

Principles of Human Rights Monitoring

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Defenders of Human Rights

At present, several elements exist that should encourage human rights defenders in their work. There is a growing consciousness on the part of individuals for the need to protect human rights around the world. An increase in privatization and a subsequent reduction in the power of states give individuals a feeling of being separated from any decision-making process. At the core of the anti-globalization movement, for example, there is a feeling of frustration with the marginalization of individuals within civil society. There is a sense on the part of the individual of being left out. At the same time, civil society is redefining itself to respond to real political and economic changes. We could also speak of the globalization of human rights in response to the international threat to fundamental rights by governments and private interests.

There have always been violations of human rights in the history of the world. However, at the present time, violations and civil conflicts are increasing, in parallel with the number of countries that do not have structures of governance or procedures in place to protect the rights of their citizens. These phenomena have implications for the economy, the environment and health, leading to new challenges for human rights defenders. At the same time, however, there is a better understanding of human rights abuses today. As well, we are better equipped than ever before with tools, networks and partners. New communication technologies, notably, facilitate the effective exchange of information.

A third aspect of the context within which defenders of human rights work is linked to the state of the world since September 11th, 2001. The fight against “terrorism” or “fundamentalism,” as well as national security concerns, combine to give rise to policies that risk threatening the traditional protection of rights. This new world order is producing new alliances that are dangerous to the defense of human rights (e.g., reactionary law, extremism).

Monitoring Human Rights

The human rights monitoring process comprises three essential components:

1. *Researching* and compiling information. These activities are at the heart of organizations, such as Amnesty International, which directed 132 research projects last year;
2. *Analysis* of information, starting at the research stage but continuing in-depth after the collection of data is complete;
3. *Documentation* of research that results in action campaigns. Urgent appeals, for example, allow people across the world to respond to a violation of human rights just days after the appeal is issued. Amnesty International sent out 863 urgent appeals in 2001.

Why Monitor Human Rights?

An obligation to monitor human rights is imposed on all who are sensitive to the protection of these rights. Monitoring is necessary because violations continue to exist throughout the world. As well as being the responsibility of individuals, the monitoring of human rights is also the responsibility of institutions - a responsibility of governments in particular. These responsibilities stem from national laws and international human rights instruments. More and more, there is recognition of the responsibility of businesses to promote human rights, even if this is difficult to put into action. Monitoring human rights must be the responsibility of all those in positions of power. It is also necessary to put an end to the problem of impunity of those who violate human rights. The International Criminal Court should become another way to hold individuals responsible for the abuses they commit.

The process of monitoring helps with the establishment of current and future human rights standards in international organizations, such as the United Nations, and in regional organizations like the African Union, the Organization of American States and the Council of Europe. Legislation at the national level is not always adequate and the support of international organizations is often necessary. Monitoring human rights allows the standards of these inter-governmental organizations to be improved and their mechanisms for applying these standards to be strengthened.

Who monitors human rights?

Local, grassroots organizations are invaluable for monitoring human rights. Equally important is the role played by individuals who are concerned with human rights at the national or international level. At the international level, there are non-governmental organizations, such as Amnesty International, Human Rights Watch and Doctors Without Borders. The challenge is to coordinate the work of these organizations so they can be mutually strengthened. Human rights commissions, both non-governmental and governmental, are also involved in monitoring. The latter can sometimes be a little problematic; however, governments do have international obligations -and often national obligations as well - to monitor and document the situation of human rights in their countries.

Which Human Rights Should be Monitored?

All human rights must be monitored. The Second World Conference on Human Rights, held in Vienna in 1993, reinforced the notion of the indivisibility of human rights. International standards confirm the universal nature of human rights. Rights must be protected regardless of religious or cultural differences. The abuses which are documented are violations committed by those in power, violations resulting from acts and omissions of government agents, and those committed with the complicity of the state.

How are human rights monitored?

Human rights are monitored with the help of partners, as well as regional and worldwide networks of human rights defenders. Monitoring depends on field missions and meetings with witnesses, families of victims, prisoners, refugees, advocates, lawyers, journalists, and others. Media reports and official government press communications can help in the collection of data, but these must be carefully analyzed and verified.

The reputation of human rights monitors rests on the credibility of their work. To maintain this credibility, the monitoring process must ensure the following four factors:

- 1) *Impartiality*: monitors must not give the impression that they are on the side of one political party or one group in particular (apart from those who are victims of human rights violations).
- 2) *Accuracy of information*: accuracy of information cannot be taken for granted. Serious analysis and verification of any data and recourse to many sources of information is necessary to ensure accuracy.
- 3) *Confidentiality*: it is extremely important to protect individuals who furnish information on human rights abuses. Publishing anonymous information should only be done with the agreement of the person who furnished it.
- 4) *Security*: defenders of human rights must be conscious of the inherent danger of their work and take measures to protect their own security and that of their informers.

Conclusion

Monitoring of human rights can be summed up in three key words: action, awareness and promotion. Research must be translated into concrete action in order to educate and heighten the awareness of people and improve the policies of those in power.

Mr. Jean Clement Bagré

The Promotion and Protection of Human Rights: the Case of Burkina Faso

The *Mouvement Burkinabé des droits de l'homme et des peuples (MBDHP)* was founded in Burkina Faso in 1989 to defend and promote human rights. Since its independence, Burkina Faso has had an equal number of constitutional regimes and military regimes. Following the last military regime in

1987, a group of citizens started this organization in order to monitor how public power was used and to oblige political authorities to assume responsibility for their actions and omissions.

The organization gave itself a three-pronged mission:

1. *Promotion* of human rights, examining the substance of rights, advocacy mechanisms and citizens' obligations, in order to ensure rights for all. The organization created "rights boutiques," which are resource centres for people who wish to be informed about their rights or who believe themselves to be victims of violations.
2. The *protection* of human rights, consisting of monitoring government action to verify if it adheres to international human rights standards, and informing the population of their state's obligations vis-à-vis national, regional and international instruments.
3. The *defense* of human rights, which involves documenting and following up each case of abuse and ensuring the security of people who testify in front of the MBDHP.

The Assassination of Norbert Zongo

There have been 218 unexplained assassinations in Burkina Faso since 1987. The assassination of journalist Norbert Zongo unleashed a civil movement against a wide-spread situation of human rights violations and political leaders' impunity. The fight against political impunity had started before this tragic event. Trade unions, students, journalists and other members of civil society were involved in the fight; however, the battle heated up on December 13th, when Mr. Zongo was murdered.

Mr. Zongo was investigating the death of David Ouedraogo, the driver of the brother of President Blaise Compaoré. Mr. Ouedraogo was accused of stealing money from his boss. As punishment, he was tortured to death by the presidential guard. His burial place is unknown. All that was known regarding the torture and murder of Mr. Ouedraogo was discovered by Mr. Zongo, who refused to stop his investigation as long as the population did not know the story in its entirety and as long as Mr. Ouedraogo's assassins were not criminally charged.

It was in this context that Mr. Zongo and three others were killed and their bodies burnt. This piece of news provoked demonstrations, because people knew that the majority political party was involved in the murder. Members of the movement gathered at the crime site to take pictures of Mr. Zongo's body. These pictures were immediately distributed to Reporters without Borders, an international human rights organization. Following the discovery of the bodies, members of the human rights movement, the unions, the opposition party and other organizations, held a funeral service for Mr. Zongo, honouring both his involvement in the movement and his strong support for human rights.

In the face of the gravity of this situation, a collective of organizations, including labor unions, students, journalists and the *MBDHP*, was formed, called the Collective of Mass Democratic Organizations and Political Parties. Today, the Collective brings together 79 organizations. In order to be able to focus its energies, the Collective established a common platform demanding:

- explanations about the assassination of Zongo;
- an international inquiry;
- a local inquiry by a civil commission;
- equality of all before the law;

- that the constitution be respected;
- the denunciation of the use of violence to counter popular demonstrations.

Both the international and local civil commission inquiry reports have described the dreadful manner in which Mr. Zongo was assassinated. The reports denounced the involvement of President Blaise Compaoré's security guards. The government reacted by proposing a commission of former presidents and resource persons allied with the majority party. The people of Burkina Faso ironically referred to this commission as the "College of Sages." This "College of Sages" drew up a report outlining human rights violations committed by every political regime in the country since 1960, in order to put the assassination of Mr. Zongo into a framework of generalized, structural crisis that demanded institutional solutions. Instead of establishing independent tribunals to judge the acts of the persons accused of the assassination, the "College of sages" recommended compensation for the families of all assassination victims since 1960.

The Collective was openly critical of this report. In retaliation for their criticism, the members of the Collective were arrested and accused of sedition. However, through an international human rights NGOs network, 117 lawyers offered to defend the accused members of the Collective. All of the accused were acquitted.

At the third meeting of the Collective, the members defied the order of the City of Ouagadougou's mayor, Simon Compaoré, by walking on the "red zone" to once again demand justice in the case of Norbert Zongo. Such demonstrations put the members of the movement in confrontation with the armed forces. Many demonstrators were arrested and attempts were made to intimidate them.

After the first general assembly of the Collective and pressure from the population, the tribunal began adjudicating the murder of David Ouedraogo. Three members of the presidential guard were sentenced to prison terms of between 12 and 20 years. However, the individuals who had ordered the accused to act were not arrested, and the general sentiment of the population was that justice had not been done. The Collective then organized another national march on the capital, which attracted 70,000 people.

In addition to these meetings and marches, the Collective supported the actions of other sectors of the population, such as a 96-hour strike organized by teachers to denounce both the difficult working conditions and the violence directed at young students who demonstrated against the government. The government decided to reprimand all those connected with the Collective. The militia were mobilized to engage in acts of intimidation and repression against members of the MBDHP (for example, by burning their houses).

Nevertheless, the MBDHP and the population in general refused to accept the situation of injustice in the country. In the face of this opposition, the government initiated a national day of pardon in which both present and former presidents asked the people to pardon them for their acts of repression. Once again, this was an attempt to demonstrate that the current government was not the only one responsible for human rights violations. Meanwhile, many of the victims' families did not even know where their kin were buried, nor what had happened to them since their disappearance. The pardon proposed by the government did not involve the tribunal or any verification of the events.

Conclusion

The activities of the Collective of Mass Democratic Organizations and Political Parties, including the MBDHP, contributed to the development of a movement against repression and human rights abuses in Burkina Faso. At the same time, the Collective opened up possibilities for political and social protest and consolidated civil organizations. The reaction of the political power to these activities illustrates the extent of the repression and the lack of the rule of law in the country.

Question period

During the question period, IH RTP participants brought up the following issues. The presenters' responses are summarized below.

- **The objectivity of Amnesty International's last report on human rights in Algeria.** The political situation in Algeria is very complex and the truth is often difficult to establish. Amnesty (International) encourages serious and transparent investigations and has already criticized the lack of an investigation into the actions of Algerian Armed Forces who did not intervene to defend their civilians when the massacres were taking place. To prepare the last report, members of Amnesty met with families of the disappeared, victims of violence, members of paramilitary and military forces as well as members of the government. Amnesty continues to work on the cases of the 3000 people who have disappeared in the last ten years without any explanation from the government. Through the study of Amnesty reports on Algeria over the last ten years, we are able to confirm that the reports stress that human rights violations are the responsibility of all political factions.
- **How to make national human rights institutions more efficient and credible.** Human rights institutions founded by the state may lack impartiality in view of the fact that the state, itself, is what they are supposed to monitor. For this reason, national laws governing these institutions must be very clear and the monitoring process must be very transparent. It is also very important that national institutions make all their findings public. The effectiveness of national institutions may depend on their capacity to impose criminal sanctions. For example, while the Canadian Human Rights Commission can study cases of violations and can publish reports, criminal sanctions can only be imposed by criminal courts. International organizations often provide important support, which permits national institutions to function better.
- **How are economic, social and cultural rights monitored?** To monitor economic, social and cultural rights, the coordination of civil society organizations from both inside and outside the country is needed. Monitoring should be situated within an historical context that considers the fundamental needs of the population. It needs a sufficient level of political mobilization of civil society in order to claim rights. Monitoring these rights requires active participation from the poorest and a sharing of their life experience. However, there are fundamental rights, like the right to life threatened by AIDS, which trump any distinction between civil and political rights and economic, social and cultural rights, and which demand an immediate response.
- **The lack of international observation and documentation on the massacres of Rwandan refugees in the Congo.** It is very problematic for international observers to gain access to the Congo and there is thus a lack of precise information both on past and present massacres. The

presence of a foreign armed force in the country makes it even more complex to monitor the situation. In the face of these difficulties, Amnesty International reacted to these massacres with urgent appeals sent out by their partner human rights organizations in the Congo. It is regrettable that the United Nations Commission of Human Rights was not able to draft a report on the massacres in the Congo, but the documentation process will be undertaken when the requisite conditions exist in the country.