Promoting ESC Rights of Disadvantaged Groups in Turkiye through Monitoring and Advocacy

MODULE 1.
INTRODUCTION TO DOCUMENTATION
Theory
Defining documentation and how to conduct it

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1. Foreword

This practical manual is intended for documentation and information workers in the human rights sector, including those who engage with economic, social and cultural rights (ESC). This includes the organisations and participants of the clusters formed for promoting the ESC rights of disadvantaged groups and facilitating monitoring and advocacy activities. The resource covers the following topics: what is documentation, why is documentation important, steps of how to conduct effective documentation and an overview of some documentation approaches.

This resource should be used together with the practical **Workbook** and the module on **Databases**[1].

Documenting rights abuses, including ESC rights, is at the heart of human rights work. To effectively highlight the abuse or neglect of certain human rights depends on the accuracy and comprehensiveness of the evidence gathered. It can contribute to educating, raising awareness, and organising as well as advocating at a political or legal level. Impactful political and social changes were inspired by, or a direct result of the systematic documentation of human rights violations. The power of the process, both for the victim and the perpetrator, should not be underestimated.[2]

2. Glossary of terms

Event is something that happens, with a beginning and an end, and which progresses until its logical conclusion. It could be a single act, a series of related acts, or a combination of related acts happening together. Moreover, at least one act that it contains should qualify as a human rights violation (for example, arbitrary arrest, which

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[1] See more in the resource **Databases**.
[2] Kaplan, Karyn. "Human Rights Documentation and Advocacy." *Open Society Foundations.* Accessed October 2023:
https://www.opensocietyfoundations.org/uploads/c25e7acf-9a37-4ccc-99da-ab0848cb3ed4/hrdoc_20090218.pdf

is a violation of the right to liberty), or is akin or similar to such (for example, legal arrest).

Methodology is a system of methods, rules, and procedures, applied to achieve a certain goal, like acquiring knowledge. In this resource, it is mostly referred to as a 'documentation methodology'.

Open source data is any publicly available information from public or other open sources. This type of data can be accessed, used and shared by anyone.

Source is the person (individual or group) who provides information on the event and/or its elements. Sources also include academic, literary, experiences, and digital, such as media files, information from a phone, and so on.

- **Primary sources** are firsthand (direct) testimony or evidence about an incident, event, or chain of events.
- **Secondary sources**[3] are those produced based on a primary source and giving information about it, often by interpreting and analysing what is in the primary source.
- **Tertiary sources** refer to publications that summarise and digest the information in primary and secondary sources to provide background on a topic, idea, or event.

Record is a description of one thing, person, group of persons, event or any other entity, consisting of data entered in a set of fields. In other words, a completed format is called a record.

User is an individual who uses a tool, a product, or a service.

Verification is the process of identifying correctness and consistency of information, distinguishing the relevant facts, theories or statements by comparing the information from a variety of sources, and in a specific context.

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[3] To read more about primary and secondary sources, refer to the section **Determine how to collect this information**.

Violation is an act of violating laws, rules, agreements, etc. against someone.

3. What is documentation?

Human rights documentation is a way of capturing, preserving, and sharing stories of human rights abuses to seek redress for harm, hold perpetrators of abuse accountable and secure collective memories of the past, for the present and future. By using effective documentation, your community can take care of their narratives and pursue these goals.[4]
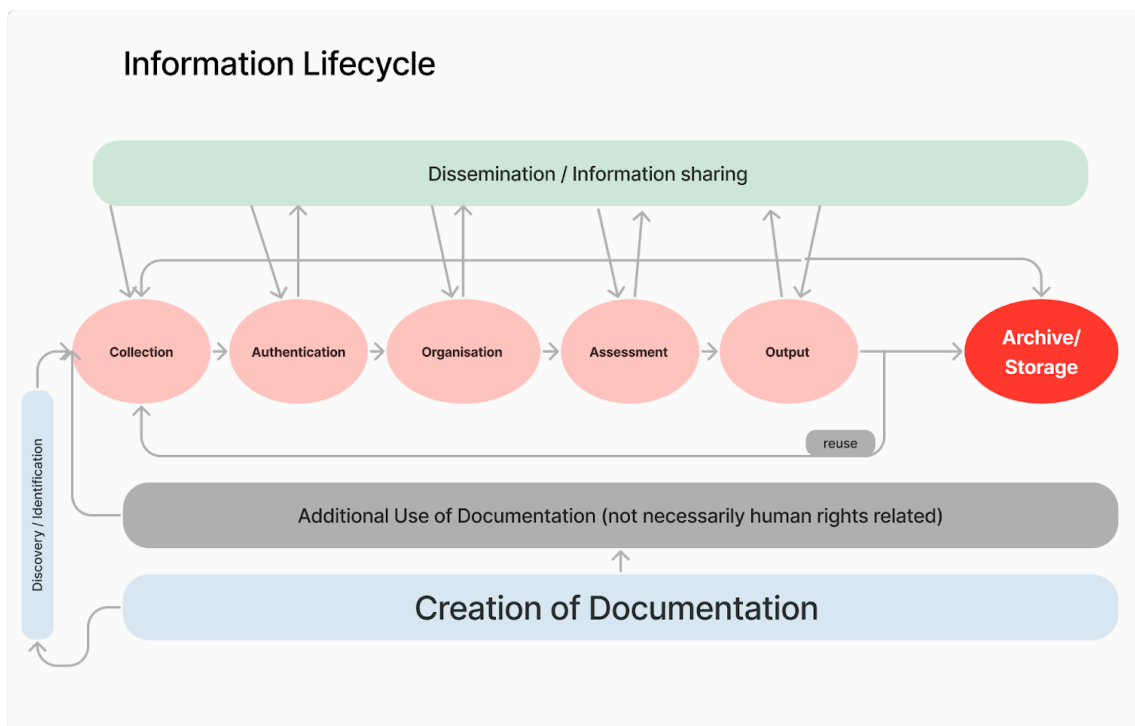
3.1. Introduction to documentation

Documentation is a process that consists of several activities, namely:

- Determining what information is needed to meet your documentation goals;
- Establishing means for acquiring such information;
- Collecting already-existing information;
- Recording the discovered information;
- Storing the gathered information;
- Organising the information to make it more accessible;
- Analysing the information; and
- Disseminating the information with the right audience and through the appropriate channels.[5]

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[4] Online course on human rights documentation. *Totem*. Accessed November 2023
https://huridocs.org/resource-library/monitoring-and-documenting-human-rights-violations/online-course-on-human-rights-documentation/#:~:text=Human%20rights%20documentation%20is%20a,for%20the%20present%20and%20future

[5] Guzman Manuel & Verstappen Bert. 2003. "What is documentation?" *HURIDOCS*. Accessed November 2023:
https://huridocs.org/wp-content/uploads/2020/12/whatisdocumentation-eng.pdf

Information lifecycle

Source: video: **Human Rights Documentation**

Documentation could also mean a specific part of this process. Thus, documentation could refer to the act of recording information, facts about ongoing or recent events, or the act of collecting, organising or updating documents and other types and formats of information. We are going to focus on the first definition.

3.2. Usage of the term 'documentation'

The term 'documentation' is widely applied, and has different meanings depending on the context in which various practitioners are using the term. In some parts of the world, mention of the word 'documentation' brings to mind a collection of documents. This meaning tends to give importance to the actual set or collection of documents held in one's possession.

On the other hand, others see the meaning of 'documentation' as the act of recording the results of an investigation, inquiry, research or similar

activity. During the process, documents and other formats of information and data are created. In this case, it emphasises the act of producing the document or format that contains the facts of the case. This usage is common among human rights and non-governmental organisations (NGOs) tasked with the monitoring of human rights violations. This meaning of 'documentation' is also used in legal documentation (recording the investigation results on documents, or information that could be used in court or for other legal purposes) and forensic documentation (recording the investigation results using sophisticated scientific methods, such as examination of physical remains).

In fact, one can document any event or process. For instance, the documentation of a conference would involve the recording of the deliberations, making a list of participants, taking pictures of the sessions, and other related activities. Documentation for the purpose of recording facts, producing documents, or compiling information in the process, is usually very important in the case of discoveries and practices that could benefit others.

3.3. General principles of documentation

The human rights framework protects civil, political, economic, social and cultural rights. But no matter what kind of human right is at stake, there are basic principles to be followed when documenting rights violations that form part of human rights standards and their implementation. These principles are: do no harm, seek access, know the standards, exercise good judgement, seek consultation, maintain credibility, respect confidentiality, ensure informed consent, respect security standards, understand the context, ensure participation, integrate gender, and pursue consistency. Below you can find definitions for some of these principles, for more definitions please refer to the basic principles[6] of human rights monitoring, compiled by the Office of the High Commissioner for Human Rights (OHCHR).

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[6] Basic principles of human rights monitoring. 2011. Access at
https://www.ohchr.org/sites/default/files/Documents/Publications/Chapter02-MHRM.pdf

3.3.1 Do no harm

Civil society organisations (CSOs) must safeguard the well-being and privacy of all parties involved in documentation, including those providing information, intermediaries, and local communities. This entails conducting risk assessments, staff training, and ensuring professional conduct to protect sources and confidentiality, especially for vulnerable individuals. Any activity that poses a potential risk to their security and well-being should be avoided at all costs.[7]

3.3.2 Behave with sensitivity

When interviewing victims and witnesses, one should be sensitive to the suffering which an individual may have experienced and, hence, show some degree of empathy. CSOs must be particularly sensitive to the causes and effects of re-traumatisation.[8]

3.3.3 Maintain credibility

The credibility of the CSO is crucial to successful monitoring. Unless interlocutors trust CSOs, they will not be willing to cooperate and provide reliable information. The first contact with victims and witnesses of alleged violations is crucial and could set the tone for future interaction. Credibility also plays an important role in the relationship with counterparts, such as authorities, national human rights institutions and civil society. CSOs have to prepare for each interaction with their interlocutors carefully, be professional in following through with their commitments and avoid making promises they cannot keep.

3.3.4 Respect confidentiality

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[7] Eurojust. "Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations." Accessed October 2023: https://www.eurojust.europa.eu/sites/default/files/assets/eurojust-icc-csos-guidelines.pdf
[8] OHCHR. "Basic Principles of Human Rights Monitoring." Accessed November 2023: https://www.ohchr.org/sites/default/files/Documents/Publications/Chapter02-MHRM.pdf

Respect for the confidentiality of information is essential because any breach of this principle could have very serious consequences: (a) for the interviewee(s), for the victim(s), for the witness(es) and for anyone else involved; (b) for the credibility and safety of the CSO; (c) for the confidence enjoyed by the field presence among the local population; and (d) for its effectiveness. CSO should assure cooperating persons that their identity and, where appropriate, the information provided will be treated confidentially unless specific consent has been given for their use (see the section on informed consent below). Even if consent for the use of information is given, CSOs have an obligation to assess the potential implications of that action for the safety of the person providing the information and of other people involved in the situation (for example, the family of witnesses).

3.3.5 Informed consent

Before engaging in any information-gathering activities involving others, such as interviewing, photographing, or collecting documents, CSOs should secure the informed consent[9] of the individuals or involved parties.

There are special considerations for obtaining consent from persons affected by humanitarian crises, such as conflict, famine or natural disaster. Consent for children must be obtained from their parents, caretakers or legal guardians.[10]

- Informed consent is crucial and involves explaining the activity's nature, purpose, procedures, information use, and potential consequences.
- Consent must be ongoing and can be withdrawn at any time, including consent for sharing information with authorities.
- Consent should be freely given, without coercion, and considering social factors that may affect an individual's ability to consent.

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[9] Ibid.
[10] More information and an Oxfam project:
https://www.elrha.org/project-blog/early-stage-prototyping-consent-and-data-minimisation-for-those-affected/

- Explicit consent should be documented with details about the activity, security risks, information use, confidentiality, voluntary nature, and relevant information.[11]

The assessment of vulnerability is a complex process and should be conducted on a case-by-case basis. Vulnerable individuals may include:

- Minors (persons under 18 years old).
- Older persons.
- Survivors of sexual and gender-based crimes, torture, or other violent offenses.
- Persons with disabilities or those displaying signs of psychological trauma.
- Persons in detention.

This list is not comprehensive, as other individuals may also face various and intersecting forms of vulnerability influenced by their socio-economic and cultural backgrounds, and personal experiences.[12]

3.3.6 Children

Children(under 18 years old) should ideally only be questioned by specialised investigators working for competent investigative authorities to safeguard their well-being and the credibility of their testimony. As a general practice, CSOs should refrain from taking accounts from children. Instead, they should focus on collecting the child's biographical and contact information, and engage with those in the child's immediate circle (parents, caregivers, doctors) to obtain a general account of the child's experiences or observations. This information should then be shared with the appropriate investigative authorities for future interviews.[13]

Information is useful only if it is accessible. The application of the various techniques described in this section, from determining what to collect to organising the materials, will amount to nothing if no one makes use of the information materials. The documentation team should exert efforts to make known to its target group(s) the information it holds, and to facilitate the retrieval of materials containing the

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[11]Eurojust. "Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations." Accessed October 2023: https://www.eurojust.europa.eu/sites/default/files/assets/eurojust-icc-csos-guidelines.pdf
[12] Ibid.
[13] Ibid.

information.[14]

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[14] Guzman Manuel & Verstappen Bert. "What is documentation?" *HURIDOCS*. Accessed November 2023. https://huridocs.org/wp-content/uploads/2020/12/whatisdocumentation-eng.pdf

4. Why is documentation important?

Documentation is key to the defence of human rights because it provides a solid evidentiary foundation of holding states, companies and individuals accountable for their actions or inactions. By recording incidents and violations, documentation establishes a compelling record that can be used to demand justice and reparations for victims of abuse.

In other words, documentation is an activity that is forward-looking, and meant to address a future need. Different stakeholders involved in seeking justice and holding perpetrators accountable will need access to reliable information that they can refer back to. Moreover, if properly documented, information can be reused and repurposed.

Adequate, thorough and consistent documentation practices will support human rights defenders (HRDs) and CSOs to fulfil their missions in the pursuit of justice and human rights, upholding economic, social and cultural rights, standard-setting, direct assistance to victims, and establishment of historical records, amongst others.

The reasons outlined above are considered essential for discussion in this module, however, it is important to note that this list is not exhaustive.

4.1 The importance of clear roles and responsibilities within a documentation team

It is important to identify the roles within the team working on documentation, how they communicate and interact with each other, and what is the result of such interactions.
For this purpose, the types of users who will consume the documented information should be established to reflect the larger need of a documentation initiative.

A deep understanding of target audiences is fundamental to organising documentation work, especially with regards to digital tools. As a result, the users will be categorised by type with specific characteristics such as information needs, skills, access levels, potential threats and security concerns, and their level and type of involvement in the whole process.
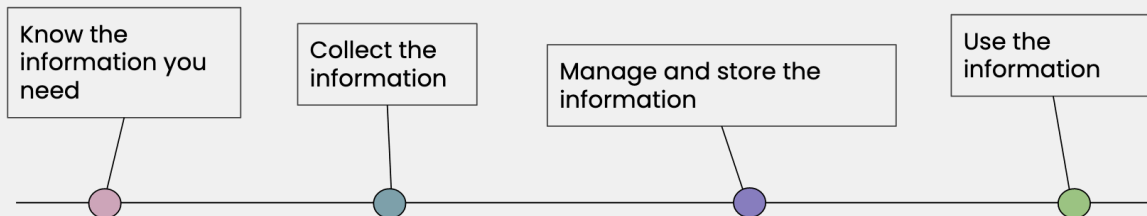
5. How to conduct effective documentation

The process of documentation consists of several phases, from determining

what to collect to how to eventually disseminate the documented information.

As mentioned in the sections above, documentation relates to the information lifecycle that follows the stages of:

- Collecting the information
- Processing, organising and analysing the information
- Storing and managing the information
- Disseminating the information

5.1. Determine your documentation goals

To effectively conduct documentation, organisations must thoughtfully establish documentation goals and objectives.

5.1.1 Define the end goal of your documentation efforts

Is it for advocacy? Is it for litigation?

Examples of documentation goals:

- Store data securely
- Document violations
- Strategic litigation
- Preserve evidence for future reference
- Provide direct support
- Inform advocacy efforts
- Assess, evaluate, build, and/or manage cases for better understanding
- Systematize collected information
- Understand patterns of specific issues
- Manage document flow
- Compile a policy document
- Launch initiatives for historical memory preservation

Engage in collaborative discussions to prioritise the identified goals with your team. Understanding the relative importance of each goal helps allocate resources efficiently and ensures that the project aligns with the core mission and values of your organisation or group.

5.1.2 Define objectives and make a prioritised list

Initiate the process by clearly outlining the primary objectives of your documentation project. What actions do you hope to achieve with the collected information? This may involve preserving evidence, obtaining reliable statistics for advocacy, and more. Create a comprehensive list of these objectives. This step ensures a clear grasp of the project's overarching objectives and facilitates effective communication within your team.

You can categorise project objectives into primary, secondary, and tertiary levels. Primary objectives represent the main expected outcomes, such as providing contextual analysis to support organisational processes. Secondary objectives encompass complementary constructs that contribute to the primary goal, such as disseminating key information through a structured timeline. Tertiary objectives, while not integral to the project's core, may occur simultaneously and provide broader insights.

5.2. Determine your types of analysis

Maintain an easily accessible, agreed-upon, and prioritised list of goals. This serves as a practical reference point throughout the documentation process, fostering consistency and focus.

After the goals are established, the next step is to identify a framework for analysis.

Shift focus to identifying questions that organisations might pose to the system in pursuit of their analysis goals. This step aims to discern the specific analyses users wish to conduct with the accumulated information, ultimately resulting in a comprehensive list of questions that organisations aim to answer from their documentation.

For example:

- Quantitative analysis: e. g. counts of cases or violations by category
- Content analysis
- Legal analysis

- Policy analysis
- Exploratory analysis
- Descriptive analysis
- Image analysis
- Analysis of digital and multimedia evidence

By adopting this approach, you can systematically articulate your documentation goals and tailor your analyses to better serve your documentation.

5.3. Determine what to collect in order to meet your documentation goals

The collection phase involves several activities, such as analysing user needs, determining sources of information, selecting what is relevant and deciding how to acquire information or documents.

5.3.1 User needs analysis

In the case of human rights events documentation, it is crucial to anticipate the needs of the immediate users of the information to be collected. For instance, immediate users are lawyers, medical officers and others who provide direct services to victims, as well as activists who need the information promptly to be able to undertake immediate actions like denunciations, appeal for urgent help, lobbying for policy change, advocacy campaigns, protest actions, etc. Obviously, it is helpful to know what these users need so that the documentalists will ensure that efforts will be made to gather the pertinent data. The users can be consulted in the design of interview schedules for instance.

5.3.2 Determine the sources of information

Sources of information can include persons or documents, social media posts, photos, online and offline newspapers, satellite imagery and more. Documentalists often trace information by consulting bibliographies, book review journals, directories of periodicals, annual reports, open-source media, online information, videos, audios, other media files, old archives, personal experiences, information derived from someone's device and the like. In the case of persons, information may be held only in

memories and may not yet be written down, therefore information-gathering activities such as surveys and interviews are conducted.

5.4. Determine how to collect this information

5.4.1 Selection

The next step is identifying what we have access to and what is of most relevance to us to include in our collection.

This can be done through an inventory of all existing documents, files, and other information, as well as an assessment of relevant networks and local partners available. This selection should be done in line with your group's objectives, their documentation goals as well as the already-defined analysis needs.

Additionally, it is also necessary to determine the key types of data that you are going to collect and compile. Types of data may include:

- Text
- Video
- Audio
- Images
- Documents
- Digital evidence
- Hand-written notes
- Information submitted via various messaging platforms
- News articles available online and offline
- Policy documents
- Reports
- Information posted on social media platforms
- Geolocations

In the case of investigation-related documentation, once an organisation has decided that it should follow up on the lead information received, an activity focusing on the

collection of information is usually planned. It could be in the form of a high-profile mission, or by sending unobtrusive investigators to the site in question, or by arranging for informants to be met in a safe space.

5.5. Determine how you will process, organise and store this information

In the process of documentation, it is necessary to plan how to process, organise and store the collected information.

5.5.1 Processing

The first point of action is to establish a methodology. Develop a systematic approach for processing incoming data, whilst emphasising meticulous verification and categorisation processes. Then, verify and validate to ensure the accuracy and reliability of the information through careful and consistent verification procedures.

5.5.2 Organising

It is important to organise the information by defining categories. Organise information into well-defined categories, such as the nature of violations or demographics of affected populations. Then, utilise a structured framework to enhance comprehension and facilitate efficient retrieval.

5.5.3 Storing

While storing information, security measures should be a top priority to safeguard not only the data but also the persons who will work with it. Implement safe, secure and ethical storage practices to protect sensitive information from unauthorised access. At the same time, balance security with accessibility, ensuring that stored data is easily retrievable for further analysis without compromising integrity.

5.6. Determine how much of this information should be disseminated

After the steps and the analysis, depending on your goal, information can remain private, be available to the public or a mixture of both (for example, when only some parts of the information collection are kept private).

Sharing the information with stakeholders, such as specific institutions, the media, legal actors or the judiciary or any other relevant parties will impact your documentation efforts.

For example, if your documentation goal is focused on advocacy, the information collection could be showcased as an interactive database, systematised in a research report, or utilised in a campaign with infographics and summaries of findings.

If your documentation goal is to litigate for justice in a court, the information can be used as evidence for proceedings of your claim in the court. For legal proceedings, it is necessary to identify the process and steps of sharing and disseminating information, who is responsible for each step, how often, how and where the information will be shared as well as internal and external communication mechanisms. Legal considerations of data protection as well as sharing agreements have to be considered at this stage.

6. Final considerations

Information is a human rights defender' most powerful asset. When credible information about a human rights violation is logged effectively, human rights defenders have an instrumental resource to advocate and litigate for justice.

With this **Introduction to documentation** manual at hand, you will be able to record the details of human rights violations in a way that reveals patterns, stories, and opportunities for action.

In the meantime, if you start to contemplate your next steps, you might find it useful to learn more about structuring and organising your data for the strategic use and exchange of information. Moving to a 'database' is something that you might give serious consideration to, knowing that it would let you manage your data consistently with clear patterns and that will make information easily findable and searchable. To learn more about why using a database to collect human rights information and structure your data is a good idea, you are invited to read our next resource called **Databases**.

For practical exercises, please consult the **Workbook.**

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MODULE 1.
INTRODUCTION TO DOCUMENTATION Theory
Defining documentation and how to conduct it