very useful in establishing a positive atmosphere. Even just a few words in the local language can have an impact.

In other instances, the counterpart may be pressed for time and prefer a more direct approach. In such cases, HROs should briefly introduce themselves and move quickly to the objectives of the meeting.

(a) Introductions

Meetings usually begin with introductions. HROs need to use the correct title of officials when greeting them. They should always carry and present official visiting cards, which will simplify the spelling of names and sharing of contact numbers. This act will often encourage the counterparts to present their own, containing useful information, such as full names, official titles and contact details.

The introduction is a two-way process, and HROs should show interest in the persons being addressed, their jobs and responsibilities. It is not only a matter of showing respect. With a clearer understanding of the exact role of the interlocutor, there are more opportunities for identifying points of mutual concern and interest.

During the first encounter, HROs should briefly explain the mandate of the field presence and their own specific tasks. They should be open to answering questions about the basics of the field presence,



and not assume that all contacts have a clear understanding of its role. Sometimes, even after the first meeting these basics need to be reiterated.

Introductions are also a good opportunity to refer to any existing agreements between the field presence and the national authority. HROs should be prepared to present a copy of the relevant terms of reference or governmental authorizations to justify their mandate. Even in subsequent meetings, such an introductory explanation may be important, either because the individual interlocutors have changed or because details of past meetings may have been forgotten. Many officials are very busy, and meetings with HROs may not be their most important or memorable ones.

(b) Addressing the main reason for the visit

The HRO leading the intervention should clearly explain the reason for the visit. If there is sufficient time, it is sometimes useful to begin with a less important or less controversial question, so that an atmosphere of cooperation can be established. However, HROs should avoid being sidetracked or lectured to, so that the visit is not wasted on trivialities. If they fear this may be the case, it is preferable to immediately raise the major reason for the meeting.

HROs should pay attention to the authorities' responses and identify any useful information or reactions. This will help them formulate more specific questions or seek clarifications. They should pursue their objective with firmness and clarity, but without putting a Government official on the defensive. **Arrogant or provocative attitudes towards the authorities have to be avoided, so too defensiveness when challenged.**

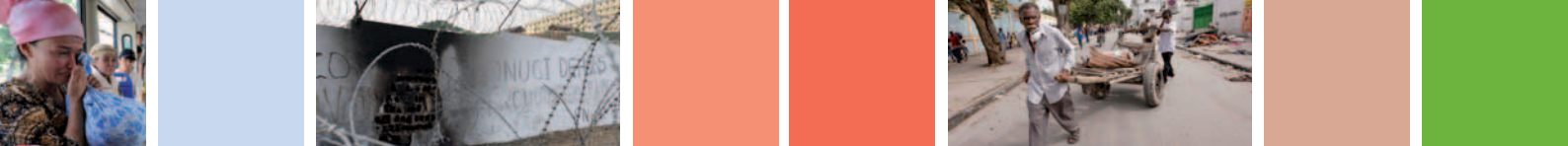
When addressing a specific human rights concern, it can be useful to support it with specific examples, data or statistics, if relevant. HROs must choose carefully the information they will present in a meeting, keeping in mind the basic principle of monitoring, namely to do no harm. They should also use opportunities for sharing information and acknowledging any improvements in the human rights situation following the authorities' intervention.

Whatever occurs with regard to the main human rights issue, it can be useful to raise another, easier one towards the end of the meeting, so as to close on a calmer note. However, such a tactic should be avoided if it could distract from the major thrust of the meeting and would not significantly improve the atmosphere.

(c) Closing the meeting

Before leaving the meeting, the HROs always have to clarify and confirm the commitments made or the expectations. The leading HRO should summarize the main results and the agreed next steps that will be taken by all parties based on the discussion. Where possible and useful, HROs should schedule another meeting to follow up or continue the discussion.

The conclusion of the meeting should leave the door open for further contact. In some cases, the meeting could be followed by a thank-you note in which the key outcomes, including the commitments on both sides, are referred to.




6 Evaluate the outcome and ensure follow-up

Interventions for corrective action with the authorities do not always turn out as expected. Sometimes HROs may not achieve the desired initial objective; at other times they may obtain more than initially planned. In either case, they should take time to evaluate how the meeting went, by asking:

- Did they obtain the expected reaction from the authorities?
- Did the outcome of the meeting contribute positively or negatively to the field presence's planned strategy?
- Is there a need to change strategy?
- Were specific commitments made? If so, which ones? What is the timeline?
- Is there any particular follow-up to commitments needed?
- Was the relationship with the authority strengthened or weakened? If so, why?
- What lessons can be learned (e.g., mistakes)?

An analysis or evaluation of the meeting should form part of the note or report that is prepared afterwards. The report should not be a simple outline or transcript of what was said, but should contain relevant information and highlight key points and outcomes, as well as any agreements or commitments discussed with the authorities. The written record of the meeting can be used to re-evaluate the field presence's strategies and plan the next advocacy steps. Information or analysis relevant to individual cases also needs to be recorded in the case file or in the human rights database, if available.

Seldom is much progress achieved in a single meeting: follow-up is essential and can take a variety of forms depending on the chosen strategy (see chapter on *Strategic planning for human rights impact* ). An objective evaluation of the outcome of each meeting is crucial in deciding on the next steps.



Democratic Republic of the Congo

The MONUC human rights component followed the trial of two army "insiders" that had provided key information to identify perpetrators of gross human rights violations within their own battalion. After they testified in court, concern for their security emerged, as did the need for a witness protection programme. The human rights presence initially intervened at the level of the local military prosecutor, who proposed to redeploy the two individuals to another battalion in a different province to ensure their safety, but had no power to do so. After evaluating the outcome of the meeting, HROs approached other authorities to seek their commitment to the protection of the two individuals, until they successfully reached the deputy chief of the Congolese army, who signed the order to transfer them to another, safe location.

7 Consider alternative or complementary strategies

HROs should anticipate the sorts of objections that the authorities are likely to raise and think of how to counter them, for example by:



- Reference to their mandate or agreement with the host country;
- Using relevant national or international human rights and humanitarian law standards;
- Showing that it is in the interest of the Government official to cooperate;
- Politely giving counter-arguments;
- Restating the question or the point to show that they cannot be diverted from the objective; or
- Indicating that it may be necessary to take the issue higher.

HROs should think about **how to maximize the impact of their intervention**, not only during the meeting itself, but **in the long run** as well. For example, an advocacy message is more likely to have an effect when multiple institutions are present to convey it. In this case, participants need to agree on the message’s tone and content in advance, so that no participant engages in communication that another perceives to be inappropriate or counterproductive.

In some situations, it may be necessary to think of **alternative approaches to delivering an advocacy message**. For example, if a regional field office has established a good working relationship with a specific authority and needs to address a particularly sensitive human rights issue, but is concerned about jeopardizing that relationship, it can consider having another team of HROs from headquarters or a different region to engage with that authority on that particular issue. Similarly, HROs may also wish to refer a case to their leadership when they feel that it may be dangerous or ineffective for them to pursue the case.



Strategy to address sensitive cases

A regional team of human rights officers in a field presence had conducted an investigation into a high-level military intelligence officer following the death of a person in military custody. Because of the sensitivity of the case, another team of HROs from outside the region was called to intervene and take over the investigation in order to deflect attention from those initially involved in the case. This change of strategy also brought a fresh approach to the case, which had been blocked for some time.

If HROs do not receive an adequate response in initial meetings, the next step may be to make further enquiries before raising the issue at a higher level in the governmental structure. The objective at this stage is usually to encourage the authorities to provide information and possibly to initiate their own investigation into the case.

In some situations human rights field presences may find that they are unable to intervene in cases of human rights violations, or that their advocacy strategies did not achieve the expected outcomes. A number of additional methods can then be used, including public reporting and discussion with influential intermediaries, such as foreign Governments through their ambassadors in the host country.

Decisions of this kind rest with the leadership of the field presence. Depending on the specific institutional arrangements, consultation with the Office of the High Commissioner for Human Rights in Geneva, with the head of mission in the United Nations peace operation, or with both, may be needed.



E. Conclusion

Advocacy and intervention for corrective action constitute one of the key elements of the monitoring cycle: this is the stage where a human rights field presence can make a difference and influence decision makers to take steps to address specific concerns and generally improve the human rights situation in the country.

It is therefore crucial that human rights field presences should devise advocacy strategies that they have the staff and the funding for, that they should address specific human rights concerns and recommendations through the most appropriate channels, and that they should combine different strategies for maximum impact.



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HR/P/PT/7/Rev.1

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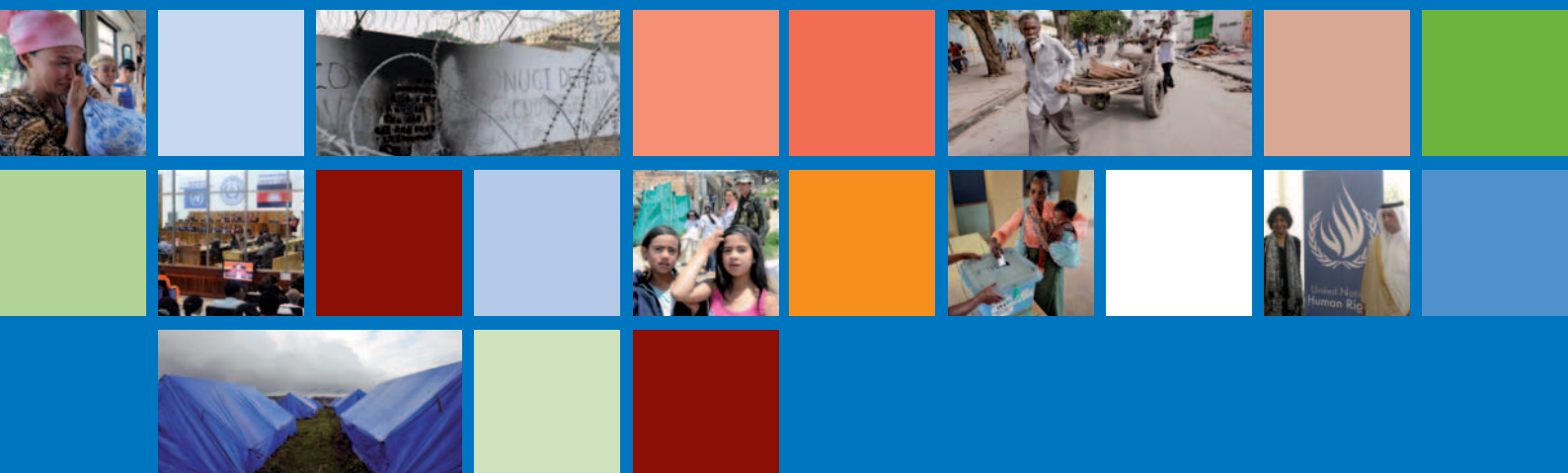
MANUAL ON human rights MONITORING

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

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

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

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



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