CHAPTER I

HUMAN RIGHTS MONITORING

This chapter will outline the basic concepts and methods in human rights monitoring. It is meant to explain frequently used terminology, introduce the most common techniques, and point to the necessary precautions. For more detailed and specialized information, readers are referred to the list of references at the end of the chapter.

1.1. Definition

Human rights monitoring can be defined as the systematic collection, verification, and use of information to address human rights problems or compliances. The compiled data will have to be analyzed against agreed standards. These standards primarily entail the human rights obligations and commitments that the State is a party to, and thus has committed itself to live up to; as well as additional human rights provisions which have come to be recognized as customary law applicable to all authorities regardless of the State’s formal acknowledgement (cf. chapter 2, section International Law and Human Rights Law).

1.2. Purposes

Ultimately, monitoring should contribute to improving implementation of human rights. As a means to reach this purpose, monitoring covers various activities and goals. It can have the concrete and specific objective of preventing human rights violations, for instance by following and recording individual cases. Or it may aim to document developmental trends in the implementation of human rights by collecting statistical data over longer periods of time. However, the purpose of the monitor’s collecting facts is to substantiate claims of better protection of human rights with the authorities, and with regional and international organizations. Moreover, monitoring information can be used by civil society organizations and the media when advocating for improvements in human rights.
It can be an important effect of a monitoring effort to avoid immediate violations of rights. However, monitoring should also aim to influence and reinforce democratic structures and human rights culture as a long term objective. This means that monitoring endeavours should seek not only to protect people and to secure remedies against violations, but should as far as possible strive to include preventive measures to avoid similar situations in the future. This means that all monitoring activities in principle should be part of a more comprehensive strategy to reinforce State responsibility to protect human rights supported by informed and active citizens. Consequently, monitoring tasks must, if at all feasible, be organised so that local government bodies as well as civil society are involved. The monitors should avoid taking over local authorities’ commitment and responsibility to protect and ensure human rights.

1.3. Planning Base

Solid knowledge of and information about the social, economic, cultural, and historic context in which one is working will optimize a monitoring intervention. One aspect that will require particular research in relation to monitoring is the specific human rights obligations with which the government has undertaken to comply. These include the international and regional human rights treaties to which the country is a State Party. Recommendations and decisions from treaty bodies that overlook States’ compliances with the treaties can help in identifying current problems in implementation of the international obligations (cf. Boxes 5 and 6 below where the major human rights treaties’ reporting and communications mechanisms are listed).

Also, politically binding documents applying to the country under the OSCE should be consulted. The following thematic chapters of this book describe the most important State obligations flowing from these instruments. It may also be useful to consult the most recent political declarations and action plans acceded to by the government, such as those issued by the Council of Europe’s Council of Ministers, OSCE’s Ministerial Council and other decision-making bodies.

Furthermore, it will be necessary to familiarize oneself with pertinent national legislation, directives, and instructions covering the areas of the monitoring activities. The starting point of such a study will be to identify human rights provisions of the national Constitution.