

Supporting Human Rights Defenders:

A Guide to Conducting Assessment Missions



Supporting Human Rights Defenders:

A Guide to Conducting Assessment Missions



ACKNOWLEDGEMENTS



Freedom House is an independent non-governmental organization that supports the expansion of freedom in the world. Freedom is possible only in democratic political systems in which the governments are accountable to their own people; the rule of law prevails; and freedoms of expression, association, belief and respect for the rights of minorities and women are guaranteed.

Freedom House functions as a catalyst for freedom and democracy through its proven strategy that combines analysis, advocacy, and action. We bring more than 60 years of experience in supporting freedom's front-line defenders in countries around the world.

Lisa Davis, Director of Rule-of-Law programs at Freedom House was the initiator of this publication and led the development and testing of this assessment guide. **Thomas O. Melia** was the primary drafter and initial research and drafts were prepared by **Pamela Gomez**.

This assessment guide is made possible by the generous support of the American people through the **United States Agency for International Development (USAID)** under the terms of the Leader Cooperative Agreement No. AEP-A-00-99-00016-00. The contents are the responsibility of the authors and do not necessarily reflect the views of USAID or the United States government.



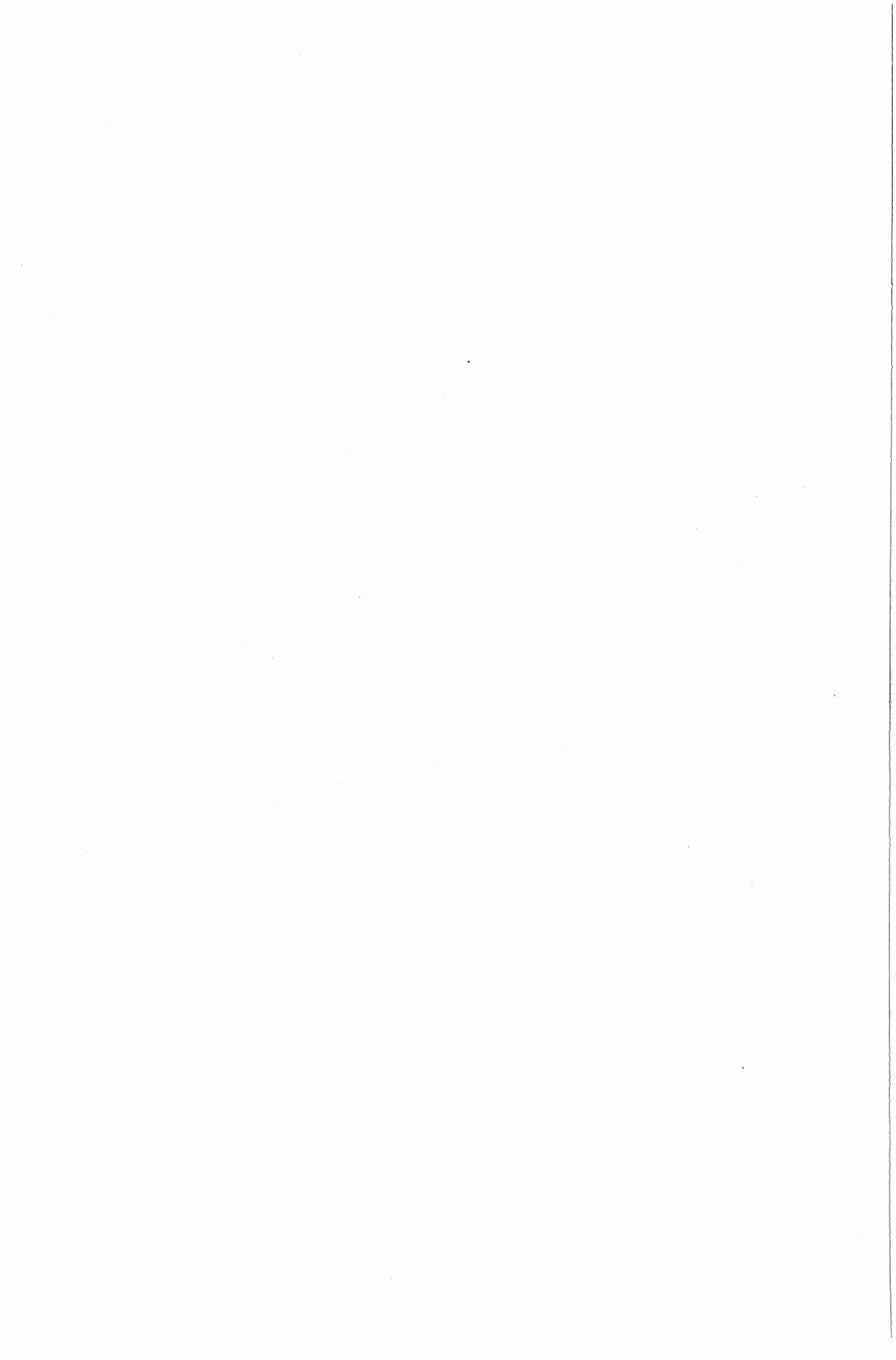


TABLE OF CONTENTS

| | |
|--|-----------|
| Acknowledgements | iii |
| Introduction | vii |
| Chapter One The Human Rights Defenders Assessment | 1 |
| Chapter Two Organizing an Assessment: Thinking like a Team | 7 |
| Chapter Three Operating Environment | 17 |
| Chapter Four Organizational Capacity Assessment | 21 |
| Chapter Five Issues and Answers—The Final Report of the Assessment Mission | 31 |
| Chapter Six Tips for Successful Interviews | 35 |
| Chapter Seven Tips for Working with Translators | 39 |
| Chapter Eight Tips for Assessments in Closed Societies | 43 |
| Conclusion | 45 |
| Appendix I UN General Assembly Declaration on Human Rights Defenders (December 9, 1998) | 46 |



INTRODUCTION

This is a handbook for those embarking on an assessment of how to best assist human rights defenders either in a specific country or a region within a country. It is intended to guide a team in executing an assessment of how to create specific and effective programs to assist human rights defenders (HRDs). Such a sensitive and critical program demands a specific tailoring to the needs and desires of the human rights defenders themselves and to the nuances of the country. Thus, an informed assessment before the creation of such a program is critical. This manual will provide the necessary strategy for organizations to assess the human rights defender (HRD) landscape under a variety of country or regional contexts which can then be used to build useful and successful assistance programs for those individuals.

It is vital this work be done well so that useful assistance programs can be initiated. Sixty years after the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, those “inalienable rights” the Declaration intended to clarify and safeguard are continually abridged by people in and out of government in far too many places. Often, local human rights defenders are the best or only hope that situations will improve the lives of oppressed people. These “first responders” need the help of the international community if they are to succeed or, in some cases, even to survive.

Indeed, the support for human rights defenders around the world is so imperative that on December 9, 1998, half a century after adoption of the Universal Declaration of Human Rights, the UN General Assembly adopted a new “Declaration on the rights and responsibility of individuals groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms” highlighting the critical role human rights defenders play and setting forth standards about what would enhance their security and facilitate their work. This constitutes a strengthening of international human rights

law in that it directly addresses the unique and precarious position of human rights defenders and articulates specific rights they ought to be accorded. While these rights are not necessarily greater or different than those enjoyed by the average person, the fact that the United Nations saw fit to link them explicitly to the work of human rights defenders represents a potentially substantial step forward in customary international law.

Evolving Understanding.

Yet, as the title (and its use of the term “responsibility” in the declaration mentioned above) suggests, there are governments in the General Assembly that remain unconvinced of the universality of these rights and freedoms. In fact, some governments continue to actively obstruct the work of those who would hold human rights violators accountable. That it took thirteen years of deliberation to arrive at the language of the Declaration underscores the continuing opposition of governments to restrict the activities of human rights defenders in international bodies. A report prepared by the Lawyer’s Committee for Human Rights describes well some of the debates that occurred prior to adoption of the Declaration, and explains some of the compromises that are reflected in the final document.¹

The annual reports by the UN Secretary General’s Special Representative for Human Rights Defenders² confirm that human rights defenders continue to be targets of harassment, obstruction, imprisonment and even murder. They are victimized in some cases by private parties, but more often by agents of states, including countries that have publicly subscribed to the Human Rights Defenders Declaration and other human

¹ “Protecting Human Rights Defenders; analysis of the newly adopted Declaration on Human Rights Defenders,” Lawyers Committee for Human Rights, January 1999, available on line at www.lchr.org

² This is an office created in 2000 pursuant to the 1998 Declaration and is now called the office of the Special Rapporteur on the situation of Human Rights Defenders. Mrs Margaret Sekaggya was appointed the first Special Rapporteur in March 2008 and her office’s activities and reports can be found at <http://www2.ohchr.org/english/issues/defenders/>.

rights conventions. All too often, those who violate human rights are precisely the people who are charged with defending and upholding them. A variety of non-state actors are also guilty; criminal enterprises, private armies, and rebel groups espousing diverse ideologies and objectives often commit gross human rights violations. Ultimately though, the state is obligated to secure the peace in its territory and to safeguard citizens and visitors. Governmental shortcomings require private human rights defenders to be responsible for protecting the rights of citizens, courageously challenging their own governments to live up to their commitments to do so.

The Declaration on Human Rights Defenders underscores the fact that the international community's understanding of human rights and how they can best be secured is still evolving. Article 7 expressly states, "Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles, and to advocate their acceptance." Accordingly, while the present discussion builds on the 1998 Declaration, it is not strictly confined to the terms of that document. The operating assumption of the Declaration on Human Rights Defenders is that the codification of international law, which includes non-binding declarations by the UN General Assembly, is informed by the path-breaking, provocative work of human rights defenders and therefore is always evolving.

The men and women called to be "human rights defenders" act in a variety of roles depending on the needs they perceive, the opportunities they have, and what their personal experience and expertise enables them to contribute. They investigate, document, educate, advocate, organize, communicate, pressure, and hold accountable those who violate the liberties of others—while embodying the universal ideals of free society based on the rule of law. In many cases, these lawyers, journalists, teachers, activists, students, religious leaders, and other citizens who choose to defend human rights face significant endangerment for the work they do. The sacrifices they make often extend beyond verbal and physical harassment, loss of income or professional standing—they face risks to their very lives and those

of family and friends. Typically, their principal resources are conscience and courage. They need help in order to best accomplish their mission and remain safe in the process.

The international community—including the UN and other intergovernmental organizations, political leaders and governments, NGOs and official agencies, journalists and diplomats, religious communities and academic institutions, and growing numbers of business people—are increasingly willing and able to address issues of human rights. Yet local human rights defenders on the front lines defending lives, property, and principles of due process are often both the most important and the most endangered people involved. It is therefore incumbent on all those who care about human rights to consider how best to assist and empower them.

This document is an effort to organize such a deliberation. It draws upon the experience of inter-governmental organizations, non-governmental organizations, and numerous private human rights advocacy groups, as well as upon the work supported over many years by private philanthropies such as the Ford Foundation and the Rockefeller Brothers Fund.³ It is informed mainly, however, by the growing body of work undertaken by Freedom House and the RIGHTS Consortium as they have developed new initiatives to assist beleaguered human rights defenders in various countries. This guide is intended principally for use by USAID, its Missions abroad, its grantees and contractors to help develop useful assessments for future HRD assistance programs in an effective, consistent, and transparent manner. International human rights organizations, governmental and private donors, and others who seek to assist and empower local human rights defenders may also find this guide helpful in organizing their thoughts and framing their programs.

³ Many Roads to Justice; the Law-Related Work of Ford Foundation Grantees Around the World, Mary McClymont and Stephen Golub, eds., (The Ford Foundation: 2000) is an excellent, readable review.

CHAPTER ONE

The Human Rights Defenders Assessment

Before an assessment is undertaken, it is typically clear that the human rights situation in the country is at least problematic and possibly even horrendous. It is important to know in what ways and to what degree the country falls short, and much of this can be learned before traveling. Thus it will usually not be necessary to set out on such a mission asking, “What is the human rights situation in this country?” as this should be thoroughly understood by the team before arrival in country. The assessment team should move well beyond preliminary inquiries and focus on refining answers to questions such as, “*Who is doing what to ameliorate the human rights situation in this country?*” and “*What are the specific problems they encounter because of their work as human rights defenders?*”.

Pre-Departure Logistics. This guide has been developed so that a team of two or three people, in tandem with in-country partners who may offer both logistical and substantive contributions, can conduct an assessment and develop a technical assistance program. It usually takes about two weeks of concerted effort in most countries—if the necessary work has been done prior to traveling to the country and excluding the time required to prepare a strong report afterwards. An additional 3 to 5 days ought to be spent on pre-trip preparations, especially in reading briefing materials and in consultation with people knowledgeable about the country and its actors. If some work on the report is done during the assessment, 3 to 5 days should be enough to finish a report afterwards.

Obviously, however, a large or federal country with many sub-units—some perhaps featuring very distinct issues or operating environments—would take longer. Conducting an assessment and developing a program in a small, unitary country such as Albania is an activity of a different order of magnitude than doing the same in the Russian Federation, Nigeria, Mexico or Indonesia. Even relatively small places, like Georgia, Moldova or Nepal may require an extra level of effort, due to the uncertain writ of the central government over restive provinces, or logistical and security issues associated with in-country travel. In such cases, it may make sense to have multiple teams conduct parallel assessments in some distinct sub-units, perhaps following a common introduction at the national level, or to envision a longer stay in country.

Outcome. Three things will emerge from the Assessment:

- A succinct, strategic analysis of the human rights defenders' situation in the country;
- A census of the human rights defenders in the country and detailed analyses of the organizational capacity of at least some of them;
- A plan of action for how to bolster them.

1. Strategic analysis.

This will often be based largely on prior analysis by others. Starting with a hypothesis about the strategic environment for human rights defenders, written in advance of the mission, the assessment team will refine its analysis in the course of its inquiry. It will clarify what are the main obstacles or opposition to the work of HRDs, treat the motives and methods of that opposition, and note the diverse places HRDs may occupy in the political/social system. (Various HRDs, for instance, may have different challenges or opportunities, as well as varying mandates and objectives.)

2. Census and organizational capacity assessment.

A comprehensive census of HRDs in the country should be developed and refined, according to the template provided herein (see Chapter 4), and detailed organizational assessments conducted for as many as is reasonable in the context. This will clarify the origins and mandates of the array of HRDs, organize as much information as can be gleaned about each one's strengths and weaknesses, operational methods and comparative advantages, membership and funding, etc. Critical to this will be a "360 degree" examination of each of the principal HRDs. This incorporates perspective from other HRDs and in-country political and social actors, as well as the judgments of international actors with knowledge of each HRD such as diplomats, international human rights organizations, and donors who may have supported some of the HRDs.

It is important to note that a human rights defender is just as likely to be an individual person as an organization. There are also some people who may not think of themselves principally as human rights defenders, but who nevertheless provide valuable services or leadership. These could include journalists, who see themselves mainly as reporters of issues and events relating to rights and justice, but who are in fact vital advocates, educators, and watchdogs; religious leaders who support, sponsor, and defend the actions of community educators; or lawyers focusing on human rights representation. Medical personnel, opposition leaders, politicians, teachers and writers, and persons engaged in many other kinds of careers can be understood to be Human Rights Defenders and can benefit from these assistance programs. When the outline of "organizational capacity" issues can be adapted to the circumstance of an individual, it should be done.

3. Action plan (program proposal).

Combining the strategic analysis that describes the operating environment (and constraints on the work of HRDs) with the review of each organization's specific issues, the assessment team will then present a

concrete plan of action. While limited time may preclude preparation of a detailed work plan, the action plan contained in the final report should set forth realistic and specific interventions tailored to the unique situation of particular human rights defenders in a country. The reasons for this tailoring are twofold. First, human rights defenders are often quite assertive, given to confrontational and provocative expression and other habits that can create enemies as well as allies. Second, HRDs often work in dangerous places in many countries—regions or issue areas where institutions that might provide shields or sanctuary—such as the judiciary, including the police, or the political arena, or the news media—are either not functioning properly or not present at all. Because of the dangerous niches where they often work, they are more exposed and endangered than the average citizen; providing support for them requires much more sensitivity.

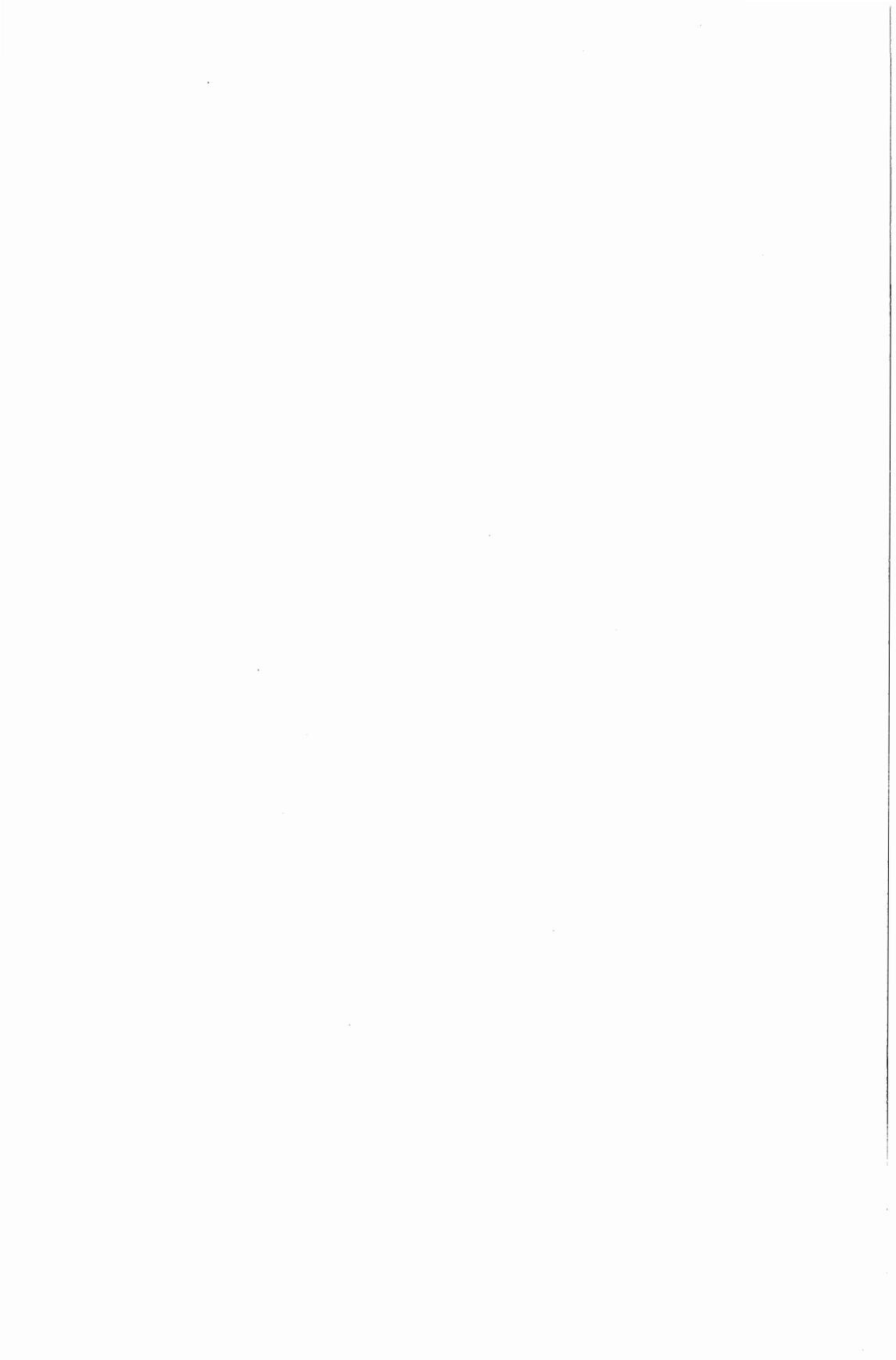
The plan of action should also describe the obstacles, opponents, or retaliation to be anticipated, as well as identify likely in-country partners and beneficiaries and (referring back to the strategic analysis set forth at the outset) explain how the proposed program will substantially advance the broader human rights agenda in the country. Ideally, this discussion will also refer to other program possibilities, including those that may currently be underway by other donors or NGOs (or others), and note why the program recommended is superior to other plausible options.

Accommodating Reality.

The approach to thinking about an assessment and developing an appropriate program of assistance to human rights defenders will be somewhat idealized in the guidelines below. Due to limits on resources (especially time), it will be necessary to make compromises from the ideal set forth in the following pages.

Here are a few suggestions:

- Recruit an in-country partner to gather key information or to conduct certain interviews, before or after the assessment mission;
- Stagger the arrival/departure of assessment team members so they may build on one another's work without increasing costs;
- Conduct some interviews via telephone or email.



CHAPTER TWO

Organizing an Assessment: Thinking like a Team

Two heads are better than one, but only if all the intellectual resources of a team are actually brought to bear on the substance of a mission. Members of an assessment team should complement one another with a range of diverse skills and experience. For an HRD Assessment, at least one or another team member should provide *all* of the following skills::

- **Human rights expertise.** The team should be equipped with at least one person well versed in issues of human rights law and international human rights advocacy;
- **Technical experience.** One person should be familiar with international technical assistance, program start-up and implementation;
- **Local expertise.** Someone who can bring specific and extensive knowledge about the country's politics, history and personalities, as well as a person fluent in the local language(s);
- **Communication.** At least one member should contribute extremely strong written and oral communication abilities and experience in technical writing.

Several of these attributes can sometimes be found in one person, and generally a team should consist of about three or four individuals. If a

larger team is assembled—for instance, to conduct parallel examinations of different locales or issue areas—it is useful to consider the range of experience and skills that will be present in each subordinate team, as well. While there will be occasions where a team member conducts interviews alone, it is usually preferable to have two people participating in the most significant interviews. Thus, one person can take the lead in the discussion while another can be principally responsible for note taking. Moreover, questions will not only be posed differently by various team members, but responses will be heard or interpreted differently and this can add to the richness of the analysis that emerges.

While it may make sense to divide responsibility for certain aspects of the assessment or in drafting the final report, it is vital that all team members have an opportunity to review and comment on all portions of the draft report. Important nuances or insight can thus be presented and even alternative interpretations offered (in a footnote or as an aside).

The Assessment Mission will occur in three stages:

1. Preparation BEFORE the mission.
2. Execution DURING the mission.
3. Evaluation and analysis AFTER the mission.

Step One: Before the Assessment Mission

- A. Articulate a strategic thesis.
- B. List all known HRDs, and other potential partners.
- C. Postulate program possibilities.

Two weeks (or even three or four weeks) is very little time to analyze a complex political environment in a foreign country, arrive at judgments about the viability of potential partners, or develop a national assistance program. In order for a mission to produce more than a general description of the human rights situation and a list of the main players, it

is vital that the appropriate *reading*, *discussion* and *thinking* be done in advance. Skimming briefing material on the plane to one's destination does not provide enough time to thoroughly analyze the situation on the ground. By that point, team members should instead be pondering what ideas they want to test in specific interviews, or what gaps remain in the team's knowledge that can best be filled in by interviews with particular actors in the country.

Commission a briefing report from an in-country expert.

One way to accelerate the learning process for the team and to enable it to focus in on key issues or controversies is to commission a brief review of the relevant laws and practices germane to the human rights discourse in the country to be examined. An individual associated with a political or human rights NGO, an academic, or a journalist can be engaged to prepare a 15 to 20-page overview of what the fundamental human rights issues, controversies, incidents, and initiatives underway. Thereafter, such a person can be either a full member of the assessment team, or an advisor to be consulted frequently during the mission. This requires a bit of advance planning, as well as a trustworthy and qualified correspondent in the country. But it can be well worth the time and expense for the team to arrive in country fully up to date on the human rights scene.

While it may not be necessary or practical for every member of the Assessment Team to do each of the following, one or another team member should complete each of the following in advance of the mission—and circulate the preliminary results to the rest of the team so that deliberation can begin before travel commences.

A. Articulate a strategic thesis.

To establish an intellectual framework for the assessment—before the distractions of travel, climate and new personalities intervene—the team

should develop a hypothesis about the human rights defenders' situation that attempts to explain **why** the situation is problematic. This requires more than just a recital of the human rights violations in the country, with which the team will already be familiar. It means thinking through, at least provisionally, **why** the human rights situation is the way it is. What are the main reasons for the absence of a genuine rule of law that requires HRDs to be active in the first place?

Is it, for instance, a deliberate policy by an autocratic government determined to hold onto power against popular opposition? Is the suppression of rights for a particular minority popular among large segments of the population, and therefore a rational, if cynical, political strategy for a political interest or government? Has the government, or some part of the governing apparatus, perceived (or exaggerated) a threat to national security or cohesion that has driven them to abridge civil liberties or human rights to address a real or imagined crisis? Is there a paramilitary or criminal force operating without official sanction and outside the control of a well-meaning government? Is the country in the midst of an uncertain transition, where some institutions of the government have adopted a progressive agenda while other institutions remain unreformed? Is it the result of a well intentioned but feeble government unable to enforce laws well or wisely? Are human rights problems attributable to civil strife or a climate of violence in parts of the country? Are the major institutions of the state—police, military, courts, legislature, the President—part of the problem or part of the solution? Has a lack of political direction or assertiveness by citizens and public interest groups allowed officials to become lax in living up to their responsibilities? Are things getting better, or worse, and in what ways?

One or more members of the team should write a short hypothesis (just two pages or so) about the strategic environment based on reading the briefing material and preliminary discussions with knowledgeable persons. This will enable the team to revise and refine a succinct statement of the strategic context in the course of the mission. Ultimately, this

will help the team re-connect its operational discussions with specific human rights defenders—which often will have a narrow, practical focus—to the larger environment in which a program would have to be undertaken.

To fully understand the human rights situation in a nation, the team must first research the character and causes of the repression. The U.S. State Department's Democracy, Human Rights, and Labor bureau's annual reports on human rights in every country in the world, Freedom House's *Freedom in the World* series, and other relevant publications provide various viewpoints of the current situation. A variety of independent national and global human rights advocacy organizations will also have produced analysis and reporting on the situation in many countries.⁴ Having studied such previous scholarship, the assessment team should be able to move onto more nuanced research, asking more in-depth questions such as "*Who is doing what to ameliorate the human rights situation in this country?*" and "*What are the specific problems human rights defenders encounter?*"

B. Anticipate the most likely program partners—and allies.

A preliminary version of the "census" of human rights defenders should also be prepared in advance of travel, based on all available sources. Preparing such a list in advance enables and obliges one to make inquiries of other international actors who may have encountered these in-country groups previously—the principal human rights advocacy organizations, official and private donors, political development or civil society organizations, diplomatic missions, journalists who may have worked in the country, academics, émigrés or refugees, and so on.

⁴ Among those that treat a broad range of countries are: Amnesty Internal (www.amnesty.org), Human Rights Watch (www.hrw.org), Global Rights (www.globalrights.org), the International Crisis Group (www.crisisgroup.org), and Human Rights First (www.humanrightsfirst.org).

In addition to one or more human rights defenders, there could also be other potential partners that could contribute significantly to ameliorating a poor human rights environment. Even if formal programs are not undertaken with them, they could be informal advisors or active allies of the program that emerges from the assessment. These may include legislators or other government officials, political party leaders, journalists, universities, bar associations and other professional bodies, trade unions, or civic organizations with distinct but related mandates (such as democratization or education or humanitarian relief, etc.). It is important to think broadly, based on one's understanding of the political environment and the country's history, about various ways to come at human rights issues and who might be prepared to collaborate. In addition to a variety of in-country actors, this would likely also include private and official donors who may be supporting related activities or working with some of the HRDs to be interviewed.

Setting forth a broad-ranging "blue sky" list of possible program partners and potential allies in advance can prompt creative thinking early enough to influence the scheduling of meetings and in-country travel, rather than doing so only on the last day of travel.

C. Postulate multiple program possibilities.

While it is important not to pre-judge a situation and discard possibilities too early, it is often helpful to have a sketch of several alternative program scenarios in mind at the outset of an assessment. An understanding of the sponsoring organization's portfolio of program options is helpful, therefore. Just as important, moreover, is familiarity with the alternative program strategies of other organizations or donors that could also benefit from the assessment.

Step Two: DURING the Assessment Mission

- A. Clearly and repeatedly articulate purposes.
- B. Always maintain a written record.
- C. Discuss analytic findings.

A. Clearly and repeatedly articulate purposes.

Every participating team member should know why an interview has been scheduled and what the team hopes to elicit from it. Before every meeting (in the taxi en route or at the previous meal together), team members should remind one another **out loud** what the team hopes to gain from the informant and how his or her perspective fits in with the greater purpose of the mission. If the upcoming group or personality has already been discussed in previous interviews, it is important to remind one another of what was said, or learned.

However, as noted in “Tips on Interviews” (in Chapter 6), it is usually not helpful to quote directly other people in interviews. While it may be appropriate on certain occasions, citing other local actors can sometimes suggest the assessment team is not committed to protecting sensitive sources of information. This lack of judiciousness may concern the interviewee and inhibit a free-flowing conversation. If asked, of course, one should usually be truthful in noting who else is being consulted in the course of the mission, even in general terms (“all the independent human rights groups” or “all factions represented in parliament,” etc.).

Afterwards. As soon as is practicable, it is helpful for team members to discuss what was learned in an interview. This enables the team members to fill in gaps in one another’s understanding or memory, or to review ambiguous or significant information before it fades.

B. Always maintain a written record.

As the “Tips on Interviews” also suggests, it is helpful to clarify for each meeting which team member is to take the lead in each interview and who is to be the principal note-taker. It is often useful to rotate the responsibilities of introducing the mission, taking the lead, and/or note taking. This helps keep team members fresh during a long series of meetings and provides a broader perspective for each team member to be an observer in some interviews and a central participant in others. Detailed notes on what was said can be important later—when a subsequent interview can magnify the significance of a remark that seemed unimportant at the time, or when discrepancies arise days later about who said what.

Document information for analysis. For those who are not the principal note-taker, it is usually helpful to make some notes of key facts or points of view or to make notes on larger points that occur during an interview, as they may be difficult to remember following subsequent discussions.

C. Discuss interim findings within the team.

The easiest thing to postpone, abbreviate or omit during an assessment mission is the discussion among weary team members at day’s end to review what is being learned and to amend the forthcoming schedule. It is very important, therefore, to schedule on a least a couple of occasions during the assessment a semi-formal session of at least 45-minutes to review key findings and to revisit the team’s original hypotheses about the strategic environment and program possibilities. A quiet room that facilitates a frank and uninterrupted dialogue can make all the difference, and is much more productive than a busy hotel restaurant at breakfast time.

Team members should be encouraged to bring their diverse experience and perspectives to the fore in these discussions, help illuminate alternative possibilities at an early stage, and inform one another’s thinking, before it is time to finalize conclusions or recommendations.

Discuss interim findings with others. Assessment missions sometimes utilize external resources—diplomats, journalists, academics, etc.—more to orient themselves at the outset of a mission, rather than to test their initial conclusions near the end of an assessment. **Try to do both.** Near the close of a mission, revisit some trusted interlocutors to review the team’s findings and preliminary program ideas. This will provide a good reality check, clarify potential redundancies or conflicts with other programs, and illuminate likely challenges to the envisioned program that would need to be factored into its implementation (including timeline and budget). Sometimes this can be done most efficiently by telephone or email, but some are best conducted in person.

Step Three: After the Assessment Mission

- A. Ensure the report is a team effort.**
- B. Solicit a reality check before finalization.**
- C. Be sure a specific program is proposed.**

A. Ensure the report is a team effort.

The best report drafting process will prompt members of the team to revisit and discuss again their complementary or alternative interpretations of what was heard during the survey. This can be done by dividing up at least some of the responsibility for drafting among team members—and having other team members review and comment on portions of the draft. When irreconcilable views emerge, it is best to present both interpretations or suggestions for the benefit of readers—although in the final version of a report, the team will have to settle on a shared view of the program priorities being recommended.

B. Solicit a reality check before finalization.

Have an outside person who is knowledgeable about the country or re-

gion in question read the draft report before it is finalized for wide distribution. This is important because the individual can provide valuable insight about how the report will come across to those close to the scene, from other organizations and individuals with whom the envisioned program will have to interact, to funders, and to in-country actors. This outside reviewer could be one of the country experts originally consulted before the mission, or another person with practical first-hand experience in the place.

C. Be sure a specific program is proposed.

The purpose of the exercise has been to propose a specific program to assist human rights defenders. It is therefore important that the final written report not conclude with “more study needs to be done” or a list of in-country actors it would be useful to consult before making decisions. Think practically in the course of the mission about how a program would get up and running—during which time, additional learning and networking would continue.

It is also possible that the Assessment Team concludes by saying that a program is not appropriate for the near future, either because the situation (or the circumstance of the human rights defenders) is better than originally envisioned, or because the costs to the local HRDs of an assistance program would be too great for them to embrace it. It may also be that certain local human rights defenders do not want to be associated with the organization doing the assessment, or other U.S. based organizations. While this may suggest enlisting non-American partners in order to multilateralize a program, it may also be true that the groups one wants to help do not want to accept that help. Whatever the case, if the recommendation of the team is that an assistance program does not make sense, this should be clearly and fully explained in the report.

CHAPTER THREE

Operating Environment

The assessment mission will want to focus a great deal of attention on the operating environment in the country or region, specifically on those elements which affect or constrain human rights defenders. The UN Declaration on Human Rights Defenders refers to a number of factors that typically bear directly on HRDs' ability to function, and this can provide a starting point for an examination of the operating context, and place in context the issues that will arise in discussions about specific organizations' successes, failures and difficulties.

Some obstacles to performance might be internal to the HRD organizations themselves or to the human rights community; these are important and can be examined according to the organizational capacity discussion later in this document. Some hurdles however may well be found in the country's legal framework, or in the behavior of certain institutions or actors.

The team should assess whether human rights organizations—both non-governmental and those with official status—enjoy the following specific rights, in theory and in practice, which are explicitly stated in the UN Declaration on Human Rights Defenders and are necessary in order for them to accomplish their work:

1. ***Right to freedom of assembly***—Are HRDs allowed to hold public and/or private meetings? Are they allowed to organize peaceful demonstrations?
2. ***Right to freedom of association***—Are they permitted to maintain effective contact with other organizations in their country, as well as with international human rights organizations and inter-governmental bodies? Are they allowed to travel freely to and from international meetings devoted to human rights and related issues?
3. ***Right to free speech***—Do human rights defenders have access to the major media and otherwise distribute their information and messages to the public?
4. ***Right to receive and disseminate information***—Are they able to draw public attention to issues of concern?
5. ***Right to participate in government affairs***—Are HRDs able to exercise their rights as citizens by submitting proposals and offering criticism of government performance or inaction? Does the government provide reasonable public notice of proposed changes to laws and regulations, and accept suggestions from individual citizens and organizations?
6. ***Right to be protected by law***—Do they in fact have effective remedies available to them if and when they encounter violations of their rights? Do human rights defenders encounter harassment from legal or other authorities, or other quarters, as a result of their work as HRDs?
7. ***Right to observe trials***—Are they able to monitor all stages of the legal process, and to meet privately with prisoners in custody and in the course of legal proceedings?

8. *Right to receive funding and other forms of assistance from domestic and international sources*⁵—Are human rights defenders treated differently than other citizens or NGOs, in law and in practice?

In addition to a review of the extent to which these rights are afforded to HRDs, the team may want to look more broadly at several arenas where the behavior of major actors can directly and significantly affect the work and the operating environment, for human rights defenders. They include:

1. *Law and order.* Apart from specific threats or harassment directed toward HRDs specifically, is there a broader climate of criminality or lawlessness that affects the work of those trying to foster adherence to the rule of law? What attitudes toward HRDs are prevalent among police, judges and prosecutors? What are the attitudes toward human rights defenders among the legal profession (including leaders of the bar association, commercial or criminal defense lawyers generally, and those who teach in the country's law schools)?
2. *Political arena.* How are human rights defenders viewed and treated by the various political parties and leaders? Are there clear allies and/or adversaries among the main political players? How well is the political process functioning to address issues of human rights—and the dangerous situation in which HRDs specifically may find themselves?

⁵ For human rights organizations in many places, laws or political climates that restrict their ability to receive financial or in-kind support from abroad often exacerbate financial constraints. This is most acute where the problems are greatest, as would-be supporters of a human rights defender organization may be precluded from providing the necessary financial or in-kind support due to fear of retribution as often as by limitations due to poverty. Even long-lived and credible human rights organizations tend to require funding from international donors, whether governmental or private. Some regimes and other actors try to impugn the integrity and the patriotism of human rights defenders who are in close contact, and receiving support from, international friends, supporters and donors. The practical result for many human rights defenders, therefore, is that they must consider the political and legal costs of accepting certain support that may be available to them. Parsing this set of issues carefully can be vital to the assessment report.

3. **Media.** How do the major news outlets, both privately and publicly owned, treat human rights issues and human rights defenders? Are they accessible to HRDs, sympathetic, and fair in their reporting? In what ways does coverage of these issues and events vary within and among the major news media (newspapers, radio, television)?

4. **Public.** Are there credible opinion surveys available in the country that shed light on popular attitudes toward HRDs, and issues of crime, courts, justice and human rights? Do HRDs tend to be valued by the public, or scorned? Community leaders of various types can provide informal assessments where systematic public opinion research is not available.

CHAPTER FOUR

Organizational Capacity Assessment

A central goal of the Assessment Mission—in addition to refining the strategic analysis and noting the Human Rights Defenders' own requests or suggestions—will be to establish an objective understanding of each HRD's capacity as an organization.⁶ This will enable the team to clarify ways in which assistance can be focused or delivered usefully, as well as provide a baseline against which later progress may be measured. It requires that the team examine both an organization's program capacity and its structural capacity.

Program capacity is why a Human Rights Defender exists. This is what they do: they represent, they investigate, they publicize, they advocate, and so on. Program capacity is the topic which groups will often be most eager to discuss: their accomplishments to date, goals for the future, and perceived barriers to their effectiveness. It is the aspect of an organization on which third parties will be able to comment most authoritatively. This is also the area in which international human rights professionals are most likely to be expert. In many respects this is the easier of the two capacities to examine.

Structural capacity is how the organization is able to exist, or the organizational wherewithal which enables them to achieve the policy or

⁶ While this discussion of capacity is focused principally on organizations, most of the considerations can be adapted to individual journalists, lawyers, doctors, teachers, etc. who may in fact be active as HRDs.

program goals for which they became human rights defenders. Care must be taken to ensure that at least one member of the team is charged with gathering this information and making an assessment of the structural capacity of each HRD that emerges in the course of the assessment as a potential program partner or ally. The two dimensions are obviously intertwined but can usefully be treated as distinct elements of an assessment—not least because they suggest distinct kinds of assistance that may be offered.

Three tips on gathering information and analyzing data relating to organizational capacity assessments:

1. *Multiple sources of information enhance accuracy.*

Treat statements by one person as uncorroborated assertions, even if offered by the charismatic, world-renowned head of a courageous human rights organization. Just as in political analysis, it is valuable to gather multiple perspectives on just about every question—whether it relates to the history of an organization, its finances, its method of operations, or its relations with others. Even when an individual is trustworthy, and seeking to assist the assessment, limits on that person’s knowledge or perspective, forgetfulness or misunderstanding can all contribute to omissions or misinformation. Double-checking everything ensures a more accurate assessment. In addition to clarifying factual matters, separate interviews with diverse persons within the same organization can also illuminate differences in perception, style or emphasis that may have important effects on the way the group functions—and on the ways they may respond to external assistance. Supplement these perspectives with a rigorous examination of an organization’s past. What have they accomplished so far?

While certain issues ought to be double-checked within an organization, others can be cross-checked with outside third parties, including other actors in the local environment or close observers such as journalists, diplomats, official and private donors and other human rights

organizations. This can and should be done in a matter-of-fact way that does not suggest a lack of confidence in other informants

2. *The overall assessment mission, as well as the specific organizational capacity examination, are parts of relationship building.*

Be diplomatic and cautious about broaching too many specific questions in an initial interview with a group or person that does not know you or your organization very well. People will naturally be reluctant to display dirty laundry, or to discuss shortcomings that are a source of frustration or embarrassment. Be mindful of the tone of the interaction, as it can influence the tenor of a relationship for a long time to come. It may be wise to return for a second discussion, after an initial introductory meeting has established a rapport and clarified the reasons for a more in-depth discussion of organizational nuts-and-bolts matters. This may also allow for the local organization to gather additional people who can address various specific issues (as noted below).

3. *The assessment is the first part of the program that might follow.*

If the program is to be understood at least to some extent as a professional collaboration among peers, then the assessment should be approached in the same manner. As one of the longer-term objectives of any assistance program is likely to be the promotion of a capacity for self-assessment and continual learning by local HRD organizations, the initial assessment can be used as a demonstration of “how one takes stock of an organization.” Depending on the state of evolution of a particular group, or the place of your interlocutors within it, you may find yourself raising issues that have not been discussed much at all previously. As time and opportunity permits, these interviews can therefore provide an opportunity to demonstrate how a human rights organization can strengthen its ability to achieve its mission by becoming more aware—both of itself and how it compares to others.⁷

Demonstrate to potential partners that the organization sponsoring the assessment wants to learn from a two-way exchange of information and advice, as well as provide useful ideas, techniques, and people. Visit branches of the organizations (if applicable), observe some of the organization's program activities, and meet participants or beneficiaries if possible. This baseline assessment process provides an opportunity to sit down with leaders and activists at various levels and collect their perspectives on the current situation, the nature of the organization itself, and its needs. From these conversations, the relationship can then advance toward shared decision-making and program planning with partners. The tone of these early interactions will affect the nature of the relationship for a long time afterwards.

Program Capacity.

The kind of information that assessors will want to know include the following:

1. Why was the organization created, and in response to what particular event or situation?
2. What is its current mandate or mission? Is it written down, and widely understood within the organization?
3. What does the group mainly do these days? That is, does the group conduct investigations, represent clients in court or other proceedings, publish reports, etc.?

⁷ There are many good guides to organizing assistance programs for NGOs for maximum effectiveness. Two good general—and brief—papers that may be helpful for Assessment Team members to peruse before a mission include: “Nonprofit Organizational Effectiveness; a literature review” by Monica Heuer (1999), and “Echoes from the Field,” by Allison Fine (2000), both available online at the website of the Innovation Network, Inc.: www.innonet.org. Although these are not focused on human rights groups specifically, they provide valuable orientation to the provision of technical and other assistance to nonprofit organizations.

4. How does it accomplish its work? Walk through, conversationally, some examples of cases or incidents that illustrate the nature of the work and the ways in which the group approaches its tasks. For instance, does the group seek and/or secure access to imprisoned persons? How does it obtain information, or corroborate the information provided by complainants?
5. What have been the biggest successes to date?
6. What have been the biggest setbacks to date?
7. What is currently the biggest obstacle to their programmatic or policy success?
8. Who appreciates or supports what the group does, including those who are direct beneficiaries, as well as others who may be admirers, boosters, donors, or quiet supporters?
9. Who may be disappointed that the group does not address their issue, or their region, or their case? That is to say, what are boundaries of the group's mandate, or its performance? Why does the organization not address these other matters or people?
10. Who (or what institutions or agencies) are most inconvenienced or angered by the group's activities and successes, including potentially the major media, commercial interests, segments of the population at large, the military, police or politicians?
11. Who are the organization's friends and allies, and how does that friendship or solidarity manifest itself (politically, programmatically, financially or otherwise)?

12. Are there other human rights groups or major NGOs that one would expect to be allies but “bad blood” exists for whatever reason?

Structural capacity.

Although not every question or issue that follows here will be germane in every situation (and it may not be possible to obtain clarity on all of these), the kinds of things the assessor will want to find answers to will generally include the following:

Legal status

1. What is the legal status of the organization? Which laws or regulations govern its status and operations? Which agencies or authorities are charged with implementation of the relevant laws or regulations?
2. How does the organization describe its relationship with government(s)?
3. Are the organization’s leaders familiar with the UN Declaration on Human Rights Defenders? Do they believe that they, and their organization, are being treated in a manner consistent with the provisions of the Declaration?
4. Is the organization treated differently by the authorities than other human rights groups or other NGOs? In what ways? Why?

Leadership

1. Who are the leaders of the organization and what are their background/qualifications? Are they engaged in this work fulltime or part-time?

2. How is the organization structured to carry out its work? Are there teams, bureaus, departments, etc.? Is there a written organizational chart or other ways for everyone in the organization to understand their relationships to one another?
3. How is the leadership selected, ratified, alternated? Is the leadership accountable to a board or to a membership—de jure and de facto?
4. Is there a board of directors or other governing body? How often do they meet? How active are they in the life of the organization?
5. Who determines the assignments, cases, projects or priorities of the organization, in theory and in practice?

Constituencies

1. Who is the constituency or beneficiary (e.g., does it include women, minority ethnic or socio-economic groups, people from rural areas, etc.)?
2. If the organization is membership based, how many members are there? How does one become a member? How well are membership records maintained?
3. Is there a process (annual meetings, interviews, community meetings, etc.) of soliciting feedback from primary constituencies on a regular basis?

Communications

1. What are the main ways the organization communicates with others—the press, government officials, and other NGOs?

SUPPORTING HUMAN RIGHTS DEFENDERS

2. Does the organization produce an annual report, newsletter, or periodic reports that explain programs or actions to the public and/or to its own members?
3. Does the organization maintain a regular mailing list for its publications? What is the scope of this distribution?
4. Are there press articles done on the organization's work? Is it generally accurate, sympathetic, hostile? Is a file maintained of the press coverage?
5. How many press statements or public documents has the organization released? Is a good archive kept of previously issued statements, reports, letters, etc.?

Program development and implementation

1. Does the organization have a strategic program plan?
2. Who participates in program planning and implementation?
3. What is the nature and extent of collaboration with other NGOs?
4. How does the organization define success? Does the organization systematically evaluate programs or actions it has undertaken? Who does such evaluation? How is that information utilized by the organization?

Human Resources

1. How many staff are full-time, part-time, or volunteer? What are the organization's staff recruitment procedures?

2. Does the organization employ professionally trained staff with the necessary expertise to conduct the work of the organization? How many lawyers and/or law students and in what capacities?
3. Characterize staff morale. Is it ever evaluated, or discussed?
4. What training opportunities are available and who is able to take advantage of them?

Organizational infrastructure

1. Where is the organization located? Does it have offices, branches, or members in other parts of the country/region?
2. Does the organization have telephones, computers, fax machines, or copiers?
3. Does the organization use the Internet? Have an e-mail address? Have a website? For what purpose does the organization maintain a website, and how well is it achieving those goals?
4. Are other material resources available—such as cars and cell phones—that may be necessary or useful for the conduct of investigations or for visiting with clients/victims?

Financial capabilities

1. Does the group have a written budget?
2. How is the budget currently funded? (Try to obtain as much as possible about names of donors, private or public, amounts of grants or gifts, and terms, such as whether certain grants or contributions can only be used for certain purposes.)

SUPPORTING HUMAN RIGHTS DEFENDERS

3. Does the budget have personnel dedicated to financial record keeping, and written accounting and auditing systems? Does the organization produce financial statements on a regular basis (whether for donors, its own purposes, or to comply with local/national legal requirements)? Are independent financial audits regularly conducted? Have all necessary reports to donors or regulatory agencies actually been filed in a timely manner?
4. Does the organization have a fundraising plan? What plans do they have to diversify their funding base? What percent of funding is self-generated, or from local (in-country) sources?
5. Have the sources of support changed over the last few years?
6. Does the organization have a bank account that can handle both local and foreign currency?

CHAPTER FIVE

Issues and Answers—the Final Report of the Assessment Mission

The issues that the HRD Assessment (including pre-trip study and deliberation) ought to illuminate include the following, which can therefore serve as an outline of a final report. Rough drafts of the items marked by an asterisk (*) should be prepared in advance of travel to the country, as part of the elaboration of a thesis to frame the mission, and then revised as appropriate during the course of the mission.

1. In what ways are human rights abridged in the country? *
2. Who or what is responsible for this state of affairs, whether through acts of commission or omission? *
3. What actors, laws, institutions or circumstances interfere with the ability of citizens to know, to enjoy and to defend their rights, including those articulated in international covenants and treaties? *
 - a. Are there geographical areas, or portions of the population, that confront greater or different infringements? *
4. Who are the human rights defenders that are seeking to ameliorate the situation? *
 - a. Establish as comprehensive a “census” as possible, even if little is known about some of the groups or individuals. *

5. How are the human rights defenders seeking to ameliorate the situation? In what types of activities are they engaged?
 - a. These might include monitoring & documentation; advocacy (domestic, regional, & international); provision of legal services; victim's aid or service provision; developing test cases in court; human rights education, in formal educational settings or informal venues; training/re-training of personnel in public institutions—e.g., police, judges, military; investigative reporting and media coverage; negotiation or political action to change laws or practices.
6. How well are the HRDs performing? What have they accomplished to date? What are each group's comparative strengths and/or weaknesses as organizations?
 - a. As this will reflect the organizational capacity assessment(s), much of this information might be best presented in appendices, although summary information or broader analysis could also appear in the body of the report.
7. What constraints or obstacles do the human rights defenders confront? Are there specific areas or issues in which they confront greater obstacles?
 - a. Some obstacles might be internal to the HRD organizations themselves, or to the human rights community. Some may be found in the country's legal framework, as well as in other institutions or forces. There may also be an international dimension to obstacles facing HRDs.
 - b. This portion of the report should examine specifically how well the key rights articulated in the UN Declaration on Human Rights Defenders are observed:

- (i) *The right to freedom of assembly*
 - (ii) *The right to freedom of association*
 - (iii) *The right to free speech*
 - (iv) *The right to receive and disseminate information*
 - (v) *The right to participate in government affairs*
 - (vi) *The right to be protected by law*
 - (vii) *The right to observe trials*
 - (viii) *The right to receive assistance, including funding from abroad*
8. How could outside agencies assist some or all of the human rights defenders? * This includes at least two distinct areas of inquiry, and will be heart of the report's programmatic recommendations:
- a. What ought to be done directly to support the human rights defenders themselves?
 - b. What ought to be done elsewhere in the system to enhance the ability of human rights defenders to succeed? Where are there specific openings, feasible areas to work, and priority/urgent needs (such as laws to be changed; institutions to be reformed or purged; policies or political postures to be changed; education to be organized)?
9. There are also at least two ways to frame the responses to the questions immediately above and the analysis should consider where these might diverge:
- a. What do the HRDs themselves say ought to be done to help them?
 - b. What do other observers, analysts, and actors say ought to be done to improve the situation?

SUPPORTING HUMAN RIGHTS DEFENDERS

10. What constraints are likely to hinder these efforts?
 - a. These could include particular individuals, officials, institutions or organizations, as well as broader social factors, such as economic or educational circumstance, ethnic animosity or violence.
11. What are other organizations, governments, inter-governmental bodies or donors doing to affect the situation? Does the Assessment team have recommendations for other organizations or agencies?
12. What are the highest priorities among all the possible interventions one might devise?
13. What would the proposed activities likely cost?
14. How long an engagement would be necessary or appropriate and how might the assistance program change over the time envisioned?

CHAPTER SIX

Tips for Successful Interviews⁸

1. ***Be informed.*** Know why you are meeting this particular person. The reason she was scheduled may not necessarily be directly related to her present job, or the place of your interview. For example, a previous position, or volunteer work may make this person knowledgeable about the subjects of interest to you. Before arrival, make sure that everyone on the team is reminded of the purpose of the meeting and what you hope to walk away knowing.
2. ***Observe protocol and local practices.*** This may vary depending on who you are contacting—government officials versus NGO leaders, judges versus lawyers, etc. If a formal letter of introduction is necessary, has it been sent? Is it accurate? Know what the letter or phone call setting up the appointment said about your purpose. Observe appropriate standards of dress and social behavior.
3. ***Ensure punctuality.*** Be on time, even if you're likely to be kept waiting. Keep in mind that the informant is doing you a favor by talking with you. Be clear about how much time the interview will likely take, then respect the established time frame. The first im-

⁸ This list and the following list of tips on working with translators are adapted from CDIE's "Conducting Key Informant Interviews in Developing Countries: USAID Program Design and Evaluation Methodology Report Number 13" (Document Order Number: PN-AAX-226) and various unattributed handouts in circulation at USAID.

pressions you make can affect the utility of the session for your assessment, and the prospects for later partnership.

4. ***State clearly your intentions.*** Begin the interview with an introduction of yourself and your purpose. Introduce all members of the team present and mention their relevant backgrounds (business cards help informants remember names). Provide a reasonable explanation of the purpose of the mission that will be truthful and make it seem worthwhile for the respondent to help. Establish that the interview will be confidential (this usually means that specific statements will not be directly attributed to the informant). Give the informant a chance to ask questions about you, the sponsoring organization and the purpose of the interview.
5. ***Lead with factual questions.*** After some rapport is established through the introduction, proceed with non-threatening factual questions to establish trust. Once trust is established, move to questions designed to elicit opinions and analysis.
6. ***Be concise but informative.*** Keep questions simple and short, yet avoid “yes or no” questions. Questions should be phrased to elicit detailed information. Multiple questions posed simultaneously can confuse the respondent and may contribute to incomplete or confusing answers.
7. ***Maintain neutrality.*** Be as objective as possible, no matter how misinformed or preposterous the informant’s views seem. Informants have a right to their opinions, and one reason for the interview is to determine their reasoning about and understanding of an issue. Be careful of nonverbal signs that may indicate approval or disapproval of an informant’s comments. Keep in mind that an interview is for learning from the informant, not for convincing him or her of anything. Avoid getting drawn into debates about US policy or local events not germane to your mission.

8. ***Minimize discussion of your own thoughts or ideas.*** It may be necessary to establish your knowledge of the topic being discussed, but keep it brief. Extended discourses take up valuable time, may bias the interview, and may even seem rude to some informants. To test an idea, use phrases like “I’ve heard it said that... Would you say that’s accurate?” rather than “I think that...”

9. ***Stay cautious.*** Be alert to who else is listening. People are sometimes reluctant to speak (or speak differently) in the presence of others. You can sometimes make it easier to meet in a private setting, if the place initially seems too crowded, by asking for some quiet to facilitate translation or to enable you to hear more clearly. Also, be sure to find out the names and affiliations of any other individuals in the meeting before you begin; you don’t want to be surprised to learn later, for example, that a working journalist has been part of your interview. You may want to say explicitly that you would prefer that the discussion be considered “off the record” and informal so that everyone may speak freely. Otherwise, a participant in a meeting may later decide to provide an account to the press or for the organizations own publication and will reasonably infer you have no objection unless you have offered one.

10. ***Ensure confidentiality.*** Be judicious about sharing information about other interviews. Be honest about whom else you are interviewing—in many cases the information will get around anyway—but be careful about revealing others’ statements or opinions. It’s not uncommon to be asked what others have said; the best response is to say that all interviews are confidential.

11. ***Remain patient.*** Do not rush the informant. Some people need time to reflect on sensitive questions or to pause between thoughts. Resist the temptation to finish informants’ sentences—you want to hear their ideas, not your own repeated back to you.

12. ***Repeat important information.*** Repeat the main points of the informant's responses to confirm your understanding. Such phrases as, "Then your feeling on this point is..." or "Did I understand correctly that..." help avoid misunderstandings and show that you are listening carefully. This can be especially important when using a translator.
13. ***Ensure your interviewee is comfortable.*** If an informant has difficulty talking about a sensitive subject, try depersonalizing it. Rather than say, "I am interested in knowing why your office has refused to cooperate with this program," try, "I have heard that some people here have been critical of the program, and I wonder if you can tell me what some of their criticisms have been?" Few cultures are as blunt and direct as Americans tend to be.
14. ***Pursue specifics.*** Always ask for specific examples to back up generalizations. Specific incidents, events, or activities provide useful anecdotes and are helpful in understanding the basis for the informant's opinions. The informant's interpretation of concepts may be different from yours. If the informant says something happens often but is unable to give more than one example, then he or she may be generalizing from the one event or only repeating what others have said.
15. ***Obtain follow-ups.*** Consider asking each interviewee for suggestions of other people you should contact. This might be other people in the same organization, or people in other organizations, in other locations you plan to visit, or in other walks of life.
16. ***Share your appreciation.*** Always conclude with an expression of gratitude for the time and insight your interlocutor has shared with you. Even if you have not hit it off, or found the interview very useful for your immediate purposes, you (or others from your organization) may want or need to return to this person in the future.

CHAPTER SEVEN

Tips for Working with Translators

Involvement of a translator usually changes the dynamics of an interview by making the interactions somewhat more formal, thus inhibiting to an extent a free flowing exchange of ideas and information.

A few tips, born of sometimes challenging or embarrassing experiences:

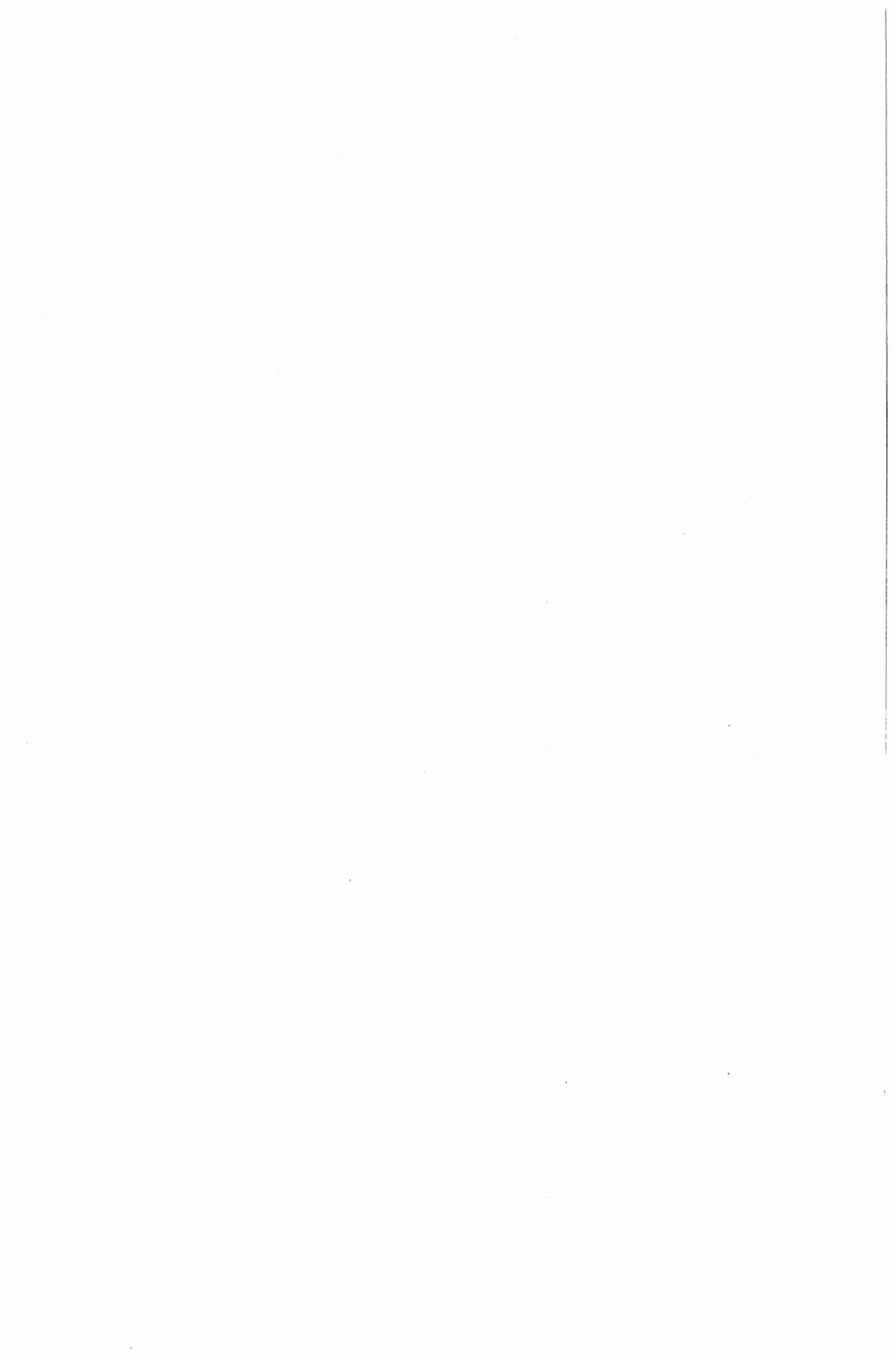
1. ***Maintain caution.*** Never assume that the person you are interviewing (or others in the room) does not speak English just because they are using a translator, even if they were the one to request a translator for the meeting.
2. ***Brief your translator.*** Remember to relay to them the following information:
 - a. About you and your organization and how you would like this explained to others. Your translator may be asked for explanations on the margins of your official conversations (by an aide or receptionist while you are waiting for an appointment or over the phone in securing an appointment for you). It is worthwhile spending some time at the outset of a mission or at the start of a day with a new translator reviewing the purpose of your mission and asking whether the translator is familiar with the issues or the people you will be encountering.

- b. On what you are trying to achieve, overall and in each meeting. You may want to emphasize a different facet of your background or your organization's activities, depending on the interviewee, and it is helpful to alert the translator that your emphasis or choice of words may vary.
 - c. Just because you obtained an answer to a question in a previous meeting does not mean you won't ask it again of others. Explain to your translator that different, even contradictory, answers, are OK, that you expect them, and that you do remember what you heard earlier.
3. ***Remember that time is short.*** Anticipate that you will have only half as much time as you would if you and your informant could speak the same language. Think about abbreviating the list of issues or questions you might use, concentrate on the most important issues.
 - 4) ***Be aware of status.*** If there are significant differences in status between the translator and informant, both may feel constrained. For example, senior government officials may be reluctant to give candid answers in the presence of a junior staff member serving as translator. Conversely, high-status translators may intimidate low-status informants. Preferably, the translator should not be known to the respondent. When the key informant and the translator do not know each other, problems of status can be minimized.
 - 5) ***Ensure confidence.*** On the other hand, depending on the sensitivity of the discussion and the potential anxiety your informant may feel about his safety or the confidentiality of the discussion, it may sometimes be better to enlist a translator who is known to be politically reliable—so you can vouch for his discretion with confidence—or you may suggest in advance that the person to be interviewed provide or recommend a translator. Spending some time at the outset of a mission considering these potential issues and how

best to deploy various translators among various occasions, will be time well spent. Prior to each interview, each key informant can be assured that both you and the translator will treat all information as confidential.

- 6) ***Missing the point.*** Translators sometimes do not fully and accurately translate each piece of a conversation. In order to keep pace, they may skip or summarize, paraphrase, or interpret questions and answers. The interviewer, therefore, should thoroughly brief the translator on how important it is that the statements of your informant be translated in full, even if they seem confusing or unresponsive to the questions posed.

- 7) ***Be aware of posture.*** During the interview, the interviewer should face the informant and address all questions to him or her directly. The translator can sit to the side where he or she can hear both people. Don't interview your translator. Make eye contact with your informant when your words are being translated, just as you would if you were speaking.



CHAPTER EIGHT

Tips for Assessments in Closed Societies

1. ***Do no harm.*** The principal obligation of any visitor to a closed society is not to endanger human rights defenders or other citizens who may be punished not only for their work, but also for simply associating with international organizations or assistance agencies. Deference to their desires for greater or lesser contact with international organizations must be paramount.
2. ***Consider the relative value of an in-country mission.*** While it is generally true that individuals and groups that have put themselves forward as Human Rights Defenders have knowingly made a commitment that can place them at risk for harassment, incarceration, or worse, it may be that the heightened scrutiny that comes with visible encounters with foreign activists or assistance providers can add unnecessarily to these risks. Therefore, some consultations might be best conducted outside the country, when activists travel to international gatherings or conferences or on other occasions.
3. ***Exercise discretion.*** In making travel arrangements, as well as in incidental contacts with others in the country, care should be exercised in letting it be known precisely with whom and for what purpose one is visiting. Previous visitors from other organizations, journalists and diplomats can all provide useful guidance on how best to make contact

4. ***Anticipate surveillance.*** It is reasonable to expect that telephone and Internet communications can be monitored or recorded, or that meetings will be observed, photographed or recorded. Hotel rooms and vehicles are also subject to search, so it is important to be wary of carrying information or documents that would be cause for one's own arrest or expulsion. It is also vital that notes of meetings and lists of names and contacts be handled with extreme care, and even written in elliptical fashion to obscure their meaning if taken.

5. ***Identify trustworthy intermediaries.*** Taking the time necessary to identify reliable conduits of information and advice in-country and outside the country is well worth the trouble to ensure the safety and to instill the confidence necessary to establish a productive relationship with HRDs in closed societies. This may mean becoming familiar with exiles or émigrés from the country, consulting with diplomats, journalists, business persons or academics who have traveled or lived in the country recently, in order to learn as much as possible about how to travel, communicate and operate in the country in question.

CONCLUSION

The role of human rights defenders is critical to advancing human rights protections in almost any context. This guide is intended to determine the distinctive and unique environment that each country or regional context holds and the diverse makeup, history, and accomplishments within its human rights community. We hope this guide helps to formulate sound program design which prioritizes and delivers needed technical assistance and support.

85th plenary meeting
9 December 1998

APPENDIX I

UN General Assembly Declaration on Human Rights Defenders (December 9, 1998)

The General Assembly

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from

APPENDIX I

apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under

its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,² the International Covenants on Human Rights³ and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, *inter alia*:
 - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
 - (b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
 - (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
4. To the same end, and in accordance with applicable international in-

APPENDIX I

struments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary ac-

tion as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, inter alia:
 - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
 - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for

the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations

Formulating effective technical assistance programs for human rights defenders.

The role of human rights defenders is critical to advancing human rights protections in almost any context. This handbook will guide a team in executing an assessment of how to create a successful program to assist human rights defenders. Such a sensitive and critical program demands a specific tailoring to the distinctive and unique environment that each country or regional context holds and the diverse makeup, history, and accomplishments within its human rights community. This manual will provide a strategy for organizations to formulate sound program design which prioritizes and delivers needed technical assistance and support.

