

Chapter 3. Monitoring



A. Introduction

Human rights monitoring refers to the collection, verification, and use of information about human rights violations.²⁷ Monitors use a systematic approach to collect, verify, and analyze information to identify violations of human rights. For purposes of this manual, the monitoring process can be broken down into *monitoring*, or the fact-finding and collection of information regarding the human rights violations, and *documentation*, the processing, compilation, and presentation of the monitoring results.

Human rights monitoring can also serve as a tool for systematic and long-term social or legal change.²⁸ Advocates should communicate the monitoring results and recommendations to the appropriate authorities, the

²⁷ Minnesota Advocates for Human Rights, "Making the Global Local: Human Rights Monitoring in Our Own Community," Minneapolis: Minnesota Advocates for Human Rights, July 1, 2005 (unpublished training material).

²⁸ Office of the High Commissioner for Human Rights, "Basic Principles of Monitoring," in *Training Manual on Human Rights Monitoring*, (New York: United Nations Publication, 2001). Also available online at <http://www.ohchr.org/Documents/Publications/training7Introen.pdf>.

media, civil society organizations, and others to raise awareness about their findings to create social change.²⁹ Advocacy should also be considered an integral part of any monitoring project.

Human rights monitors seek to identify and investigate the extent to which the reality of a given situation falls short of the standards set forth in international human rights law. Monitors collect accurate and objective information based on fundamental principles of monitoring. The methodologies and scope of each monitoring project vary depending on the project's objectives, resources, and design.

Monitoring methodologies are based on the issue being evaluated and include interviews, media monitoring, forensic exams, process observation, on-site inspections, surveys, and audio-visual recording. This chapter focuses on the traditional, qualitative methods of human rights monitoring. To that end, this chapter provides guidance on conducting fact-finding through interviews and other information-gathering techniques. Chapters 4 and 5 provide introductions to additional monitoring tools and remote monitoring, discussing how these additional tools can supplement fact-finding interviews. For further details on how to use other forms of monitoring, these chapters provide referrals to other resources.

In traditional human rights monitoring, international human rights principles and norms are used as the standard in an objective assessment of a case or a situation.³⁰ This chapter focuses on the mechanics of monitoring, but advocates should bear in mind that there are overarching principles that govern this type of work. These principles for human rights monitors were developed by the UN Office of the High Commissioner for Human Rights and are summarized in this section.³¹ This manual incorporates those principles in setting forth guidelines and considerations for advocates undertaking human rights monitoring. See "Chapter V. Basic Principles of Monitoring" in the *Training Manual on Human Rights Monitoring by Office of the High Commissioner for Human Rights* for further discussion.

Human Rights Monitoring Principles³²

Principle 1: Do no harm.

The core of this principle is that the investigation of human rights violations should not cause further damage to the victims. Although the collection of information is essential in human rights monitoring, it should never be done at the expense of another person's physical safety at any phase, or the emotional and mental health of the victim. As a general rule, human rights monitors should interview victims only when absolutely necessary and when the monitor can respect this principle. In cases where monitors are unable to obtain the information without risk to the victim or potential victims, or where an interview may cause physical or psychological harm and appropriate protection is not available, the monitors should not carry out the interview. Upholding the do no harm principle also involves protecting the confidentiality of interviewees.

²⁹ Ibid.

³⁰ Manuel Guzman and Bert Verstappen, "What is Monitoring," vol. 1 of *Human Rights Monitoring and Documentation* (Versoix, Switzerland: HURIDOCs 2003), 30.

³¹ Office of the High Commissioner for Human Rights, "Basic Principles of Monitoring," *supra* note 28, at 87–93.

³² Compiled from: Office of the High Commissioner for Human Rights (OHCHR), "Basic Principles of Monitoring," Chapter 5 in *Training Manual on Human Rights Monitoring*, *supra* note 28; Mary Ellsberg and Lori Heise, *Researching Violence Against Women: A Practical Guide For Researchers and Activists* (Geneva: World Health Organization and Program for Appropriate Technology in Health (PATH), 2005); Women, Law & Development International and Human Rights Watch Women's Rights Project, *Women's Human Rights Step by Step*, (Washington, D.C.: Women, Law & Development International: 1997); Karyn Kaplan, *Human Rights Documentation and Advocacy: A Guide for Organizations of People who Use Drugs, Harm Reduction Field Guide* (New York: Open Society Institute, 2009); Jonathan Rosenblum, *Monitoring Labour Rights: A Resource Manual for NGOS* (Washington, D.C.: AAAS Science and Human Rights Program, 2004); Jennifer Prestholdt, *Familiar Tools, Emerging Issues: Adapting traditional human rights monitoring to emerging issues*, ed. Rachel Tschida, *Tactical Notebook Series*, (Minneapolis: Center for Victims of Torture, 2004), <http://www.newtactics.org/en/FamiliarToolsEmergingIssues/>.

Principle 2: Respect the mandate.

Advocates should ensure that all monitors comprehend the project's mandate. Monitors should understand how the monitoring fulfills the mandate, what actions are permissible under the mandate, and what ethical considerations and potential harms are associated with it. Respecting the mandate also involves respecting boundaries between the monitor and interviewee. Monitors should remember the respondent is an interviewee for purposes of monitoring, should not seek to befriend or counsel respondents, and should maintain professional boundaries. If the monitor realizes that the respondent needs assistance, the monitor can provide appropriate referrals.

Principle 3: Know the standards.

Monitors should know and understand the applicable standards and laws, including relevant international and regional human rights standards. They should understand the applicable international obligations and the extent to which these obligations can be enforced. In addition, monitors should know and understand relevant domestic laws, policies, and practices. These include national and local laws, as well as policies and guidelines issued by different governmental bodies. For example, when monitoring the government response to domestic violence, team members should not only understand the statutory laws, but should also seek to obtain protocols for police, prosecutors, health care providers, and child protection workers. They should also seek out community and victim support policies and judicial order for protection decision templates. Monitors should examine the issue broadly to determine if more general standards apply as well. For example, protocols related to crime victims, although not specific to domestic violence, may still be applicable.

Principle 4. Exercise good judgment.

When monitoring human rights violations, unanticipated situations may arise that require monitors to change the monitoring protocol. When deciding whether to deviate from the established protocol and what specific action to take, the monitor should always use his or her best judgment and adhere as much as possible to the other monitoring principles, particularly those of do no harm and respecting the project's mandate.

Principle 5. Seek consultation.

Monitors should communicate with team members and leaders throughout the monitoring stage and consult when difficult questions arise. Regular debriefing after interviews can help promote conformance to the mandate. Debriefing will also allow the team to continuously evaluate the process and identify early patterns, gaps, and areas for follow-up. Additionally, monitors may wish to consult with experts such as victims/survivors, advocates, academics, or service providers. Experts can assist in various stages of the process. They can help develop or vet interview questions for different stakeholders, or provide legal advice about potential consequences for participants in the monitoring project. Similarly, it may be helpful to consult with other advocates or victims to determine what recommendations they believe would best promote the victims' rights.

Principle 6. Respect the authorities.

Monitors should remember their role as objective fact-finders and always respect authorities' roles and responsibilities. A typical objective of monitoring is to change or stimulate a governmental response to a particular human rights situation. Conducting monitoring in a respectful manner can help preserve the opportunity for positive engagement with government actors and decision makers in the advocacy phase. Monitors can demonstrate respect by observing local laws and ordinances, by seeking official permission to conduct monitoring activities, and by using respectful and professional language at all times. As part of this principle, monitors may need to carefully assess who they select for the team to ensure there are no risks or conflicts involved in engaging with the authorities.

Principle 7. Credibility.

Monitors should strive to maintain their credibility and that of the organization they represent. This principle applies relative to the respondents being interviewed, as well as to the public at large. Credibility is crucial to successful monitoring, documentation, and advocacy. Individuals—whether victims, witnesses, informants, policymakers, or media—will be more open to coming forward and providing reliable information if they trust the organization and project. Credibility is also important in the presentation of the findings. The impact of any advocacy initiative will depend on the accuracy of the facts upon which it is based. If monitors cannot guarantee accuracy and objectivity, the outcome may not be helpful, either for the campaign or for the affected communities.

Principle 8. Transparency.

Monitors should be open and transparent about the organization, the project, and its processes without compromising confidentiality. A transparent methodology enables monitors to account for each step taken to investigate a human rights violation and how they arrived at conclusions. Clearly laying out the project background at the start of an interview and establishing a methodology for drawing conclusions for the report can promote transparency.

Principle 9. Confidentiality.

The project design should include an assessment of the level of confidentiality necessary. Generally, monitors should preserve the confidentiality of information through all stages of the project and afterward. Safeguarding confidentiality is imperative to doing no harm, upholding the integrity of the project, maintaining credibility, and promoting effectiveness. In particular, the identity of victim/survivor-informants must always be protected through confidentiality and appropriate security measures.

Principle 10. Security.

In addition to the security measures for respondents described above, organizations should take steps to ensure the security of monitoring team members. These steps may include requiring team members to:

- Check in with a team leader or other member regularly and after each interview;
- Avoid taking risks that may place the team member or others' safety in jeopardy;
- Carry a cell phone; or
- Travel in pairs or teams, especially in unsafe areas.

Principle 11. Understand the context.

Before embarking on a monitoring project, monitors should understand the community in which they will be working. Monitors should undertake preliminary research to know the people, local history, government structure, and culture. Where relevant to the mandate, monitors should understand the dynamics of micro-communities, such as customs, language, past histories, and family and community structures. In cases where the community is deliberately not involved as monitors to prevent risks, or where multiple communities are involved, forming an advisory committee representative of that population can ensure that fact-finders will comprehend its dynamics.

Principle 12. Need for consistency, persistence, and patience.

Although situations will differ and unanticipated circumstances will arise, monitors should strive to follow the protocol consistently. Monitoring nearly always has challenges, so it requires monitors to persevere, be patient and be flexible. At times, monitors may need to adapt or amend their protocol to achieve their goals. They should be prepared to do so, but remember to respect the mandate and other monitoring principles to the greatest extent possible.

Principle 13. Accuracy and precision.

The project protocol should provide the foundation for the collection of accurate and precise information. Advocates should ask specific and thorough questions and ask follow-up questions for clarity. Interviewers should write up their notes as soon as possible after completing the interview, the same day if possible, to ensure they are as accurate as possible. Monitors can also take steps in the documentation process to promote accuracy and precision. For example, if monitors are not able to draw solid conclusions from their data, their findings may still have value. In some cases, the data may speak for itself and should be included, possibly with an acknowledgment of the limitations that prevent inferring a conclusion. Building in corroboration mechanisms, as well as time to fact-check and review the accuracy of citations, will ensure accurate reporting and attribution. Finally, monitors should draft and publish the report in a timely fashion to ensure the information presented is relevant.

Principle 14. Impartiality and objectivity.

Monitors should strive to be objective and impartial in all stages of the monitoring and documentation process. For example, in their work fact-finders should not demonstrate political positions or biases against governments, officials, businesses, interviewees, or other relevant bodies. Monitors should apply this principle when evaluating their findings. They should avoid using subjective reference points and instead rely on the project mandate and international human rights framework as the standard for evaluation.

Principle 15. Sensitivity.

Monitors should thoroughly consider all possible legal ramifications and social consequences of the project for respondents, their families, and the community-at-large. Monitors should be sensitive to any possible unintended effects of the documentation process, such as perpetuating negative stereotypes or increasing conflicts between different groups. Monitors should also be sensitive to possible consequences of their selection of fact-finders and consider using a vetting process. Organizations should train monitors on the harms a victim may have experienced, the short- and long-term consequences, and the potential of re-traumatization of victims and secondary traumatization of the interviewers. Monitors should also train fact-finders on cultural and linguistic sensitivities specific to different communities.

Principle 16. Integrity and professionalism.

Monitors should always demonstrate integrity, honesty, and respect to all participants and team members. They should maintain a professional demeanor, be knowledgeable, and exercise diligence and competence in their work. Monitors should avoid making promises they cannot keep.

Principle 17. Visibility.

Monitors may want to take steps to ensure that relevant authorities and the local community are aware that monitoring is taking place. These steps may involve public outreach and meetings with identified community leaders. The extent of information they disclose about the monitoring will depend on the nature of the project. In some cases, raising visibility of the issue may be an integral part of the project design. In doing so, monitors should consider the questions they plan to ask respondents and whether public knowledge of those questions could place them at any risk for further violence, intimidation, or retaliation.

B. Developing a Monitoring and Documentation Protocol

A human rights monitoring methodology generally includes the collection of data and other information from the people experiencing the abuses, witnesses, and people involved in causing or responding to the violations. This

information-gathering is often accomplished through interviews in combination with other methods, such as review and analysis of documents or observation of processes and events.

Careful planning and design of a monitoring and documentation protocol is essential to its success. Before beginning, advocates should, to the extent possible, map out the monitoring and documentation project in its entirety to avoid basic errors, such as wasting time in interviews by asking irrelevant or poorly articulated questions, using a research design that is ill-suited to the task, or employing a methodology that does not match the project needs, skills, or available resources.³³ This section introduces the basic steps and considerations involved in designing a monitoring project. The nature of a particular project or the experience of a particular organization may require that some of the steps be re-ordered. Advocates should be flexible and use good judgment in designing the project.

Advocates should also make sure that they are aware of and in compliance with local laws when conducting human rights monitoring and documentation. For example, when applying for a visa to visit a country to conduct human rights monitoring, advocates should be careful not to apply for a tourist visa when the purpose of their visit is not for tourism. In some jurisdictions, human rights monitors must register their presence with the local police.

Step 1. Determine Your Objectives.

Advocates should determine what they want to accomplish through the project and whether it is the best use of their organization's resources. The following are some preliminary questions to assist in evaluating a potential monitoring project:

What are the project's goals and why does it fit the organization's mission?

- How does this project improve human rights conditions within the community and foster a greater understanding of human rights?
- Is the project timely?
- Is another organization already carrying out a similar project? Can the proposed project enhance work that is already completed in this area?
- Does the organization have the expertise, funding, resources, and objectivity to carry out the project?
- Will the organization be called upon to evaluate issues that fall outside of its scope of expertise or mandate? Is this appropriate and to what degree?³⁴
- What measurable findings can this project yield?
- How can the monitors analyze the findings?
- What will the final product be, e.g., a publication, a video, or a report?
- What additional investigation and follow-up will the project suggest?
- What public awareness and advocacy activities are needed to achieve the project goals?³⁵

Practitioner's tip: Activists should consider an initial consultation with advocates working with the victim population to determine whether attention generated by the monitoring would be helpful to the cause and not deleterious. In some cases, victims' representatives may believe that increased attention to the issue may generate public outcry for an outcome that may be more harmful to their clients at that time. The advocates may ask that monitoring not take place, public attention to the monitoring be minimized, or that the release of the report be restricted in some way.

³³ Mary Ellsberg and Lori Heise, *Researching Violence Against Women: A Practical Guide For Researchers and Activists*, (Geneva: World Health Organization and Program for Appropriate Technology in Health (PATH), 2005), 48–49. Also available online at http://www.path.org/publications/files/GBV_rvaw_front.pdf.

³⁴ Jennifer Prestholdt, *Familiar Tools, Emerging Issues: Adapting Traditional Human Rights Monitoring to Emerging Issues*, ed. by Rachel Tschida (Minneapolis: Center for Victims of Torture, 2004), 9. Also available online at <https://www.newtactics.org/resource/familiar-tools-emerging-issues-adapting-traditional-human-rights-monitoring-emerging-issues>.

The advocate should draw upon these and similar questions to frame the project and determine an end goal. At this initial stage, the end goal can be broadly defined, for example, to increase safety for marginalized populations or increase access to health care. Once the end goal is identified and deemed appropriate to the organization's work, the advocate can proceed to define the project more clearly, outline its objectives, and determine the mandate.

i. Identify the Issue and Need

One of the first steps in monitoring is to identify the human rights issue to be investigated.³⁶ Often, the need for investigation will emerge from the issues identified by a service provider, a non-governmental organization (NGO), or an activist group. In some cases, the victim group or a representative may approach the organization asking for help in documenting a human rights violation. Other times, the organization itself may identify the need through client contact or through concerns it hears from the community.

Advocates should verify the need for the monitoring project. Becoming aware of what is already known about the issue will avoid duplication of efforts and wasted resources. If other groups are addressing the same issue, advocates should ask themselves whether their project will expand upon or add value to ongoing work. Also, confirming the need for monitoring is an important measure to prevent potential future harm. In some cases, victims or their representatives may be intentionally minimizing public attention to the issue. Reviewing relevant materials and speaking to affected individuals, communities, and stakeholders with experience on the issue will help advocates narrow the focus and assess the actual need.³⁷

Advocates should describe the nature of the violation as much as possible before beginning:

- What is happening?
- What are its causes?
- Is the violation an isolated incident or part of a larger pattern?
- Who are the parties involved? Are they victims, perpetrators, responsible government actors, witnesses, or NGOs?³⁸

Complete answers to these questions will come through the process of monitoring itself.

ii. Define the Scope

The next step in planning is to define the scope of the project based on the available time, money, and other resources, while maintaining the focus on the larger issue to be addressed.³⁹ The scope may be determined by the specific rights at issue, the affected population, geography, historical events, or any combination of these.⁴⁰

Advocates should ask themselves:

- What concerns have been raised that compel this project?
- What has been studied already? What has not?
- How narrowly construed can the project be while still remaining meaningful and impactful?

³⁵ Ibid., 10.

³⁶ Ellsberg and Heise, *Researching Violence Against Women*, supra note 33, at 51.

³⁷ Ibid., 51–52.

³⁸ Karyn Kaplan, *Human Rights Documentation and Advocacy: A Guide for Organizations of People who Use Drugs* (New York: Open Society Institute, 2009), 34–35. Also available at

http://www.soros.org/initiatives/health/focus/ihrd/articles_publications/publications/hrdoc_20090218/hrdoc_20090218.pdf/.

³⁹ Women, Law & Development International and Human Rights Watch Women's Rights Project, *Women's Human Rights Step by Step* (Washington, D.C.: Women, Law & Development International, 1997), 140.

⁴⁰ Guzman and Verstappen, *What is Documentation*, supra note 30, at 11.

Projects that focus on violations perpetrated against a specific population, such as children, women, or immigrants, may include additional factors to broaden or narrow the focus of the mandate.⁴¹ For example, an organization seeking to monitor trafficking might narrow its focus from “women” to “indigenous women in a particular area.” Although the scope is narrower, the findings may still reveal broader problems with the justice system that affect all victims of trafficking. When defining these parameters, advocates should be guided by the fundamental principles of monitoring, the project’s objectives, resources, timeline, and surrounding legal context.

iii. Identify the Human Rights Standards

In human rights monitoring, human rights standards provide the framework for the project design or protocol. Advocates should have a clear understanding of the international human rights standards relevant to the issue area being monitored, including standards set forth in the relevant UN and regional treaties and guidelines. Advocates should also know the government’s ratification and reservation status for each of the relevant treaties. Depending on the issue, the project design may also include review of national and local laws and policies relevant to the violation.

The level and degree to which advocates must know the standards will vary. Advocates seeking to do basic human rights monitoring may be able to find the standard appropriate for their work simply by reading the Universal Declaration of Human Rights. Or, they may need to delve more deeply into international law to understand the meaning underlying those provisions, how they are interpreted by treaty bodies, and how they interconnect with other rights. For example, on a most basic level, advocates working on a specific due process matter may only need to know that everyone has the right to freedom from arbitrary detention.⁴² On the other hand, advocates working on a more complex issue, such as sex trafficking, will need to understand a wide range of rights, including: freedom from slavery, discrimination, and torture; right to life, liberty, and security of person; equal protection of the laws; and the right to an effective remedy. Advocates should also understand what those rights mean in terms of the government’s obligations to prevent trafficking, provide remedies to victims, and prosecute traffickers.

When identifying the relevant international standards, advocates should think broadly about how multiple human rights intersect over a single issue. For example, domestic violence not only violates a woman’s right to be free from discrimination and violence (CEDAW, General Recommendation 19), it also triggers a woman’s right to be free from torture (ICCPR and CAT), a woman’s right to equality before the law (ICCPR), and a woman’s right to the highest attainable standard of physical and mental health (ICESCR). Advocates should also look to other policy documents that help interpret binding treaties, such as general comments and concluding observations issued by the treaty bodies, as well as declarations, resolutions, principles, and guidelines. While not legally binding, these latter instruments represent an international consensus on an issue and can have persuasive force.

Some questions advocates can ask themselves when identifying the human rights standards include:

- What human rights issues are triggered or influenced by the violation?
- What treaties govern the human rights issues?
- What are the relevant provisions and standards within these treaties?
- Are there any other instruments, such as treaty body general comments or concluding observations, that provide more depth to the standard?

⁴¹ Ibid.

⁴² UN General Assembly, International Covenant on Civil and Political Rights, 1966, Art. 14(5).

Sometimes these questions can be difficult to answer. Advocates can get help by reviewing reports that other organizations such as Amnesty International, Human Rights Watch, The Advocates for Human Rights, or the United Nations may have published related to the issue. Advocates may also seek consultation with colleagues at these organizations or with experts at law schools who focus on human rights law.

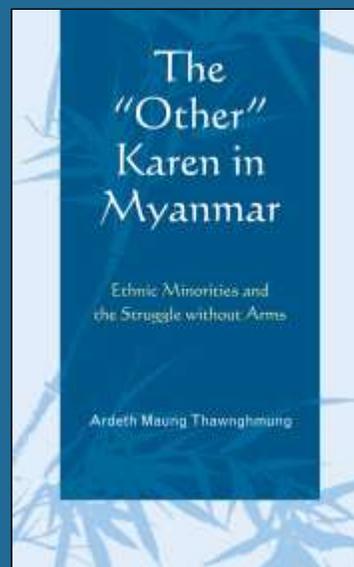
iv. Determine What Information Is Needed and How to Obtain It

The next step involves identifying the information necessary to assess whether the government is in compliance with its human rights obligations. Monitoring human rights violations involves examining the experiences that stem from the violation, the parties involved, the framework set up to address that issue, such as legislation, policies, or resources, as well as the implementation and effectiveness of that framework.

Advocates should identify potential sources of information needed for the monitoring project. Apart from secondary sources, direct sources of human rights information include: victims, witnesses, and evidentiary material; government agencies; human rights organizations and other NGOs; social service agencies; media; academics; treaty monitoring and other UN bodies; and inter-governmental organizations.⁴³ Advocates should consider who may have relevant information: parties suspected of committing, directing, or authorizing the abuse; individuals or groups affected by the violation; and people working on the issue. This step is meant only to provide a starting point for the monitoring project. The list of potential sources of information will expand and evolve as the project is implemented.

Ardeth Maung Thawngmung: “The ‘Other’ Karen in Myanmar: Ethnic Minorities and the Struggle Without Arms”

Ardeth Maung Thawngmung, a member of the Karen ethnic minority from Myanmar, wanted to tell the story of the conflict in her homeland through the eyes of the Karen who experienced human rights abuses and were forced to flee. To obtain this information, Thawngmung used opinion surveys and conducted interviews with members of the Karen diaspora. She used this information to write a book called “The ‘Other’ Karen in Myanmar: Ethnic Minorities and the Struggle Without Arms.”⁴⁴



In some cases, giving voice to the victims is part of the project mandate. For example, rather than fulfill a specific research query, a project’s goal might be to collect personal accounts from the victims or potential victims to document their experiences. In the case of a truth commission or public tribunal, the overall goals include providing a forum for victims to come forward voluntarily and tell their stories. In other cases, however, interviewing victims is not necessary to meet project goals, or the advocate can obtain the information from other

⁴³ Prestholdt, *Familiar Tools, Emerging Issues*, *supra* note 34, at 8.

⁴⁴ Thawngmung, Ardeth Maung, *The “Other” Karen in Myanmar: Ethnic Minorities and the Struggle Without Arms* (Lexington Books, 2012), at xxi. Also available at <http://books.google.com/books?id=2nlpcv-OX0gC&pg=PR21&lpg=PR21&dq=karen+diaspora+interview&source=bl&ots=seCHdDjFt9&sig=Lj26d6E2s8XV26u7UT-Ec3nqCJg&hl=en&sa=X&ei=uw8eUrC4CaSN4ATrpoGYCg&ved=0CGsQ6AEwCA#v=onepage&q=karen%20diaspora%20interview&f=false>.

sources, such as advocates who work with the victims. Advocates who interview victims should do so only when victim participation is safe and strictly voluntary, and when appropriate support structures are in place. Advocates should consider the following questions:

- Is victim participation essential to meet project goals?
- Can the information be obtained some other way, such as through interviewing a victim’s representative or advocate?
- If a victim is interviewed, is there a process to ensure it is voluntary, and the victim has given informed consent?
- Are there support structures in place?
- Can confidentiality be guaranteed?

Speaking about the experience may be healing for victims of human rights abuses, but it may also be stressful or traumatic. Advocates should be trained to recognize distress and should incorporate measures into the monitoring protocol to diminish any potential trauma to interviewees.⁴⁵ See “Step 6. Training the Monitoring Team” on page 46 for further discussion of this issue.

Practitioner’s tip: The World Health Organization (WHO) provides guidelines on reducing harm to female respondents in studies on violence against women. Advocates can draw upon these guidelines and adapt them to their specific monitoring context. The following guidelines are taken directly from the WHO guide on researching violence against women:

- Interview only one woman per household.
- Do not interview men about violence in the same households or clusters where women have been asked about violence.
- Dummy questionnaires may be used if others enter the room during the interview.
- Candy and games may be used to distract children during interviews.
- Use of self-response questionnaires for some portions of the interview may be useful for literate populations.⁴⁶

Human rights monitors can collect the information needed in different ways, ranging from on-site inspections and interviews to forensic exams and process observation. Advocates should carefully consider methodologies and choose one or a combination of methodologies that best addresses the research objectives, best respects the monitoring principles, and will still be feasible given the project’s material and human resources.⁴⁷ “Step 3. Developing Your Approach” on page 26 addresses methodology selection in more detail.

Step 2. Gain Background Knowledge.

Advocates should develop an understanding of the domestic legal context that governs the issue and affects the violation, victims, perpetrators, legal actors, NGOs, and other stakeholders. At the start of a monitoring project, monitors should identify and review all relevant legislation and standards. The team may also need to determine and understand the framework of applicable systems and protocols. Gaining background knowledge of the legal context may be as simple as reviewing the policy on that issue. In other cases, such as the more complex

⁴⁵ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 36, 39.

⁴⁶ *Ibid.*, 39.

⁴⁷ *Ibid.*, 52–53.

example of human sex trafficking, the team may need to understand not only the federal and state laws on trafficking, but also criminal laws on prostitution and sex trafficking of minors, immigration law, maritime law, as well as federal, state, and local agencies set up to address the issue.

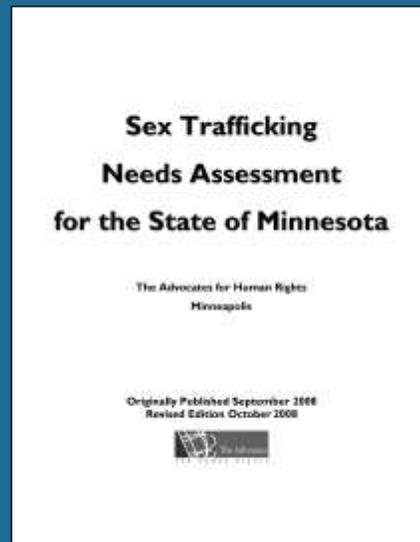
Some questions to ask when identifying and canvassing laws, policies, and practices include the following:

- What is the human rights violation?
- How do other human rights intersect with that violation?
- What criminal, civil, and administrative laws address those human rights issues?
- What agencies, offices, or actors are involved?
- What plans, policies, and protocols have they issued?
- Are there any general issues that affect this particular human rights violation? If so, are there any relevant policies or protocols governing this issue?

The Advocates for Human Rights: Conducting Background Research for a Report on Sex Trafficking

The Advocates for Human Rights conducted a needs assessment on human sex trafficking in Minnesota using a human rights methodology. The report *Sex Trafficking Needs Assessment for the State of Minnesota* (available at http://www.advrights.org/Human_Rights_Reports.html) was published in September 2008. It examines the government response to this issue at the local, state, tribal, and federal levels; identifies facilities and services currently available to trafficking victims in Minnesota; assesses their effectiveness; and makes recommendations for coordinating services to better meet the needs of sex trafficking victims and increasing accountability for traffickers.

Because sex trafficking often involves violations of state, federal, and international law, The Advocates first did a detailed legal analysis of the various laws as part of the project design, including the extent to which these laws contradict or complement each other. This analysis included a review of previous cases of sex trafficking and the strengths and weaknesses of the legal systems in addressing the problem. The background research also included review of data and statistics available about sex trafficking and existing reports on the problem in Minnesota and other states. The monitoring team also surveyed Minnesota organizations working in this field for initial information and the services available to victims of sex trafficking and their views of the gaps in services.



Advocates should also seek to understand the social, economic, religious, cultural, political, and local factors that affect the human rights violations, as well as attributes of the target group or community. This is particularly important where the advocates are not part of the affected group, or the organization has not worked previously with that community. In addition to interviews with affected populations, secondary sources, such as literature, reports, scientific research, news articles, and historical documents can help advocates understand the context in which the alleged violations take place.

When working in a new community, organizations should develop and pursue appropriate strategies to access information about the group concerned. One tactic is to foster relationships with local contacts and form an advisory committee or outreach group. Local contacts can act as a bridge between fact-finders and the local community.⁴⁸ They can provide insight on new developments, as well as inform advocates about ongoing issues. They can also help the fact-finding process by liaising with victims, witnesses, and others, and by providing them information about and referrals to the monitoring organization. If an organization chooses to establish an advisory committee, it should train the committee about the organization, the project mandate, and the principles of monitoring.

Practitioner's tip: During the monitoring process, advocates should take special care to record all relevant details about the sources of information gathered, including URLs if available. In the documentation stage, it is important to be able to cite the sources of information that substantiate any claims.

Advocates should be flexible and creative in seeking information as they prepare for the project. Speaking informally with acquaintances and people not directly involved in the issue can provide information about general public perceptions.⁴⁹ The experiences of other professionals can signal issues for which to be alert. For example, an attorney may have only 5 clients, all of whom have reported experiencing the same type of discrimination; although the pool is not large, this pattern highlights trends that should be further investigated.

By understanding other factors that influence the situation and its actors, monitors can better evaluate the dynamics of the human rights violation, its causes and consequences, the victims' needs, and other contributing factors.

Step 3. Developing Your Approach.

Before selecting a methodology and defining the scope of the project, advocates should assess their capacity in terms of time, expertise, money, infrastructure, and technology. They should determine what they are capable of, and committed to, doing. Evaluating this capacity is an important step to maximize the project's effectiveness given the available resources.⁵⁰ When faced with limited resources, advocates should keep in mind that narrowly defining the research issue may enable them to obtain more comprehensive and well-researched information. They should ask themselves questions to fully understand the availability of resources:

- Does the advocate or organization have the experience needed for the project? If not, can that experience be acquired either by learning it or bringing in another person with that experience?
- Is there sufficient money to do the project in terms of time, salary, overhead, and other expenses?
- What technology is needed for the project? Does the organization already have the technology or can it be obtained through a donation or partnership? Does that technology have a sharp learning curve and if so, is that worth the investment of time?
- Can volunteers be used to leverage limited resources?

Developing a monitoring procedure entails multiple steps, from developing interviewing questions, to establishing and training a team, to developing an interview protocol. While advance planning and the development of procedures are important early steps, advocates should be prepared to remain flexible throughout the entire

⁴⁸ Ibid., 172; OHCHR, *Training Manual on Human Rights Monitoring*, supra note 28, at 101.

⁴⁹ Prestholdt, *Familiar Tools, Emerging Issues*, supra note 34, at 12.

⁵⁰ Jonathan Rosenblum, *Monitoring Labour Rights: A Resource Manual for NGOs* (Washington, D.C.: AAAS Science and Human Rights Program, 2004), 23. Also available online at http://www.academia.edu/3817982/Monitoring_Labor_Rights_A_Resource_Manual_Jonathan_Rosenblum.

process. Advocates should be willing to alter their methodology and adapt as they encounter gaps or new information. Advocates should not depend on conditions being ideal. They should be ready to use their judgment to evaluate the circumstances presented and deviate from the protocol if necessary.⁵¹

i. Time

Time is an important element of any monitoring project design, and advocates should determine a general timeframe for the project as early as possible. The timeline will be in part dictated by how much and what type of information the advocate seeks to collect:

- Will the timeline continue until a minimum number of people have participated? Advocates should keep in mind that interviewing a sufficient number of participants will facilitate corroboration and lend credence to conclusions.⁵²
- Which groups and how many people from each group does the advocate want to interview?
- Will the timeline continue until the monitors have collected sufficient information?
- How much information is considered sufficient?

Also, monitoring can be either cross-sectional or longitudinal. Cross-sectional research focuses on a “single point in time” by splicing out a cross-section of a broader issue for examination. For example, observing a public demonstration within a day is a cross-sectional approach. In general, cross-sectional monitoring tends to serve the purpose of documenting an emerging issue or building a legal case. Longitudinal research occurs over a longer duration, generally months or years, to collect the same data at regular intervals. This might involve monitoring a human rights violation, such as juvenile detention conditions, that would require repeated interviews with the same people, regular case file review, or possibly multiple, regularly spaced site visits.⁵³ Longitudinal monitoring allows the advocate to look for trends through time and tends to serve purposes related to evaluation and monitoring long-term implementation of a law, policy, or system.



Barring other mandated timelines, monitoring should be continued until advocates have done a full investigation, have examined all potential sources and have developed a solid understanding of the issue.⁵⁴ Another indicator is to continue the fact-finding until the advocate can understand the context and learn to identify distortions within the findings brought about by inaccurate information or personal opinions.⁵⁵ Advocates should look at the objectives of the project and the questions to be answered. If no major gaps are present and the advocate can begin to identify patterns from the findings, the fact-finding phase is likely nearing or at a completion point. Other indicators that the fact-finding is nearing completion and closure is appropriate may include the following:

- Similar stories being repeated by different interviewees;
- Patterns emerging from interviews; and

⁵¹ The Advocates for Human Rights, “Human Rights Monitoring in our Community” (unpublished PowerPoint presentation on file with The Advocates).

⁵² Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 44.

⁵³ William M. Trochim, “Time in Research,” in *The Research Methods Knowledge Base* (Cincinnati: Atomic Dog Publishing, 2nd ed. 2000). Also available online at <http://www.socialresearchmethods.net/kb/timedim.php>.

⁵⁴ Office of the High Commissioner for Human Rights. “Basic Principles of Monitoring,” *supra* note 28, at 91.

⁵⁵ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 213.

- Influx of new information diminishing.

When considering the timeframe for a monitoring project, advocates should be aware of timeliness in relation to the issue. They should seek a balance between a timeline that reflects the available resources and one that respects the project mandate and monitoring principles. For example, fact-finding that extends out over a period of several years may yield more information, but also may diminish the relevancy of that information. Advocates should also consider other factors that will be affected by the passage of time, such as urgent victim needs or tolling of the statute of limitations for claims.

ii. Expertise

Advocates should design a monitoring project that fits their expertise or develop a plan to acquire key skills or involve additional people. If an organization is venturing into a new issue area, advocates should ask themselves what the costs and benefits are of venturing into the new area.⁵⁶

Advocates can develop expertise on an issue with appropriate training and research. Reviewing secondary sources, examining recommendations by other organizations, and conducting preliminary interviews can help strengthen the monitoring team's knowledge of an issue. In some cases, forming an advisory committee of relevant experts and/or members of the target community can provide guidance throughout the project.⁵⁷

Advocates may also choose to involve outside resources, including consultants or other professionals with relevant expertise. For example, in a monitoring project that involves analyzing the legal system's response to police brutality, recruiting an attorney or judge who has dealt with these cases to review interview questions may greatly improve the effectiveness of the monitoring process.

iii. Financial Resources

The availability of funding can also impact the organization's capacity to carry out monitoring. When assessing financial resources, advocates should think expansively about all possible expenses that may arise from monitoring and documentation. Examples of line items for which advocates should plan to allocate costs include:

- Staff time to carry out each phase of the project;
- Travel expenses to and from interviews;
- Room and board if needed;
- Reimbursement for interviewees if applicable;
- Technology resources;
- Layout design and printing costs; and
- Other equipment (notepads, A/V equipment, laptops, cameras).

Staff time will likely be the greatest expense. Organizations should be careful not to underestimate the number of hours a project will take in terms of gathering the information, conducting the interviews, writing the report, and carrying out advocacy.

In addition, organizations may explore involving volunteers as a resource in monitoring, documentation, and advocacy. With good planning, instruction, and oversight, use of volunteers can effectively leverage limited financial resources. Organizations must be prepared, however, to invest time and resources with volunteers to recruit, screen, train, manage, and recognize them. The section on working with volunteers in "Step 4. Establishing a Monitoring and Documentation Team" on page 33 discusses this component in more detail.

⁵⁶ Prestholdt, *Familiar Tools, Emerging Issues*, *supra* note 34, at 9.

⁵⁷ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 45.

The Advocates for Human Rights: Leveraging *Pro Bono* Resources

At the request of the Liberian Truth & Reconciliation Commission (TRC), The Advocates for Human Rights coordinated the work of the TRC in the diaspora. Between January 2007 and August 2008, The Advocates documented statements from more than 1,600 Liberians across the United States, the United Kingdom, and in the Buduburam Refugee Settlement in Ghana, West Africa. The Advocates also coordinated five days of TRC public hearings in St. Paul, Minnesota, to document public testimony from Liberians in the U.S. diaspora. In July 2009, the Advocates presented its 600-page final report to the TRC of Liberia.

The Advocates for Human Rights carried out the Liberia TRC Diaspora Project with no funding from the TRC. Instead, it raised a small cash budget from U.S.-based foundations and individual donors and then leveraged that budget through donations of volunteer time and in-kind support. More than 800 volunteers contributed their time and energy as statement takers, outreach workers, project advisors, data management personnel, researchers, graphic designers, and report writers. More than 20 volunteers paid their own expenses to travel to Ghana to document the statements of Liberian refugees there. The U.S. public hearings were filmed by a volunteer film crew, while *pro bono* lawyers helped witnesses prepare to testify, psycho-social counselors provided support to the witnesses and court reporters transcribed the proceedings. In all, more than 28 law firms, academic institutions, community organizations, and non-governmental organizations (NGOs) were involved as *pro bono* partners with The Advocates' Liberia TRC Diaspora Project.



Pro bono statement-takers at the Buduburam Refugee Settlement in Ghana, with some of the Liberian refugees who gave statements for the Liberia TRC Diaspora Project

Pro bono and in-kind contributions totaled more than \$10 million during the three years of the project, demonstrating the tremendous potential of leveraging in-kind and volunteer contributions to carry out a multi-year, multi-phase project with a small cash budget. “This groundbreaking project would just not have been possible without the tremendous contributions of our volunteers,” said The Advocates' Executive Director Robin Phillips.⁵⁸

iv. Infrastructure and Technology

Advocates should consider the infrastructure the project may require, such as office space, computers, and telephones. Also, they should assess the kinds of virtual and physical technology they may need for all phases of the project. Technology considerations include:

⁵⁸ The Advocates for Human Rights, “Liberia Truth and Reconciliation Commission Project,” accessed Jan. 16, 2014, http://www.theadvocatesforhumanrights.org/Liberian_Truth_and_Reconciliation_Commission_Project_2.html; The Advocates for Human Rights, *A House with Two Rooms: Final Report of the Truth and Reconciliation Commission of Liberia Diaspora Project* (St. Paul, MN: DRI Press, 2009).

- Software. Organizations should research available software to meet their research needs, including database, citation, and issue-specific software.
- Research tools. Legal, news, or other research databases. Some of these tools are free, such as RSS feeds, while others require a subscription.
- Digital capacity. Organizations may need additional digital storage to house and protect large documents or files.
- Physical electronic equipment. This equipment may include A/V equipment, flash drives, printers, copiers, and laptops.

A variety of online tools relevant to different stages of the process is available, often free or at reduced cost, on the internet. The Media Advocacy section starting on page 106 and “Appendix A: Document Storage” discuss some of these tools in more detail.

Step 4. Establishing a Monitoring and Documentation Team.

Advocates should carefully select the monitoring and documentation team. Team members may impact the public perception of the organization’s credibility and independence, as well as the project’s success. Thoughtful and appropriate selection of the team is fundamental to project success.

i. Project Needs

The first step is to consider the project needs. At the most basic level, a monitoring and documentation project will require interviewers to carry out the fact-finding and authors to draft the report. This section addresses these two roles. Some projects, however, may require other professional expertise, such as the following:

- Lawyers to provide advice to the organization or act as an initial consult for interviewees, for example, if there are potential criminal or immigration status consequences resulting from participation in the process;
- Psychosocial counselors to provide support to interviewees after an interview, if they are discussing difficult memories;
- Interpreters;
- Outreach personnel if there is a need to raise visibility, dispel misperceptions, or garner public support;
- Videographers or photographers to document images;
- Experts for analysis or assessments; and
- Editing and layout teams for the report.

It may be helpful for advocates to develop guidelines or checklists of requirements for team members, such as particular skills, background, or expertise. To better evaluate prospective team members, advocates should consider planning for a screening stage, including interviews. Advocates may request information from potential team members in advance, such as a resumes, statements of interest, or letters of recommendation. Careful screening will help prevent subsequent removal and changing of fact-finders—something that should be avoided if possible except where impropriety, such as breach of confidentiality or incapacity, occurs.⁵⁹

Every monitoring project will have unique characteristics that require different skill sets in fact-finders. There are certain attributes, however, so fundamental to monitoring that advocates should include these criteria for selecting fact-finders. At a minimum, team members should be able to commit their time, be flexible, and be available. If using volunteers, they should be able to commit their own resources if necessary, such as transport to and from interviews, time, and other incidental expenses. Monitors should be objective, neutral, and free of conflicts of

⁵⁹ Women, Law & Development, *Women’s Human Rights Step by Step*, *supra* note 39, at 145.

interest.⁶⁰ In some cases, organizations may consider developing a vetting process for the team. For example, where past perpetrators of human rights violations may be present in the community, advocates may wish to have prospective team members submit their names and resumes to an independent vetting committee with knowledge of the context of the conflict. Other relevant characteristics include fact-finders' experience as interviewers, their academic backgrounds, and their knowledge of the issues.⁶¹ Other key attributes include: good verbal and non-verbal communication skills; an ability to perform well under pressure, independently and as part of a team; a non-judgmental demeanor; familiarity with the affected population; aptitude for establishing rapport and connecting with interviewees; good conversational interviewing skills; and an ability to take control of an interview while being respectful to the interviewee.⁶²

ii. Team Composition

In evaluating the composition of the team, advocates should determine whether and to what extent to involve members of the affected community as fact-finders. In some cases, their involvement is appropriate or even necessary to achieve the project mandate. Many organizations have relied on members of the affected community to monitor and document human rights abuses with powerful results. On the other hand, advocates must assess the potential consequences for the affected population if they engage with the authorities in a role as monitors of the abuse. Regardless of the affected population's role, the monitoring project can have a positive impact on the community by raising public awareness and motivating action for social change.⁶³

Border Action Network: Involving Affected Community Members in Monitoring

Border Action Network is a membership-based organization that works with immigrant and border communities in southern Arizona. For Border Action Network, human rights monitoring and documentation is an integral part of a larger community process to prevent violations of human rights and create a culture of dignity and equality. In order to document human rights violations and educate communities about their human

rights, Border Action Network trains local residents to collect specific kinds of information on a standardized form. Upon completion of the training, volunteers are given materials to begin documenting abuses, as well as a t-shirt and photo ID card to identify them as a Human Rights Documenter. Volunteer Human Rights Documenters set up tables in public places like churches, schools, parks, and grocery stores to



A Border Action Network volunteer training

educate other affected community members about the need to report human rights abuses as the first step to preventing them. In addition, Human Rights Documenters invite individuals and families to confidentially report abuses committed by both public and private entities. Data gathered by the Human

⁶⁰ Ibid., 144.

⁶¹ Ellsberg and Heise, *Researching Violence Against Women*, supra note 33, at 159.

⁶² Ibid., 158–59, 162.

⁶³ Kaplan, *Human Rights Documentation and Advocacy*, supra note 38, at 25.

Rights Documenters is then entered into a database for analysis by a team of lawyers specializing in human rights, immigration law, and constitutional law.⁶⁴

In other cases, factors such as intra-community divisions may indicate that using a neutral monitoring team (without members of the affected community) will promote project success. It can promote the objectivity of the monitors, create a sense of visible neutrality, and help with getting both sides of the story. An independent third party may instill more objectivity and credibility in the findings and provide an opportunity for conflicting parties to meet and discuss the results. There are risks, however, that a neutral team lacking community members will not sufficiently understand the context. Such a team must also take into account the project's consequences for the community. In addition, if the monitoring team does not gain the community's trust, it may be difficult to obtain sufficient information to make accurate conclusions. In these cases, advocates should consider developing an outreach plan to engage the community.⁶⁵ There are other ways to overcome these obstacles, as discussed in later sections.

Generally speaking, the organization can use staff as team members, or it can rely on outside members of the community, partner organizations, academic institutions, firms and companies with *pro bono* resources, and volunteers. Advocates should consider what expertise, if any, the project demands. For certain kinds of abuses, such as those resulting in physical injury, advocates may find it useful to include team members with medical backgrounds. Where the particular human rights violation involves navigating the justice system, advocates may want to include lawyers on the team. Even when an area of expertise is identified, advocates must consider which individual experts to include and possible implications of those choices. For example, while having reputable authorities may lend credence to the mission, it may also attract unwanted attention.⁶⁶

Advocates should be aware of team members' public activities outside of their monitoring work and its possible effects on the team's neutrality. Where it is not possible for monitors to remain completely objective or impartial, advocates should examine potential biases with team members. These discussions should focus on recognizing any pre-existing notions that may hinder objectivity, so monitors can learn to address, minimize, and segregate those biases from their work.

Advocates should evaluate whether and what demographic traits will influence the fact-finding process. Demographic considerations such as age, linguistic ability, sex, and socio-cultural background may call for a monitoring team with members that have or lack those characteristics. Where appropriate, such as gender-based violence investigations, advocates may wish to select a fact-finding team representative of both sexes, so that females can interview females and males can interview males. Advocates should investigate beforehand whether having fact-finders from the affected population would be beneficial or detrimental to the fact-finding.⁶⁷

iii. Size of the Team

Advocates should evaluate the size of the monitoring team. Examining the scope of the project and the resources available can provide direction. Advocates should consider the management and oversight necessary for the size of the team they select.

⁶⁴ Border Action Network, accessed Jan. 17, 2014, www.borderaction.org; Interview with Border Action Network, Apr. 5, 2010; Border Action Network, *Human and Civil Rights Violations Uncovered: Report from the Arizona/Sonora Border* (Tucson, AZ: Border Action Network, 2008). Also available online at http://www.borderaction.org/PDFs/abuse_doc_2006.pdf.

⁶⁵ Eunice Cho et al., *Something Inside So Strong: A Resource Guide on Human Rights in the United States* (U.S. Human Rights Network, 2003), 49. Also available at http://www.ushrnetwork.org/sites/ushrnetwork.org/files/something_inside_so_strong.pdf.

⁶⁶ Women, Law & Development, *Women's Human Rights Step by Step*, *supra* note 39, at 144.

⁶⁷ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 157–58.

When constructing a report-writing team, advocates should take into account a number of considerations. Generally, using fewer authors in the report-writing phase can help streamline tone and style, as well as minimize repetition. The team of advocates may consider drawing upon a subset of the fact-finders as drafters, as they will have firsthand knowledge of the information and remember details or nuances from the monitoring. Using fact-finders as authors may not always be appropriate, depending on the number of fact-finders and their writing skills. It may be more effective to enlist a smaller team to write the report. Advocates should prioritize individuals with strong writing skills and prior experience in report-writing. It may also be helpful to engage people with expertise in the issue areas to write thematic sections, research particular areas for background information, or act as reviewers.

iv. Working with Volunteers

Working with paid team members has both benefits and drawbacks. The most salient drawback is that it requires financial resources. Compensating contractors as fact-finders may also compromise information quality. Fact-finders who receive payment on a per-interview basis may finish more interviews more quickly, but also may produce unfinished, brief, or inferior interviews. On the other hand, compensating fact-finders on a regular basis eliminates the incentive to maximize interview numbers and can result in higher quality product. It does, however, run the risk of exceeding projected costs if fact-finders work more hours than expected. One strategy for keeping the project within budget and timelines is to offer financial rewards for meeting expectations and producing quality work product.⁶⁸

Another alternative to paid team members is to use volunteers to carry out monitoring, documentation, and advocacy. Although volunteers provide free assistance, organizations should recognize that managing volunteers also requires time and financial resources. Some of the expenses involved in using volunteers include recruitment and training of volunteers, staff time to oversee and manage volunteers, basic overhead costs such as photocopying, postage, and office equipment, reimbursements for any costs incurred, and any type of volunteer recognition.⁶⁹ Advocates should think carefully about these hidden costs to ensure they have the time and resources to effectively use volunteers. In addition, advocates should consider whether they have a ready volunteer base—or a mechanism or partner by which to find volunteers—or whether they need to establish a system for this purpose.

Advantages to a Volunteer Program

To the volunteer	To the organization
Opportunity to give back to society and feel useful	Reach more people
Fills a gap in personal life	Expand the program e.g. outreach, workshops
Flexibility compared with a full time job	Full time staff can concentrate on the bigger picture
Intellectual stimulation and growth	Rich and diverse pool of experience to call on
Meet new, like-minded people	Frees up staff time to specialize in different areas
Actively contribute to education change	More time to develop and explore new methods
Provides job experience if unemployed/ student	Ready-made sounding board

⁶⁸ Ibid., 166.

⁶⁹ Volunteer Centre Camden, *Budgeting to Work with Volunteers* (Camden, England: Volunteer Center Camden), <http://www.volunteercentrecamden.org.uk/pages/top-tips-for-working-with-volunteers.html>.

Disadvantages and Difficulties in a Volunteer Program

To the volunteer	To the organization
The term “volunteer”	Recruitment of suitable people
Could take up too much time	Excluding unsuitable volunteers
Could feel under-valued	Hidden costs
Personality clashes	Extra training needs
Sense of not quite belonging to the organization	Different levels of training to be accommodated
Might not be keen on further training	Extra time needed to manage volunteers
Role may be unclear	Full time staff could feel the volunteers “take over”
May not be consulted on new policy affecting them	Legislation and unions
	Internal employment protocols

Reproduced with permission from: J. Howard, Environmental Education in Botanic Gardens Training Course, Kirstenbosch Botanic Garden, South Africa, in BGCI (1998), http://www.bgci.org/education/guide_to_using_volunteers/.

General tips when using volunteers in a project include the following:

- Instruct volunteers thoroughly on organizational protocols.
- Establish a process to screen volunteers and ensure they are an appropriate fit. Resumes, a general volunteer application or questionnaire, statement of interest, interview, and reference checks are a few examples of ways to evaluate whether a volunteer is right for the job.
- Invest the time upfront to recruit and train volunteers thoroughly. Getting off to a strong start with well-informed and prepared volunteers will have a positive impact on the project’s success.
- Be accessible to volunteers throughout the project. Check in regularly, be prepared to answer questions, provide feedback, and retain oversight of all components of the project.
- Always maintain control over the project. Establish a clear understanding of expectations on both the volunteer’s and organization’s part.
- Consider developing a statement of understanding or volunteer agreement for review and signature. At a minimum, the agreement should set forth the expectations for both the organization and volunteer. Other issues may be included:
 - Nature of the relationship between the organization and volunteer;
 - Intellectual property issues (ownership/authorship of work-product);
 - Confidentiality;
 - Liability;
 - Termination;
 - Other related laws; and
 - Compensation or reimbursement of expenses.
- Continue to affirm volunteers’ value to the project. Explore ways to recognize volunteers’ contributions, whether recognition in the organizational newsletter, the acknowledgements section of a report, or a post-project celebration.

Step 5. Develop an Interview Protocol.

An interview protocol should include overarching guidelines that address the fact-finder’s demeanor and approach. Good interviewing requires the interviewer to be non-judgmental, to connect with the interviewee, and to communicate complicated issues clearly. Interviewers should also be professional, polite, and

knowledgeable.⁷⁰ In general, interviewers should be prepared to carry out the interviews, be knowledgeable about the context in which violations took place, and be respectful to the interviewee. Creating a set of these considerations can guide interviewers in how they conduct themselves, before, during, and after the interviews. Finally, pilot-testing interview questions with team members can help reinforce the protocol and how to apply it in various situations. Running through a trial test will also help advocates determine if questions are phrased clearly, and if they are eliciting relevant information.⁷¹

i. Developing Interview Questions

After the advocate has determined what information is needed and how to obtain it (see Step 1 on page 18), the next steps are to outline topics to be covered in an interview and draft interview questions.⁷²

Advocates should construct different types of questions to elicit broad, comprehensive information on relevant topics. For example, interview questions can be designed to:

- Determine the nature and extent of the human rights abuses;
- Establish the causes and risk factors that contribute to or exacerbate the human rights violation;
- Learn the consequences that result from that human rights violation;
- Target structural issues, such as the laws or systems;
- Seek clarification about the laws, such as vague language or how government actors interpret these uncertainties in practice;
- Elicit information on how pre-identified flaws in the law or policy play out in practice;
- Seek clarification about procedures, guidelines, protocols, and trainings, and remind interviewers to obtain copies of any official documents or template forms during the interview;
- Seek quantitative information to obtain estimates, such as asking police about the number of cases related to a particular issue they respond to each week;
- Learn what efforts NGOs and other advocates are making to respond to the human rights violations; and
- Determine the respondents' views about public perceptions, victim needs, and recommendations for change.

If the project mandate is investigating a specific event or victim experience, one set of uniform interview questions may be appropriate. The questions should correspond appropriately to the violation under investigation.⁷³

Depending on the project mandate, however, advocates may need to develop different question sets for each information source. For example, separate question sets may be needed for different groups, such as judges, prosecutors, police, lawyers, community activists, victims, witnesses, perpetrators, advocates, and religious leaders. If so, advocates should assess what information is needed and what each group can provide. Advocates can then develop tailored questions. Knowing the different interviewee groups will also influence the approach. For example, gaining government access to documents or sites or bringing up human rights violations requires the interviewer to take a proactive approach.⁷⁴ Asking government representatives highly specific questions and giving them as much time as possible to speak will help interviewers gauge the government's position on a

⁷⁰ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 148; Women, Law & Development, Women, Law & Development, *Women's Human Rights Step by Step*, *supra* note 39, at 148.

⁷¹ U.S. Office of Personnel Management, *Structured Interviews: A Practical Guide* (Washington D.C.: U.S. Office of Personnel Management, Sept. 2008), 14.

⁷² The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," The Advocates for Human Rights, February 2008 (unpublished PowerPoint presentation on file with The Advocates).

⁷³ D. Ravindran, Manuel Guzman, and Babes Ignacio, eds., *Handbook on Fact-Finding and Documentation of Human Rights Violations* (Philippines: Asian Forum for Human Rights and Development (FORUM-ASIA), 1994), 34.

⁷⁴ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 49.

particular issue.⁷⁵ When interviewing perpetrators and officials, interviewers should be receptive to information that both supports and contradicts the issues under investigation.⁷⁶

Advocates can also ask open-ended questions and simply allow interviewees to describe their experiences in a narrative style.⁷⁷ This approach may be more appropriate when interviewers are seeking experiences or information about a specific event. Even so, advocates should consider including a set of specific follow-up questions to ensure the story is as detailed as possible or to establish the basis of a complaint.⁷⁸ Follow-up questions for victims or witnesses' accounts of events should focus on:

- The perpetrators and relevant details such as identifiers, distinctive dress, number of perpetrators, presence of weaponry, names, unit, and other witnesses;
- Details of what transpired, including threats or harm against the interviewees or their families;
- Length of harm, type of violence, weapons used, and body parts targeted;
- Short and long-term effects;
- Demands made; and
- Conditions of transfer and/or confinement.⁷⁹

In general, the following guidelines may be helpful for advocates as they develop their interview questions:

⁷⁵ Ibid.

⁷⁶ Ravindran et al., *Handbook on Fact-Finding and Documentation of Human Rights Violations*, *supra* note 73, at 38.

⁷⁷ Office of the High Commissioner for Human Rights, *Training Manual on Human Rights Monitoring*, *supra* note 28, at 116.

⁷⁸ Office of the High Commissioner for Human Rights, "Basic Principles of Monitoring," *supra* note 28, at 117.

⁷⁹ Ibid., 118.

Human Rights Monitoring Interview Question Guidelines

DRAFTING QUESTIONS

- Questions should be open-ended, non-leading, and non-inflammatory. Use as few yes or no questions as possible.⁸⁰
- Avoid framing questions in a judgmental or aggressive tone. Practitioners should anticipate that some interview questions may stir up feelings of trauma or sadness and should craft questions that are understanding in tone.⁸¹
- Craft interview questions to be concise, easy-to-understand, and as clear as possible. Avoid lingo, slang, and emotionally loaded words. Use ordinary language and terms familiar to the respondent.⁸²
- Do not ask questions that are outside the mandate.
- Consider framing the same question in varying ways. Rephrasing and posing a question in different ways during the interview can also help evaluate credibility.⁸³
- If applicable, include a map or diagram to facilitate questioning and responses about events.
- Consider asking an expert or other appropriate person to vet questions beforehand to ensure that they are relevant and comprehensive.

SEQUENCE

- Include an introductory script at the top of questions that introduces the interviewers and the organization, describes the project mandate, explains how the information will be used, explains what the interviewer can and cannot do with the information or case, and explains issues of confidentiality.
- Lead off with more non-controversial and less sensitive questions.⁸⁴ For example, asking interviewees to describe their work and duties is an initial question that helps set a comfortable tone.
- Prioritize the most pressing questions in terms of question order.
- Ask for stories without compromising confidentiality. The use of experiences can help illustrate and lend credence to conclusions.
- Be prepared to deviate from the question set if needed during the interview to obtain clarification or more details.⁸⁵

CONCLUDING QUESTIONS

- Ask if the interviewee has other additional names to recommend for an interview or other sources.
- Ask if the interviewee has anything else to add.
- Allow the interviewee time to ask questions of the interviewer.⁸⁶

⁸⁰ Kaplan, *Human Rights Documentation*, *supra* note 38, at 44; Ravindran et al., *Handbook on Fact-Finding*, *supra* note 73, at 32.

⁸¹ Ravindran et al., *Handbook on Fact-Finding and Documentation of Human Rights Violations*, *supra* note 73, at 34.

⁸² *Ibid.*

⁸³ Office of the High Commissioner for Human Rights, "Basic Principles of Monitoring," *supra* note 28, at 117.

⁸⁴ *Ibid.*

ii. Setting up the Interview

The first step in setting up an interview is to identify who should be interviewed. Organizations should seek to interview “all sides” when fact-finding. They should keep in mind that the other side may not necessarily be the perpetrator who directly committed the violation. It may mean interviewing government actors about their response to the event. It may also mean interviewing members of the general community to gauge their impressions and opinions.

There are several methods for identifying interviewees. One strategy is to map out the different sectors and main actors involved in the human rights violation and the response. Using the map, advocates can visit websites or call organizations to identify the primary persons handling that aspect of the issue. Advocates may look to secondary publications to identify experts to contact for interviews or interviewee recommendations. Advisory committee members or others involved with the issue may suggest names. Advocates may also produce an interview request form that allows potential respondents to contact the organization directly, making it available on the internet or at appropriate venues. Because there is no direct person-to-person interaction, the request form should provide information about the organization, project contact information for staff team, and directions on how to return the form. The organization should evaluate the project to determine which of these means are the most appropriate.

Advocates should be sensitive to the time requirements of each interview and estimate the time each interview will require based on the list of questions.⁸⁷ Pilot-testing interview questions will help determine how much time to allot each interview. Advocates should plan to interview only one person at a time.⁸⁸ When scheduling the interview, advocates should confirm that the respondent has the time available to participate in the interview.⁸⁹ They should also avoid planning too many interviews in a day and leave sufficient time for interviews that run over time, travel and transition between interviews.

a. Outreach

Advocates should evaluate whether outreach or a public statement on the project may be beneficial. Outreach can dispel mistrust and promote participation in the process. Increasing visibility through outreach or media may also facilitate access to high-ranking individuals.⁹⁰ Alternatively, the organization may not want to draw attention to the investigation in cases in which publicity may potentially cause harm to interviewees. Advocates can vary the level of publicity, for example, informing the public that the study is taking place, but not giving specific details about the methodology or the individuals participating in the research.⁹¹

Practitioner’s tip: Some questions advocates should ask themselves when gauging levels of visibility include:

- What are the benefits of raising visibility for the project and the affected population or participants?
- What are the negative consequences of raising visibility for the project and the affected population or participants?

⁸⁵ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 45–46.

⁸⁶ The Advocates for Human Rights, “Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse,” *supra* note 72; Ravindran et al., *Handbook on Fact-Finding and Documentation of Human Rights Violations*, *supra* note 73, at 33; Office of the High Commissioner for Human Rights, “Basic Principles of Monitoring,” *supra* note 28, at 117.

⁸⁷ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 41–42.

⁸⁸ Women, Law & Development, *Women’s Human Rights Step by Step*, *supra* note 39, at 147.

⁸⁹ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 41–42.

⁹⁰ Prestholdt, *Familiar Tools, Emerging Issues*, *supra* note 34, at 12.

⁹¹ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 39.

- What is the nature of the project and what types of questions will be asked?
- Will the nature of the project or questions place people at risk?
- What resources, skills and relationships are available to increase visibility in these ways?

Advocates can use various means of outreach to inform the broader public of the project. Holding town hall meetings, speaking at religious services and public events, scheduling publicity on radio shows or in print publications, and going door-to-door to speak to people are a few ways to reach out to the community. Advocates should also evaluate whether using electronic or other written forms of communication are appropriate for the project.

b. Designing an Interview Format

Selecting an Interview Location

As a general rule, the interview should be conducted in private. Interviewers may need to establish safe, off-site venues for interviewing, such as churches, mosques, synagogues, libraries, community centers, or schools that have private spaces. Generally, the interviewee should be allowed to select the time and place of the interview. It may be the interviewee's home, the interviewer's office, or a separate, third venue. Interviewers should suggest an alternative place if they feel that privacy or security will be compromised in the location chosen by the interviewee. For example, an interviewee who suggests a café should be informed that that venue may be noisy, requiring both parties to speak loudly about what could be potentially sensitive or personal topics, creating a risk of having others overhear the interview. If the interviewee insists on holding the interview in a space where others are nearby, interviewers should seek to conduct it out of the hearing range of others.



Some questions advocates should ask themselves when deciding on an interview location include the following:

- Is it accessible to the interviewee?
- Is it secure in that no one's physical safety will be compromised?
- Is there a chance of being overheard?
- Is there a chance the interview will be subject to interruptions?
- Will the interviewee be comfortable in the environment?

Keep in mind that different interviewees will feel comfortable in different settings; some people may prefer to speak in the privacy of their home, while others may prefer a neutral setting in another location.

Informed Consent

Advocates should always take steps to ensure that respondents give informed consent prior to participation. Informed consent involves providing the respondent with clear and accurate information about who the interviewer

represents, why the interview is taking place, and what the outcome will be.⁹² Informed consent may minimize any potential harm to the interviewee by creating appropriate expectations and ensuring that the interviewee's participation is voluntary.⁹³ The interviewer should explain to the respondent the extent to which the information will remain confidential.⁹⁴ In some cases, such as those involving high-level officials or authorities in remote areas, it may not be realistic to withhold the identity of the interviewee, in which case the interviewer should inform the interviewee and obtain his or her consent to proceed with the interview.

Advocates should develop an informed consent form for the respondent to read and sign or initial. In addition to the information above, suggested topics the informed consent form may include are:

- Basic information about the project;
- What will happen to the information from the interview;
- How and for what length the interview information will be stored;
- Confidentiality;
- The role of the interviewers;
- Expectations of what the organization can and cannot do;
- Disclosure of potential consequences of participating in the interview;
- A reminder that participation is voluntary;
- A reminder that interviewees may skip a question they do not want to answer or end the interview at any time;
- Information about potential re-traumatization; and
- Confirmation that the respondent will provide an accurate and truthful interview to the best of his or her knowledge and recollection.

The informed consent process may also include standardized consent questions allowing respondents to designate the level of confidentiality for the information they provide, including whether they want to remain anonymous. An advocate can give the form to the respondent to read or read it to the respondent.

Practitioner's tip: If respondents wish to remain anonymous, they should be given the option of signing their name on the informed consent form, making a verbal attestation as verified on the form by the advocate, or indicating consent in an alternative manner.

The informed consent process may also include standardized consent questions allowing respondents to designate the level of confidentiality for the information they provide, including whether they want to remain anonymous. An advocate can give the form to the respondent to read or read it to the respondent.

Documenting the Interview

Choosing a method by which to document or record the interview requires some degree of consideration. Recording tools can vary and include writing, audio recording, video recording, photography, sketches, and online mediums. Advocates should ask themselves:

- Whether they can effectively take handwritten notes and still capture details?
- Do they have the electronic infrastructure and funding to use electronic means?
- If using an audio or video recorder, can confidentiality be guaranteed? Is there a reason to think this method of recording will have a chilling effect on interviewees?

⁹² Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 41.

⁹³ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 36.

⁹⁴ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 41. Advocates may wish to explain the organization's citation to interviewees as part of informed consent. For example, the advocate may explain that the only identifying information to be cited will be the respondent's general title (if applicable), city and date.

The type of recording tool will depend on the type of monitoring and the project mandate. Monitoring may include interviews, visual inspection, process observation, collection and review of materials, photography, audio-visual or other recording, forensic examination, or any combination of these methods.⁹⁵ Advocates should consider the advantages and disadvantages of all types of recording an interview.

METHODS FOR INTERVIEW DOCUMENTATION:

 **Video.** In some cases, video/audio recording will be the appropriate means of fulfilling the mandate, especially when safety is not a concern. For example, an oral history project records the stories as told by the sources themselves. Advocates can make these available as transcribed, streaming audio, or video.⁹⁶ Unedited videos can be housed in libraries or other archives.

 **Audio.** Using audio equipment facilitates greater accuracy by documenting every word. However, using an audio recorder may have a chilling effect on some interviewees and may hinder their responses. Also, using audio equipment requires interviewers to be prepared to contend with technical requirements, such as making sure a battery is fully charged or ensuring there is an electrical source nearby. Audio equipment may also require an initial investment in the equipment itself, as well as additional time and personnel to transcribe or listen to the interview after it takes place.

 **Standardized Forms.** Using a standardized form can facilitate collection of consistent data sets, as it provides the monitor with a set of pre-determined information fields to fill. It also efficiently packages the information for a basic quantitative analysis. Advocates can use standardized forms as a mechanism to monitor and document human rights violations.⁹⁷ Such forms can also be used for intake purposes⁹⁸ or in combination with other forms of documenting the interview. When asking questions or filling in information, the advocate does not need to follow the order in which the questions are listed but should at least remain cognizant of the form to promote completeness.⁹⁹ If the situation calls for additional space or information, additional information can be recorded on a separate sheet of paper to be appended; the appendix should identify the source by a record number rather than the complainant's name.¹⁰⁰

 **Handwritten Notes.** Handwritten notes may allow interviewees to feel more comfortable and be more forthcoming in their responses. Also, having a notebook in hand facilitates diagramming, sketches, and maps to illustrate an event. On the other hand, it may be difficult for the interviewer to capture all the details and quotes. One way the interviewer can address this problem, however, is simply to pause the interview and ask the interviewee to repeat the statement. Also, handwriting notes will require that the interviewer invest time afterward to type up the notes or enter them into a database.

 **Electronic Notes.** Typing notes on a computer can facilitate greater accuracy in recording details or quotes. It can save interviewers time, since the majority of the notes will have been typed up simultaneously during the interview and may require only review and minor edits. Advocates should be aware of any potential chilling effects these devices may have and ensure the interviewee is comfortable with their use during the interview. As with audio equipment, using a laptop requires interviewers to be prepared to contend with technical requirements. Interviewers will need to make the initial investment in the equipment itself. If the organization decides to type its interviews, the interviewers should take steps to safeguard confidentiality by protecting interview notes through coding systems or passwords and should take appropriate steps to back up data.

! DO NO HARM !

Advocates should be aware of the heightened risks for confidentiality when using audio/video documentation. They should consider the risks of compromising interviewees' safety if the recording reveals their identities and should take measures to safeguard this information. Also, interviewers should seek to limit recording to what is needed for the project.¹⁰¹ Interviewers who record using audio equipment should discuss the risks and the measures undertaken to protect confidentiality, as well as how the recording will be stored and used, prior to obtaining the interviewee's consent to be recorded.¹⁰²

⁹⁵ Guzman and Verstappen, *What is Documentation*, *supra* note 30, at 19.

⁹⁶ ACT UP Oral History Project, "About," accessed Jan. 17, 2014, <http://www.actuporalhistory.org/about/index> (for example).

Using Interpreters

If translation is needed, advocates should find a qualified interpreter who understands the terminology specific to the issue being investigated. The interpreter's role is to neutrally and objectively facilitate communication.¹⁰³ Interpreters should be held to the basic principles of human rights monitoring as fact-finders.

When selecting interpreters, advocates should ensure that they have the fundamental skills needed to interpret in an accurate and sensitive manner. Interpreters should be appropriate to the context, and not, for example, come from a population group that may intimidate interviewees or hinder their responses.¹⁰⁴ For example, using an interpreter from an ethnic group with historical conflicts with the interviewee's ethnic group may inhibit or offend the interviewee. Similarly, using an interpreter with a well-known past role in the government may intimidate potential respondents and limit their participation in the process.

Vetting an interpreter is an important safeguard to ensure that there are no conflicts of interest or risks of harm. Advocates should also ensure that interpreters are not personally intimidating. Advocates should understand the dynamics of the community and abuse; for example, a rape victim may be more comfortable speaking through a female rather than a male interpreter. Ultimately, advocates may find it necessary to use interpreters who do not live in the area under investigation.¹⁰⁵

Advocates should draw up guidelines for interpreters and provide the following instructions:

- Respect confidentiality.
- Ensure accuracy and completeness. The interpreter should translate everything that is stated and inform the interviewee that he or she will do so. Interpreters should not summarize the interviewees' words, but translate as closely as possible to the original words. Interpreters should understand it is essential to convey the exact spirit and meaning of the words. The interpreter should ask the interviewee to pause to allow him or her to translate as needed.
- Be impartial. If an interpreter cannot interpret impartially, the advocate should not invite the interpreter to participate in the project or should even ask them to withdraw. The interpreter should never tell the interviewee what to say. The interpreter should avoid judgment.
- Be professional. Interpreters should maintain professional boundaries and avoid helping the client outside of the project mandate.¹⁰⁶
- Attend any applicable trainings and read training materials.
- Review pertinent vocabulary and become familiar with the context.
- Speak clearly in a normal voice that both parties can hear.
- Clarify the meaning of special terms or words with the interviewer and interviewee as needed.
- Speak in first person.
- Self-monitor and correct as needed.¹⁰⁷

⁹⁷ Office of the High Commissioner for Human Rights, "Part Three: The Monitoring Function," in *Training Manual on Human Rights Monitoring*, *supra* note 28, at 103.

⁹⁸ Office of the High Commissioner for Human Rights, "Appendix 1 to Chapter XX of OHCHR," in *Training Manual on Human Rights Monitoring*, *supra* note 28.

⁹⁹ *Ibid.*, 103.

¹⁰⁰ *Ibid.*, 104.

¹⁰¹ Columbia University/Columbia Medical Center, "Institutional Review Board Policy/Procedure: Audio/Video/Photographic Recording of Human Subjects," 1 (Effective Apr. 12, 2005).

¹⁰² *Ibid.*, 2–3.

¹⁰³ Ravindran et al., *Handbook on Fact-Finding and Documentation of Human Rights Violations*, *supra* note 73, at 36.

¹⁰⁴ Women, Law & Development, *Women's Human Rights Step by Step*, *supra* note 39, at 145.

¹⁰⁵ Office of the High Commissioner for Human Rights, "Basic Principles of Monitoring," *supra* note 28, at 113.

¹⁰⁶ The Advocates for Human Rights, "Interpretation/Translation," (Minneapolis: The Advocates for Human Rights) (unpublished, on file with The Advocates).

Conducting the Interview

Ideally, a two-person team should conduct the interview: one person to lead the interview and ask questions and the second person to take notes and ask follow-up or clarification questions if necessary. Working in teams can promote accuracy for the interviewee, as well as security in areas deemed risky. In some cases, a third person, such as an advocate or support person, may also be present. Advocates should ensure interpreters know and understand the ground rules for interpretation.¹⁰⁸ Where only one person is available to conduct an interview, that person should proceed with the interview, taking time as needed to record details and ask for clarification when needed.

Before the interview begins, the interviewer should make introductions, describe the project and its mandate, explain the interviewer's role, reassure the participant of procedures to maintain confidentiality, review the informed consent process with the interviewee, and underscore the importance of details during the interview.¹⁰⁹ It may be helpful to prepare a checklist for team members to carry into interviews to ensure they cover all points with the respondent.

At the start of the interview, the interviewer should record basic details about the interview, such as the following:

- Name of the interviewer(s);
- Name of the interviewee(s);
- Title and associated organization of the interviewee(s);
- Name of the interpreter, if applicable;
- Location where the interview took place;
- Date and interview start time; and
- Contact information.

Whether the record should include additional attributes of the interviewee will depend on the mandate and project goals. Examples of other traits that may be relevant are age, sex, occupation, place of origin, religion, nationality, ethnicity, language, familial status, immigration status, education levels, and income. Advocates should ask the interviewee which data may or may not be used.¹¹⁰

The protocol should include whether the interview notes will be recorded in first or third person. In general, recording an interview in first person can capture the person's words as stated and facilitate greater accuracy in quotes. Also, entering personal notes about follow-up, credibility, and references to other data is a good way to record the interviewer's reflections, but such notations should be clearly set off in brackets or double parentheses to reflect that it comes from the interviewer, not the interviewee.¹¹¹

As part of the protocol, advocates should develop and adhere to a controlled vocabulary. A controlled vocabulary reconciles synonymous terms and will facilitate the end processing of the information. For example, fact-finders and respondents may use different terms interchangeably to describe the same concept: domestic abuse and domestic violence; perpetrator and offender; and penal code and criminal code. During the analysis phase, an advocate searching for one term may not identify a record that uses the alternative term. By developing a controlled vocabulary that dictates which word will be used, advocates can make the monitoring process more effective.

¹⁰⁷ Ibid.

¹⁰⁸ See the Section on Using Interpreters on the previous page.

¹⁰⁹ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 41.

¹¹⁰ Ibid., 46.

¹¹¹ Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis* (Newbury Park, CA: SAGE Publications, Inc., 1984), 64–65.

During the interview, advocates may take several steps to promote credibility. They should test the internal consistency and coherence of the narrative. Asking the same question different ways can help interviewers gauge the credibility of an interviewee.¹¹² Advocates might also consider establishing a mechanism to detect potential problems in the monitoring phase that might affect credibility, such as team members recording false or inaccurate information, not adhering to the protocol, or failing to complete work.¹¹³

Finally, the interviewer should keep in mind the following guidelines throughout the interview:

- Build rapport and be patient. Maintain eye contact and sit level with the interviewee.¹¹⁴ Letting the respondent state what he or she believes is significant, even if not germane to the mandate, can bridge a connection between the interviewer and interviewee.¹¹⁵ Allow the interviewee to tell the story and answer questions at his or her own pace. Do not rush the interview.¹¹⁶
- Avoid judgment or evaluation.¹¹⁷ Be aware of non-verbal signals (by the interviewer), such as facial expressions that reveal shock or judgment.
- Do not interrupt the interviewee.¹¹⁸ If questions or confusion arise, make a note to ask when the interviewee is finished speaking.
- Do not push the interviewee.¹¹⁹ If an issue is too sensitive, come back to it later. Remember this is not a prosecution; do not cross-examine the interviewee.
- Be sensitive to cultural differences.¹²⁰ For example, in some cultures, it may be disrespectful to look authorities or elders in the eye when speaking. Be aware of and sensitive to these differences.
- Obtain as much relevant detail as possible. Verifying and recording the names and titles of people, places and dates will help preserve the information more accurately. Verify spelling when needed. If appropriate and helpful to better depict the event, interviewers may request the interviewee to sketch a diagram or picture or use gestures to describe the event to be described in the interview notes.¹²¹
- Ask questions to clarify. This may be the only and last opportunity the interviewer has to speak with the interviewee, thus clear up confusion or obtain more detail at the interview.
- Use your observation skills. If relevant to the project's objectives, observe and describe the interviewees' physical and psychological symptoms during the interview.¹²² During the interview, evaluate the overall demeanor and credibility of the interviewee.¹²³
- Respect confidentiality at all times. Never discuss with interviewees what other interviewees have revealed. It violates the principle of confidentiality, and it also diminishes the interviewer's credibility.¹²⁴
- Treat each interview as though it will be the last with that person. Be adequately prepared, strive for optimal interview conditions, and be thorough.¹²⁵
- Know when to stop.¹²⁶ If the interviewer begins to lose control of the situation, be prepared to stop the interview and either restart after regaining control or reschedule.

¹¹² Office of the High Commissioner for Human Rights, "Basic Principles of Monitoring," *supra* note 28, at 105.

¹¹³ Rosenblum, *Monitoring Labour Rights: A Resource Manual for NGOs*, *supra* note 50, at 25.

¹¹⁴ The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," *supra* note 72.

¹¹⁵ Office of the High Commissioner for Human Rights, *Training Manual on Human Rights Monitoring*, *supra* note 28, at 116.

¹¹⁶ The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," *supra* note 72.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ The Advocates for Human Rights, "Making the Global Local" (unpublished powerpoint presentation on file with The Advocates).

¹²¹ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 45, 47.

¹²² Office of the High Commissioner for Human Rights, "Part Three: The Monitoring Function," *supra* note 97, at 106.

¹²³ The Advocates for Human Rights, "Making the Global Local," *supra* note 120.

¹²⁴ Women, Law & Development, *Women's Human Rights Step by Step*, *supra* note 39, at 47, 149.

¹²⁵ Kaplan, *Human Rights Documentation and Advocacy*, *supra* note 38, at 40.

¹²⁶ The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse," *supra* note 72.

At the end of the interview, interviewers should ask if the respondent has anything else to add, any suggestions for other people to interview, and any questions for them. Interviewers should thank the respondents and provide referrals if appropriate.

Referrals

When working with an affected group that is likely to be in need of services, such as social, psychological, or financial, the advocate should be prepared to provide referrals while respecting the interviewees' autonomy and confidentiality.¹²⁷ Referrals for support can include emergency phone numbers, child care services, clothing resources, food shelves and free meals, health care, counseling services, employment services and programs, housing referrals, legal assistance, services for new immigrants, and other resources specific to the target population. Advocates may want to develop a standard referral form listing community resources and phone numbers to have available at interviews. Where support resources are lacking, advocates should consider establishing short-term support structures through volunteer services or collaborations with appropriate agencies.¹²⁸

c. Handling Difficulties

Advocates should develop guidelines for addressing common problems that may arise during interviews. Guidelines should instruct interviewers to remember their duty to maintain control over the interview. They should balance this responsibility with other principles and remind interviewers to remain sensitive and professional at the same time.

Advocates should prepare in advance for difficult or hostile interviewees. In this situation, the interviewer should maintain professionalism and avoid judgmental responses. Interviewers can help defuse tension in the interview by providing context to build trust, demonstrating an understanding of the challenges, backing up and engaging in "small talk" if appropriate, and rephrasing questions. If all else fails, the interviewer should end the interview and seek to reschedule.¹²⁹

Developing ground rules on how to minimize or prevent interruptions during the interview is an important measure when the interviewee does not wish her participation to be known or the communications are sensitive. Before the interview begins, interviewers should advise the interviewee of how they will handle interruptions. Should an interruption occur, interviewers should be prepared to end the interview or switch to a safe discussion topic. Interviewers can use other team members to divert the attention of other household members who are present.¹³¹

In some cases, the interviewee may need and want to bring others along to the interview. For example, the interviewee may need to bring small children along, in which case the interviewer should consider bringing toys, candy, or coloring books to distract them. If the interviewee brings along an advocate or support person, the interviewer

Practitioner's tip: Interviewers should also bring tissues and water when the interview will be long or emotionally difficult for the respondent. Also, interviewers may be on a tight schedule or interviews may run longer than expected. Bringing snacks and having a cell phone on hand will help interviewers navigate through a busy day. They should also stay flexible and arrange breaks to relax as needed.¹³⁰

¹²⁷ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 36–39; Women, Law & Development, *Women's Human Rights Step by Step*, *supra* note 39, at 149.

¹²⁸ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 36.

¹²⁹ The Advocates for Human Rights, "Human Rights Monitoring: Documenting Domestic Violence as a Human Rights Abuse" *supra* note 72.

¹³⁰ Women, Law & Development, *Women's Human Rights Step by Step*, *supra* note 39, at 145.

¹³¹ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 39, 173.

should establish that the purpose of the interview is to obtain information from the designated interviewee and clarify the role of the third person as that of support.

d. After the Interview

Advocates should type up, transcribe or process their interview notes as soon as possible to promote accuracy. Interviewers should review their notes and seek clarification from the other team member present at the interview. They should make any notes about credibility and identify gaps to determine whether there is a need for follow up.¹³² Team members should debrief with each other either daily or on a regular basis and evaluate the process for gaps or unexpected hurdles.

Step 6. Training the Monitoring Team.

Training the fact-finding team is an important stage in the monitoring process. Advocates should invest time and thought into developing an appropriate and thorough training program to accomplish the following:

- Sensitize fact-finders to the human rights issues;
- Train fact-finders on the project mandate, methodology, and interviewing; and
- Develop a sense of team and motivation among team members.¹³³

In general, the training program should include the following:

- Information about the organization, project, its mandate, and protocol;
- Expectations;
- Background on international human rights standards;
- Information about the particular human rights violations to be investigated and the specific context;
- Ethical considerations;
- Re-traumatization, vicarious traumatization, and stress management; and
- Practical instruction on how to carry out fact-finding.

Developing a training manual with information on these issues, plus contact information for the organization, can be an important resource for team members. If resources are limited, organizations can create CDs with the training information or upload materials to a secure online location to save printing costs. Also, advocates may consider videotaping the training and making it available on DVDs or online video streaming. Advocates should keep in mind, however, that print or video materials cannot replace the value of live training that allows trainees to ask questions and to work with other team members.

i. Information on the Organization, Project, Its Mandate, and Protocol

Training should describe the organization and project, including project origins, scope, objective, timeline, and final outcome, and provide team members with copies of this information for later reference. The training should also instruct team members on the protocol for conducting fact-finding. Ensuring that team members know and understand the project and its protocols is an important means of maintaining credibility and ensuring adherence to the project mandate.

Advocates should give team members tools to help illustrate and reinforce these messages. Providing team members with organizational brochures, annual reports, or a recent report can help promote an understanding of the organization. Developing a set of answers to “Frequently Asked Questions” about the organization and project may be helpful for team members to understand the project and prepare them to respond to questions they

¹³² The Advocates for Human Rights, “Making the Global Local” *supra* note 120.

¹³³ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 159.

encounter. Organizations may also provide team members with reference packets about the organization, project, and mandate for team members to carry while fact-finding.

ii. Expectations

Trainings should communicate both what the organization expects of the team member and what the team member may expect from the organization. It may be useful to delineate a statement of the understanding to communicate to team members before the monitoring begins.

A statement of understanding should begin by confirming the agreement between the organization and the team member regarding the fact-finding project. It should describe the purpose of the project and its expected timeline. The statement of understanding should outline the commitment of the organization to the project. The specific obligations of the organization may include the following:

- To assist in preparing the objectives and details of the fact-finding project and the team member's participation, including the organization's expectations of what the project will accomplish;
- To provide briefings on practical advice concerning the human rights project;
- To supply briefing materials including background information for the project and resources for referrals to service providers as needed during the course of fact-finding; and
- To communicate protocols and procedures and any changes to the team members.

The statement of understanding should also include the commitment of the team member to the project. These obligations may include the following:

- To prepare background and preparatory materials as agreed;
- To complete the training;
- To read and review background and preparatory materials provided and refer to them as needed;
- To keep all information related to the project confidential and to agree not to disclose any information about the interviewees or the interview content to anyone outside of the organization staff or other members of the team;
- To contact the organization should any unusual circumstances arise during the project;
- To keep a record of all pertinent information obtained during the project, subject to the need for confidentiality to protect project contacts, including the names and addresses of all contacts made throughout the project and notes of the interviews to which delegate is assigned;
- To comply with the protocols and procedures as established by the organization;
- To respect all boundaries and not enter into a client-attorney, patient-medical provider, or other relationship with the respondent outside of project scope;
- To complete a certain number of hours or interviews within a specified timeframe;
- To complete his or her work according to the project protocol;
- To return all completed interview notes and work product to the organization in a timely manner;
- To demonstrate communication and flexibility, accept changes to the protocols and procedures as they arise, and work cooperatively with other members of the team at all times;
- To understand that vicarious trauma is a possibility when conducting fact-finding;
- To coordinate all communications about the project with the organization, forward all media or other public requests to the organization, and agree not to speak on behalf of the project without specific authorization by the organization;
- To submit an expense report for any reimbursable expenses to the organization within a specified deadline;

- To assist with the final fact-finding and documentation report; and
- To assist with advocacy activities related to the project.

The training should address the expenses, if any, the team member is responsible for paying and the expenses the organization will reimburse, such as travel, lodging, and per diem expenses. If the organization is compensating fact-finders, it may want to develop an employment agreement for team members.

Depending on the project, the organization may wish to address any potential risks and ensure the monitor understands there may be potential risks involved in the project. It may consider drafting a waiver agreement that releases the organization from any claim or right of action arising from or by reason of any physical harm, physical detention, health problem, or property loss which results from participation in the project.

It may be helpful for organizations to codify these expectations in a formal written statement of understanding for all team members to review and sign prior to committing to the project. If possible, organizations should have an attorney review the agreement.

iii. Background on International Human Rights Standards

The training program should address human rights and the relevant international standards. There are numerous tools available for training on human rights. For example:

- The Office of the High Commissioner on Human Rights offers educational materials on its website, information on human rights basics, and thematic fact sheets.¹³⁴
- DiscoverHumanRights.org includes several free resources, including a human rights toolkit, human rights primer, information on the human rights system, and human rights in the U.S.¹³⁵
- The Urban Justice Center's Human Rights Project has developed numerous tools and trainings about human rights standards and strategies for using them to advance domestic policy.¹³⁶

iv. Information about the Particular Human Rights Violations to be Investigated and the Specific Context

The training for the monitoring team should describe the human rights violations to be addressed by the project, including both the defined issue and all the associated violations. For example, a project investigating sex trafficking would address not only the human rights violation of trafficking itself, but also other abuses such as sexual assault, general assault, kidnapping, and false imprisonment. Advocates can develop their own tools or use news articles and reports to provide examples of how the problems manifest themselves.

Where relevant, the training should cover the timeline or key events leading up to or contributing to the human rights violations. The timeline should include all relevant occurrences, such as social, legal, and political events, historical root causes, incidents of major human rights violations, and economic factors. It should also address the context, local conditions, key players, and stakeholders. For example, context may include the local community dynamics, general attitudes and perceptions, or availability of victim resources.

Where relevant, the training should also address the federal and local laws governing the issue, as well as official protocols, guidelines, and other policies. Advocates should think inclusively about all possible instruments that may govern an issue. For example, a project monitoring domestic violence should address the following: criminal

¹³⁴ Office of the High Commissioner for Human Rights, "Training and Education," accessed Jan. 17, 2014, <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>; Office of the High Commissioner for Human Rights, "Human Rights Basics," accessed Jan. 17, 2014, <http://www.ohchr.org/EN/PublicationsResources/Pages/HumanRightsBasics.aspx>; Office of the High Commissioner for Human Rights, "Fact Sheets," accessed Jan. 17, 2014, <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>.

¹³⁵ The Advocates for Human Rights, "General Human Rights," accessed Jan. 17, 2014, http://www.discoverhumanrights.org/general_human_rights_2.html.

¹³⁶ Urban Justice Center, "Human Rights Project," accessed Jan. 17, 2014, <http://www.hrpujc.org>.

laws on domestic violence, assault, terroristic threats, strangulation, and any other relevant provisions; civil laws on orders for protection, harassment restraining orders, remedies, and child custody; protocols and guidelines on child protection, victims of crime, social services, and legal aid; and related forms and protocols on documenting domestic violence, filing applications for orders for protection, and issuing orders for protection for police, judges, and court personnel. On the other hand, a project monitoring peer-to-peer bullying in school might only focus on school policies, cyberlaw on harassment and stalking, and the juvenile justice system.

The training should address other pertinent topics, such as history, body language, non-verbal cues, such as common or disrespectful hand signals, cultural considerations for building rapport, and common vernacular phrases. These considerations are particularly important when working with specific communities. Informing monitors of cultural nuances such as these will help promote sensitivity during the monitoring process. Team members may find it helpful to have maps or other visual aids at the training if relevant. Also, including a glossary, list of key words, players, and acronyms may facilitate team members' understanding of the context.

It may be helpful to bring in advocates or experts to train on specific issues. For example, if the investigating organization is working with an immigrant population, advocates should consider bringing in an appropriate person from that community who can present cross-cultural training for fact-finders. As another example, an organization investigating sexual assault may consider using an advocate from a crisis center to discuss the dynamics of sexual assault and victim considerations.

v. Ethical Considerations

Training should emphasize the principles of monitoring and particularly emphasize the ethical considerations for conducting fact-finding. Above all, fact-finders should do no harm and always keep in mind the safety of the people providing the information. Also, fact-finders should respect the mandate; understand the country and respect the authorities; protect confidentiality of information; always exercise good judgment; behave professionally; and remain impartial, objective, accurate, and patient.¹³⁷

To maintain credibility, an interviewer should avoid making promises to participants that cannot be kept. For example, if an interviewee asks the advocate to meet with legislators about the report, the advocate may not be able to commit to that request for a number of reasons. There may be potential conflicts of interest, it may be premature to commit to a particular advocacy strategy, and that advocate may even have exited the project at that point in time.

Also, advocates may need to consider the issue of compensation for interviewees and how it may impact the credibility of the project. On the one hand, interviewees are using their time, energy, and possibly their own transportation to participate in fact-finding; offering compensation recognizes the value of their time and may bring a larger participant pool.¹³⁸ On the other hand, compensating interviewees could be seen as breaching the principles of voluntary participation or compromise the objectivity of the monitoring.¹³⁹ There may be an inclination for the participant to give information he or she perceives is agreeable to the interviewer.¹⁴⁰ Should organizations wish to recognize participants' time, one option is to compensate participants with non-monetary tokens of appreciation, such as coffee mugs, tee-shirts, or a meal.¹⁴¹ Reimbursement of participants' travel expenses is

¹³⁷ See the description of monitoring principles in Part A of this chapter.

¹³⁸ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 178.

¹³⁹ *Ibid.*

¹⁴⁰ Office of the High Commissioner for Human Rights, *Training Manual on Human Rights Monitoring*, *supra* note 28, at 110.

¹⁴¹ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 178. (Organizations should be cautious about any messaging on these tokens that could jeopardize the confidentiality of respondents' participation in the project).

another form of compensation.¹⁴² Finally, organizations can make symbolic gestures, such as dedicating the final report to victims or participants.

Monitoring human rights violations in the United States can have legal implications for respondents and team members. If there are potential criminal and immigration ramifications for respondents and others involved in the project, there may be a need to train team members to be alert for such risks. Advocates should establish safeguards or protocols regarding these issues before the training and be prepared to inform fact-finders of the procedures to follow. For example, advocates may have built in a legal consultation system for respondents to use before they participate in an interview. Training should describe this process to team members, clearly delineate roles, and provide them with the lawyers' contact information.

Providing examples of scenarios may help team members understand how to apply ethical principles to different situations:

Situation	Non-ethical response	Better ethical response
Interviewer is concerned about the psychological state of the interviewee after an interview	Interviewer calls a psychosocial counselor without obtaining the client's permission and asks the counselor to follow up with the client.	Interviewer provides closure and allows enough time for the interviewee to compose himself/herself and transition back to the present. Interviewer acknowledges that it may be difficult to discuss past abuse and return to reality and checks whether interviewee has somewhere to go or someone to be with that evening. Interviewer validates and normalizes the manner in which the survivor conducted himself/herself during the interview. ¹⁴³ Interviewer provides an approved referral to the interviewee. Interviewer debriefs with the team leader and discusses possible follow-up with interviewee.
Interviewer is experiencing vicarious traumatization and having difficulty managing his or her own stress.	Interviewer talks with partner or spouse about the stories as a way to manage stress.	Interviewer debriefs with team members after each interview. Interviewer remembers the larger mission of the project. Interviewer addresses his or her own emotional and mental health needs and nurtures sources of hope and inspiration. Interviewer contacts the organization team member with concerns and questions. ¹⁴⁴
Interviewee asks interviewer for legal or medical advice in the course of the fact-finding.	Interviewer gives legal or medical advice to the interviewee outside the scope of the project mandate.	Interviewer remembers his or her role as a fact-finder and maintains boundaries. Interviewer provides appropriate referrals to interviewee.

¹⁴² Office of the High Commissioner for Human Rights, *Training Manual on Human Rights Monitoring*, *supra* note 28, at 110.

¹⁴³ The Advocates for Human Rights, *Liberia TRC Statement Taker Training Manual*, Section 5A (citation omitted), http://www.theadvocatesforhumanrights.org/Statement_Taker_Training_Manual.html.

¹⁴⁴ *Ibid.* Section 5D, as adapted from *Interviewing Survivors of War Trauma and Torture*, Patricia Shannon, Ph.D. I.P, Center for Victims of Torture, presented for Minnesota Advocates for Human Rights on Dec. 15, 2006; *Secondary Traumatization*, Andrea Northwood, Ph.D., Center for Victims of Torture.

Situation	Non-ethical response	Better ethical response
Interviewee does not understand the question posed.	Interviewer mentions another interviewee's response (with or without the name) as a way to explain the question.	Interviewer reframes the question a different way; if interviewee still does not understand the question, interviewer moves on.

Trainings should also address ethical considerations that may arise after the project is finished. For example, a team member may want to write a blog entry or an academic piece about the project or about his or her experience. When the team has communicated to respondents the purpose of the interview and assured them of the confidentiality, such activities could compromise those assurances and the organization's credibility. Organizations should develop their own policies for these and similar matters. At all times, however, organizations should be guided by the ultimate priority of protecting confidentiality of the information. To safeguard against any breach of ethics, advocates should communicate to team members beforehand that information resulting from the project cannot be used for independent purposes without authorization from the organization.¹⁴⁵

vi. Re-traumatization, Vicarious Traumatization, and Stress Management

a. Re-traumatization

Training should prepare the monitors for the potential of re-traumatization of interviewees. Particularly where a torture victim recounts the events of his or her abuse, the experience can bring back traumatic memories. Re-traumatization cannot always be prevented or avoided, but it can be minimized or managed. Some tips for fact-finders in handling emotions include the following:

- Pace the interview to avoid overwhelming the interviewee;
- Recognize and acknowledge the difficulty in reliving the abuse;
- Demonstrate empathy;
- Validate and normalize the interviewee's conduct during the interview; encourage the interviewee's emotional expression in a supportive environment;
- Redirect;
- Promote self-awareness, monitoring and management;
- Actively listen to the interviewee;
- Avoid assumptions or judgments about the interviewee's behavior; avoid labeling or categorizing the interviewee's behavior; avoid shaming the interviewee;
- Use self-control over interviewers' own shock or anger over the victimization; recognize and own their personal discomfort with any of the interviewee's issues, so it is clear to the interviewee that it is the issue—not the interviewee—causing the discomfort;
- Develop knowledge about the dynamics of the human rights violation, its physical, social, and emotional consequences, and relevant history; and
- Do not hug or otherwise touch the interviewee.¹⁴⁶

¹⁴⁵ Women, Law & Development, *Women's Human Rights Step by Step*, *supra* note 39, at 145.

¹⁴⁶ *Liberia TRC Statement Taker Training Manual*, *supra* note 143, Section 5A, 5C, as adapted from Minnesota Coalition against Sexual Assault training Manual, "What People Who Are Victims/Survivors Need."

b. Vicarious or Secondary Trauma

The training program should also address the possibility of vicarious traumatization of the fact-finders. Vicarious traumatization is trauma-related stress from working with survivors of abuse. Trainings should alert team members to be aware of the symptoms, including fatigue, sadness, withdrawal, apathy, indifference, emotional numbness, forgetfulness, confusion, and cynicism. Other symptoms include: loss of compassion or trust in humanity, demoralization, and loss of emotional control, creativity, problem-solving skills, and sense of humor. The physical symptoms of vicarious trauma include difficulty sleeping or relaxing, headaches, stomach pain, diarrhea, joint or muscle pain, and illness.¹⁴⁷

Trainings should emphasize the following ways to manage vicarious trauma:

- Debrief with team members after each interview;
- Remember the larger mission of the project;
- Address interviewer's own emotional and mental health needs;
- Nurture sources of hope and inspiration; and
- Contact an organization team member with concerns and questions.¹⁴⁸

Also, the training can include reference to background reading material to help fact-finders understand and manage potential vicarious trauma.¹⁴⁹ If advocates anticipate a high degree of probability that the fact-finders will experience secondary traumatization, they should consider enlisting professional psychosocial counselors to assist with training the monitoring team.

vii. Practical Training

The monitoring protocol will dictate the specific topics of the training, but in general, advocates should address these subjects:

- Overall guidelines to conducting interviews;
- Fact-finding protocol, which may be provided to monitors as a checklist, including:
 - Setting up interviews
 - Establishing interview locations
 - Completing informed consent procedures
 - Carrying out the interview (including introduction and what information to collect in the interview)
 - Recording the interview
 - Using standardized forms for the interview
- Using interpreters, if applicable;
- Cross-cultural issues;
- Handling difficult interviewees; and
- Follow-up and referrals.

Mock interviews can illustrate and reinforce the monitoring protocol. A mock interview not only illustrates the interviewing protocol, but it also can demonstrate unexpected challenges and how to respond to them. Advocates should engage a team member with past fact-finding experience to play the roles of the interviewee and interviewer. One method is for the trainer to develop a set of interview questions and allow the "interviewee" to ad-

¹⁴⁷ Liberia TRC Statement Taker Training Manual, *supra* note 143, Section 5D, as adapted from, Patricia Shannon, Ph.D. I.P., "Interviewing Survivors of War Trauma and Torture," Center for Victims of Torture (presentation, Minnesota Advocates for Human Rights, Minneapolis, MN, Dec. 15, 2006); Andrea Northwood, Ph.D., "Secondary Traumatization," Center for Victims of Torture, <http://www.cvt.org/file.php?ID=5718>.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

lib answers or read prepared responses. The mock interview should also conclude with evaluation and questions from team members.¹⁵⁰

Step 7. Storing the Information

A final, but important, step in the monitoring stage is documentation retention and storage. There are no one-size-fits-all information management solutions for human rights organizations. Indeed, the data storage needs and modes of each discrete project may require advocates to design unique storage policies. Advocates should develop and follow a protocol to protect data in storage and in publication to ensure that respondents can neither be identified nor associated with the information they gave. The level of security measures will depend on the scope of the project and the issues being investigated. For example, information gathered in a small community may require greater anonymity and more detailed security procedures than a broader survey. See Chapter 11, starting on page 316, for additional information on digital security.

In developing a data management scheme, the advocate must weigh several other considerations, asking questions such as the following:

- What resources are available to the organization for secure electronic and/or physical storage?
- What is the size and scope of the project?
- What level of information security is necessary to adequately protect confidentiality and uphold the principle of do no harm?
- Is long-term archival preservation of the first-hand accounts collected part of the project mandate?

Appendix A provides a more detailed discussion of storage options and considerations.

¹⁵⁰ Ellsberg and Heise, *Researching Violence Against Women*, *supra* note 33, at 163.

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