

# **Human Rights: From Practice to Policy**

**Proceedings of a Research Workshop  
Gerald R. Ford School of Public Policy  
University of Michigan  
October 2010**

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ISBN: 978-0-615-60047-5**

**Printed at the University of Michigan  
Ann Arbor, Michigan**

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## **The Standard Approach to Human Rights Research**

Presentation by Michael McClintock

The 1970s and 1980s were years I was at Amnesty International (AI) at the Secretariat in London. Later I worked for Human Rights Watch, and then the Lawyers Committee for Human Rights, now known as Human Rights First. I was quite lucky to be in on the ground floor of creating a professional research department, the development of which was reflected in both staffing and budget. In 1970, the budget for Amnesty International overall was £28,000 British Pounds. By 1980, it was £2.5 million. And part of that budget growth reflected a shift from a secretariat with one paid staff member through most of the 60s—I think there were twelve by 1971—and a decision at about that time to create a research department with people who were paid, however modestly, and could spend full time working on Amnesty's mandate issues. The new researcher profile included essential language skills and in-depth knowledge of the countries to which researchers were assigned. The Research Department had fourteen full- and part-time researchers by 1975; when I left, in 1994, there were some 40, and a total of 144 research staff.

I started soon after the coup in Chile, when the staff for Latin America was doubled (from one to two), in order to free up Roger Plant to work specifically on Chile. At that time, a structure was taking shape with five regional departments. The heads of each region served also as researchers and there was also a head of research. Part of that structure was, from the start, seen as a quality control structure. Most researchers had twelve to fifteen country assignments so a lot of priority setting was done at the head of region level. Our work went through a head of region and through a head of research. In the 1970s, our reports went also to the Secretary General of Amnesty and a member of the Executive Committee for review. We were pretty well supervised in terms of our product, but enormously overstretched.

The product itself was fairly clearly defined. In the 70s, Amnesty was a prisoner rights-oriented organization. Identifying prisoners of conscience—and how to win their release—was the top priority. These were people who should not be in jail—people who were detained because of their beliefs and their expression of those beliefs. Many

countries had political prisoners who were non-violent and who fit this category. Our priority was to do case work—research on these individual cases of political prisoners and coordination of membership action on their behalf. To get started, this approach required getting in touch with people in the country you were covering. In 1972, for example, the person who became head of the Americas region spent four or five months traveling to 17 countries in the region meeting with organizations, institutions, church people, trade unions, and political actors. The researcher came back with a notebook full of addresses—there were no faxes or emails—and then wrote letters to follow-up. When I started, there was already a set of contacts. My job as a researcher was to add to these relationships, establishing personal relationships with organizations, institutions and people from a distance and on the ground with a view to producing certain AI research materials within a certain range of concerns—but, initially, focused on prisoners of conscience.

Among these were case materials for assignment to Amnesty groups to pursue action. To this end we prepared mimeographed background papers to guide and inform this work, while gradually covering more countries and issues in publications aimed at the general public and the news media. In 1973, for example, Amnesty produced an annual report that was approximately 42 pages long and aimed almost exclusively at the membership. By 1974-75 AI's annual report was a published volume covering approximately 60 countries. This demonstrated the development of our research department capacity, and a new strategy and capacity for public outreach. Over time, moreover, the focus broadened beyond prisoners of conscience. I was assigned some countries, like Peru in the 1970s, which had hundreds of prisoners of conscience, mostly trade unionists. In work on Central America, in contrast, I discovered that in some of my assigned countries there were no acknowledged political prisoners. Instead, there were “disappeared” prisoners and victims of state-sponsored murder. Those detained were commonly stabbed, strangled with a garrote, or shot and, if ever found, their bodies discovered in mass graves. The research that was required to document such human rights violations was a bit different than the approach to prisoners of conscience. But still, the Amnesty focus was on cases. This meant that we adapted our casework for prisoners of conscience to casework for “disappeared” prisoners. This was casework

intended to mobilize Amnesty groups to deal with what we called “political killings” and what later became conceptualized as “extrajudicial executions.”

*Collecting and Documenting Evidence of Human Rights Violations*

Research in the 70s was often based on typing out a letter with carbon copies, putting a stamp on it, and sending it by post to places like Guatemala City, La Paz, or Lima and waiting a month or more to get a reply. When we wrote letters, particularly investigative ones, we had to be quite cautious, as the wrong message could endanger the recipients. A rule of thumb in some circumstances was to write as if you were writing to the recipient for the first time—as if it was the first overture that you had ever made to them even if you had known them for years. You did not want to incriminate the recipient. Also in the 1970s, the field mission to the country was an extraordinary thing and quite different from what it has become. Usually, it was a high-level delegation that consisted of some carefully chosen luminaries who would accompany a researcher. These senior delegates would contribute to research and analysis as well as providing an entrée to high level meetings. They sometimes also distracted attention while researchers undertook more sensitive research. Field missions were exceptional, sometimes limited to yearly travel for no more than a week to a particular country. In the 70s, field research was a very formal thing—partly because we could not do it very often and also because access could be denied if the trip was not organized it properly.

This contrasts today with a routine of field research founded upon a presumption of free access, regular travel to problem countries, the establishment of field outposts for a long term monitoring presence, and of course the vastly increased number and capacity of independent local human rights monitors.

The research gold standard in the 1970s, as now, was to get into the country and to talk to people. The nuts and bolts of the research enterprise were several. A starting point was to establish and sustain long-term relationships with local counterparts—essential intermediaries for face-to-face and other contact with the victims of human rights abuse. In the field we would conduct interviews, but also receive

written materials setting out the personal stories of those seeking help. Often these took the form of letters, although many more formal testimonies were collected that were signed or with the fingerprints of those making statements.

Substantiation of written testimonies depended in part on close contact with local human rights groups, who could vouch for their authenticity, and, in a fraction of such cases, bring together researchers with victims in face to face meetings. Correlation of the facts from multiple sources and hundreds of similar cases provided a further back-stop, even when direct interviews were not possible.

The norm in my experience was to receive a letter, a standardized questionnaire, or a written testimony from relatives of a prisoner or other victim of abuse. NGOs we knew and trusted would receive letters or themselves transcribe the personal testimonies of local people describing human rights violations and provide us with copies. The accounts might describe the case of a son or daughter who was kidnapped by the state, was killed, “disappeared,” or was in jail. We dealt with a large quantity of hand-written papers, sometimes authenticated by numerous signatures and the fingerprints of illiterate witnesses, and subsequently validated by interviews in the field.

In those early days, we developed a protocol we called Prisoner Data Questionnaires (PDQs) that was later adapted to deal with “disappearances.” They were typically used in the first instance not by Amnesty researchers but by their counterparts on the ground. For example, local human rights groups in Peru (many of them church-linked) used the questionnaire format almost from the inception of the new pattern of “disappearances” in the first weeks of 1983. Within four years I had a filing cabinet filled with something like 5,000 data questionnaires on “disappearances” in Peru—the basis also of an early computer data base at the International Secretariat. Similarly, the Sri Lanka researcher had access to data questionnaires on thousands of “disappeared” in Sri Lanka’s conflict with the JVP.

Increasingly we had the data we needed to make sense of complex situations. In the Peruvian case, I knew not just dates of birth but what color socks kids were wearing when they were dragged off by the army.

We had incredible detail. We had school photos for young people and we had little school or ID photos clipped to most of the files. We were also able to identify some fundamental patterns from the data emerging from the totality of these cases.

Already in Peru in the early 1980s, for example, we could see that almost all of the some 5,000 cases reported over a period of four years occurred in just nine of Peru's then-144 provinces. The nine provinces were all a part of an emergency zone headed by the military in Ayacucho. Our data showed that the phenomenon started within days after the creation of a new political-military command in Ayacucho, on 29 December 1982, and they were circumscribed to the territory under its control. As new provinces were added to the emergency zone, the same phenomenon of "disappearance" came to be reported there as well. This was information we discovered through review of what became a large data set. Accordingly, it allowed us to correlate changes in patterns of human rights abuse with particular government structures, policies, and practices.

#### *Variation between Amnesty International and Human Rights Watch*

Amnesty International was not alone in doing international human rights research in the 1970s and 1980s. Human Rights Watch (HRW), from its beginnings in 1978, is perhaps AI's most notable counterpart in this area. How do they compare with regard to priorities, methodology, and standard-setting?

Amnesty was and is a membership organization, with membership structures establishing policy and setting priorities; and above all, in its first decades, AI undertook membership action on behalf of individual victims of human rights violations. AI priorities were expressed in large part through a membership-determined organizational mandate—a charter to focus upon very specific human rights issues, and only those issues. Although founded ultimately upon the Universal Declaration of Human Rights, AI's research and efforts to advance standard-setting focused upon the limited rights issues identified in its mandate.

Human Rights Watch in the 1980s, in contrast, had supporters but not members, was governed by an executive board, and brought about

change not primarily through campaign action for individuals—casework in AI terms—but through in-depth monitoring, reporting, and public stigmatization of those responsible for human rights violations. Human Rights Watch also stood out in the 1980s for its pioneering work on situations of armed conflict—and most notably for its application of the standards of humanitarian law to human rights monitoring and reporting on such situations. Human Rights Watch’s work was always framed firstly in terms of international law.

Despite the differences, all of us had certain principles in common, both in research methodology and public action for change. One was to consider the best interest of those at risk and suffering from human rights violations. There is an ethos to this research that is common to the human rights community. Human rights people don’t tell a story just to tell a story—or to get a headline. There is a commitment to establish and state the facts—but always with the rider that how and when information is made public depends upon the consequences this will have for victims of human rights violations. This goes beyond protecting sources. This is *applied* research with a view to an improvement in human rights.

A commitment to objectivity and impartiality is also a central tenet of research if human rights action is to be effective. With Human Rights Watch, this was demonstrated, for example, by scrupulously dealing with all sides in armed conflicts in accord with the same standards. With Amnesty, it was expressed through balance and evenhandedness in casework and situation reports, and sticking to a strict mandate. Both organizations understood from the start that getting the facts straight was essential; that credibility and impartiality were powerful tools in pressing for change; and that getting facts wrong and appearing biased could undercut their work across the board.

Human rights organizations also emphasize a direct interface with the victims and witnesses. This means getting into the field as much as we can, interviewing victims and their families, and establishing ongoing direct communications. There is also a shared commitment to engaging with authorities. At Amnesty we always tried to talk to the government at different levels. Our approach was to set out the facts and our conclusions and recommendations without emotive language and

without politicizing. We all developed a strategic approach to research with a view to identifying problems of human rights and the practical ways these could be remedied.

### *The Relationship to International Law*

At Amnesty, we all worked within the framework of international law, but we were not satisfied with international law. When we believed it fell short, we tried to improve it. Using the facts that we had marshaled and the arguments that we had developed, we tried to promote a better framework of international law. We developed new areas of expertise as we moved beyond the prisoner of conscience focus alone. When dealing with fair trial issues we engaged top legal experts to observe trials. To address torture, we engaged medical expertise. With a focus on “disappearance” and suspicious deaths, refugee flows and mass displacement, we became involved in the area of statistical analysis. This was later adapted to address labor rights.

At Amnesty we also worked on a conceptual framework for dealing with human rights in armed conflict. A part of this was to identify indicators showing state responsibility for actions that were concealed, notably in the treatment of detainees—in particular torture—and in “disappearances,” extrajudicial executions and other unlawful killings. The standards that we used were not only conventions and treaty law but also included principles about what is required to investigate torture and suspicious deaths—like the Istanbul Protocols to assess allegations of torture, for example. Standard setting included seeking authoritative guidance as to what research is required to address new concepts of human rights.

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## Glossary

**AI (and Amnesty)** – Amnesty International. Founded in 1961, AI is one of the oldest and most prominent transnational human rights organizations, with international headquarters in London. The organization relies on 3 million members and supporters in 150 countries to carry out its work, and policies are vetted through complex processes and structures that involve membership in the decisions. (See *ICM, IEC, IS, AI mandate, and Secretary General* below.)

**IS** – International Secretariat. Based in London, UK, it is responsible for the majority of the organization’s research and campaigning work.

**AI Mandate** - For many years, an internal “mandate” limited Amnesty International’s work to a relatively small number of issues, including the release of prisoners of conscience, fair trials for political prisoners, opposition to torture, disappearances and the death penalty. The mandate was amended several times, and was ultimately replaced in 2002 with a broader mission statement linking AI’s work to the full spectrum of rights enshrined in the UDHR.

**Secretary General** – AI’s executive director of worldwide operations.

**HRW** – Human Rights Watch. A prominent international human rights NGO that originated as a series of US-based “watch committees.” The first such committee was charged to monitor Soviet compliance with the 1975 Helsinki Accords. Subsequent committees were formed to monitor human rights concerns in Latin America, Asia, Africa and the Middle East. Before consolidating as “Human Rights Watch” in 1988 the organization was known as the Watch Committees.

**Human Rights First** – A prominent human rights NGO based in New York and Washington. Formerly known as the Lawyers’ Committee for Human Rights.

**NGO** – Non-governmental organization. In the human rights context, NGOs are organizations comprised of private individuals working to protect and promote human rights, either domestically or internationally.

**Prisoners of Conscience (POC)** – A term coined by Amnesty International to identify individuals imprisoned for the non-violent expression of their beliefs or opinions. Amnesty International calls for the unconditional release of such prisoners.

**UDHR** – Universal Declaration of Human Rights. The first and most fundamental human rights standard approved by the United Nations (1948). Its thirty articles elaborate a wide range of civil, political, economic, social, and cultural rights. Even though it is not a legally binding document, the UDHR is considered the cornerstone of international human rights law.