

# 6 RESEARCHING & DOCUMENTING HUMAN RIGHTS ABUSES

Research uses systematic methods to collect and document human rights abuses. The results of these investigations provide valuable information to advocate for men who have sex with men in the context of global public health and human rights. These methods can be effectively applied to a range of international human rights situations.

Human rights and HIV/AIDS have a close connection. First, human rights violations of MSM and others at risk for HIV increase the risk of contracting the virus. At the same time, having HIV/AIDS often leads to human rights violations. People living with HIV/AIDS may face discrimination by hospitals, employers, landlords, schools, and others. They may face barriers to treatment and violations of their right to privacy.

The purpose of the chapter is to enable MSM-led groups to plan and conduct rights research related to HIV/AIDS issues. The chapter contains exercises that help participants understand how to identify rights violations and then gather and organize that information in a systematic manner.

The goal of the chapter is to enable people to gather and use information to address human rights violations in their own countries. Skills used in research include gathering reliable and useful information, organizing data, and reporting information. Sensitivity to the safety and privacy of those experiencing or witnessing human rights abuses must be a high priority.

## Key points:

- Rights research gathers and uses evidence about human rights violations.
- Rights research uses systematic methods that gather useful and verifiable information.
- Protections need to be in place to ensure the safety and privacy of rights workers and community members.

## Chapter goals:

Upon completing the exercises in this chapter, participants will be able to:

- Understand the importance of research in human rights campaigns
- Identify local human rights issues and develop plans to gather information
- Assess and mitigate the potential risks in human rights research
- Develop skill in collecting factual and useful information through interviews
- Learn how to organize and analyze data
- Learn how to incorporate testimony into a human rights report

## EXERCISE 6.0

# INTRODUCTION TO HUMAN RIGHTS RESEARCH

Adapted from “The Power of Testimony” in Asia Catalyst’s *Prove It: Documenting Human Rights – Trainer’s Supplement*, pp. 10-14.<sup>1</sup>

## Purpose:

This exercise orients participants to the importance of human rights research and why it is important to be systematic and mindful about informed consent and protective of those interviewed.

## Goals:

At the end of this exercise, participants will be able to:

- Understand the importance of testimony in a rights report
- Place the interviewee at the center of the work
- Understand the importance of being systematic

## Process:

- ① Introduce the activity by explaining the power of testimony, which is the explanation of a human rights issue in a person’s own words.
- ② Discuss the definition of testimony and engage the group about the sample testimony. What makes testimony powerful and what additional information would be helpful to know?
- ③ Break the group into smaller groups to discuss the advantages and disadvantages of qualitative and quantitative research. You can walk among the groups and help explain the definitions of these 2 types of research and provide examples.
- ④ You may distribute an optional handout about the differences between qualitative and quantitative research after the discussion. If used, the handout would serve as a refresher about the different types of research.

⑤ Lead discussion about considerations during rights research. Possible comments can include the following topics:

- **Informed consent** – In both quantitative and qualitative research, participants must be told about the nature of the study and potential risks. Research should take precautions around safety and privacy, but there are always some risks to research (even minimal such as taking time).
- **Reliability of testimony** – Research on court cases has found that people are not reliable witnesses. That is not anyone's fault but rather the nature of how people process information. You should always fact-check every piece of information and try to get multiple witnesses or look at pictures or footage of events.
- **Is testimony representative of the larger problem?** – When you gather information, you will begin to see patterns. You may hear the same story of people denied health care or discriminated against. Examine the testimony for larger patterns, rather than see them as isolated cases. However, one case does not make a pattern. Sometimes people believe something is universally true because it happened to them or their friends. That is called anecdotal evidence, which needs to be supported by finding other similar cases.
- **Building rapport and trust** – Issues related to human rights abuses, homophobia, and HIV/AIDS are sensitive. Therefore, the researcher must spend time building a relationship and trust. One way to build trust is to be reliable and discreet with information.
- **The ability to take good notes** – Note-taking requires practice and it should be systematic. It helps to determine in advance what categories of information you are looking for. Taking practice notes with a peer before a meeting or interview will help you practice active listening. One trick with notes is to write in shorthand during the interview and then transcribe your notes as soon as possible after a meeting so you do not forget what you wrote.

⑥ Summary of information and discussion – This session is introductory and may develop in various directions. Try to summarize the main points of the exercise and ask if participants have questions or want to provide examples in their work. Some people learn better with concrete examples.

⑦ Evaluation – Assess participant learning based on how they explain concepts during the small groups and in the full group discussion.

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### FACILITATOR NOTES:

- Share testimony examples, which are stories related to access to HIV services among men who have sex with men (see Handout 6.0.1).<sup>2</sup> The testimony can be shared as a handout or PowerPoint slide.
- You may explain that testimony is a form of qualitative research, which puts the participant or witness at the center of inquiry. You may refresh the participants' understanding about the distinction between qualitative and quantitative research. More information and training lessons on research are provided in the previous chapter of this manual.

## EXERCISE 6.1

# HOW TO IDENTIFY HUMAN RIGHTS VIOLATIONS

Adapted from “Rights Issues in Our Communities” in Asia Catalyst’s *Prove It: Documenting Human Rights – Trainer’s Supplement*, pp. 16-18.

### Purpose:

This exercise will enable a diverse group of participants to discuss rights issues in their own communities.

### Goals:

At the end of this exercise, participants will be able to:

- Identify and discuss human rights issues in their own geographic areas or countries
- Apply international rights standards to real-world cases
- Understand that rights issues are complex

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### FACILITATOR NOTE:

Identifying human rights violations and what protections exist under national and international law is a complex subject. In advance of the training session, you may collect relevant constitutional or other legal information for the country where the training is held. Alternatively, you can collect information from a legal aid center or invite an AIDS lawyer to the session.

### Process:

- ① Introduce the exercise and explain that one starting point of research is gathering initial evidence of rights violations. That evidence may come from the experience of an individual or from an organization.
- ② Ask the group to brainstorm specific rights violations. Try to have each member of the group give an example of a human rights violation, so that every member of the group has a chance to speak. Write down each violation on

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a list in front of the group. Then, ask participants which rights are protected by national or international law. The participants can answer to the best of their ability.

- ③ Break the larger group into smaller groups of 3-4 people to discuss 1 specific rights violation from the list. Encourage the groups to choose different rights violations, but you may allow groups to discuss some of the same issues.
- ④ Hand out Universal Declaration of Human Rights (Handout 6.1)<sup>3</sup> and explain that this is a simple English version of the rights document created by the United Nations in 1948. Ask small groups to discuss how their issues relate to it.
- ⑤ After the small group discussion time, reconvene the large group. Each group can report on its discussion and engage the larger group. Additional rights information may be supplied. The group may debate issues, with the facilitator pointing out that rights issues are complex. There have been other laws enacted since the Universal Declaration of Human Rights.
- ⑥ Summary of information and discussion – Summarize the discussion and explain that it is reasonable for people to disagree about rights topics. Issues surrounding human rights are complex.
- ⑦ Evaluation – During the discussion, assess the level of understanding of general rights principles and how they apply to examples of human rights violations.

## EXERCISE 6.2

# ASKING QUESTIONS TO GET POWERFUL TESTIMONY

Adapted from “Who, What, Where, When, Why, and How” in Asia Catalyst’s *Prove It: Documenting Human Rights – Trainer’s Supplement*, pp. 57-63.

## Purpose:

This exercise helps participants to learn the key questions to ask in interviews.

## Goals:

At the end of this exercise, participants will be able to:

- Know what questions to ask in an interview (Who, What, Where, When, Why, and How)
- Practice how to prepare a list of questions prior to an interview

## Process:

- ① Provide introductory information. For rights information to be useful and credible, it must be specific. The key is to gather all of the relevant details during an interview, rather than try to do a follow-up later. Sometimes, an interviewer can believe he or she has done a thorough interview, only to later discover that he or she forgot about a key piece of information. Since there is so much information to gather, it is important to memorize the important types of questions to ask.
- ② Next, distribute the handout titled “Key Questions.” Then explain that having a good set of questions will help the interviewer gather useful and credible information. Details create powerful and believable testimony. Also, gathering specific details enables the researcher to identify patterns of human rights abuses. You may then explain each question in the handout and give some examples:
  - Who? – The persons involved—names, physical descriptions, occupations, etc.
  - What? – The topic of the story and its substance.



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- Where? – The location(s) of the events. Be as specific as possible (eg, third floor).
- When? – Date, time of day.
- Why? – May be difficult to answer. What motives underlie the event?
- How? – Sequence of events and actions. Be specific so listener/reader can reenact events in own mind.

- ③ Next, break the group into pairs to conduct mock interviews using the key questions. Each pair should practice with one person serving as a reporter and another as the person giving testimony. It's best to role-play about an actual event in the recent past. People may provide their own story topics or you can provide ideas, such as a meeting or event they attended.
- ④ Ask the participants to report back on their interviews. You can engage the group in a brief discussion about what the participants have learned.
- ⑤ Ask the participants to brainstorm questions that they would like to ask in an interview and write them down for the group. Then talk about the questions and how each of them answer the essential questions in an interview: Who, What, Where, When, Why, and How.
- ⑥ The facilitator points out how each of the questions requires specific answers. For example, the statement, "I was detained for a long time," is a vague statement. A "long time" is a vague statement and could mean 8 hours or 3 days. Remind the participants that they should ask follow-up questions to gather more specific information.
- ⑦ Distribute the handout "Is This Good Testimony?"<sup>4</sup> and break the group into smaller groups to discuss the testimony.
- ⑧ After the small group session, reconvene the larger group to discuss the testimony and the questions.
- ⑨ Summary of information and discussion – The exercise provided a lot of information. Summarize the key questions and how specificity is important in testimony. Ask participants to share what they have learned.
- ⑩ Evaluation – Assess how well the participants integrated the information by how they were able to analyze the handout, "Is This Good Testimony?"

## EXERCISE 6.3

# HOW TO ORGANIZE INFORMATION FOR A HUMAN RIGHTS REPORT

Adapted from “Write the Report: Organize the Information” in Asia Catalyst’s *Prove It: Documenting Human Rights – Trainer’s Supplement*, pp. 82-85.

## Purpose:

The lesson focuses on the importance of being systematic in documentation. Organizing the testimony into a compelling and well-documented narrative is an important first step in developing a report.

## Goals:

At the end of this exercise, participants will be able to:

- Use case files to organize information to create a convincing narrative
- Preserve confidentiality of informants

## Process:

- ① Preparation – Create sample case files, with each containing a cover sheet, recording format, and some compelling photographs. Example of cover sheet and recording format are reproduced later in the handouts section.
- ② Explain that the purpose of the activity is to learn to be organized and systematic with data. If information is organized, then it is easier to track and analyze the data and to turn it into an overarching narrative explaining the human rights violations. You can recommend that people use the same systems of organization for paper and/or computer files. Explain that these are good practices in using a systematic approach:
  - **Be consistent** – Whatever system you use, make sure that same system is used for all of the information you organize. Try not to postpone the work of organizing or labeling data or you may lose it.

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- **Be universal** – Ensure that everyone who needs to know how to use the system understands how to use the system and follows the same procedures.
- **Be secure** – Make sure that you are taking steps to protect the security of your sources and interviewees, even if you are not sure you need to do so. Be sure to secure your data with encrypted passwords and secure backups. Find ways to develop codes for names, so that if information is leaked, it won't be linked to the person.

### ③ Explain the basics of organization by using a slide or handout to reinforce information. These are the minimum things the participants will need to have an organized system:

- A system to organize materials, which is a standard and universal procedure to collect and store information.
- A folder for each individual who is interviewed.
- A case file information sheet for each file. You can show the sheet in the prepared files.
- Confidentiality. Remind the participants that case folders should not have the real names included. Instead, case numbers or fake names should be on the files.
- People who know how to return the files they take out.

### ④ Describe the possible contents of a file, which will vary depending on the type of data.

- **Transcript** – This is a written version of an interview. It is ideal to have full transcripts of all interviews, but transcription is time consuming. If you do not have the volunteers or time to fully transcribe interviews, then you can create a transcript outline.
- **Transcript outline** – An outline includes each topic of the interview with the corresponding time on the recording (eg, 0:01 – introduction; 5:35 – police raid), so that you will know where to go on the recording to transcribe that portion and write the report.
- **Recording log** – If you have taken photographs or have made recordings, you should list each of them by numbers that match the case files. You should also record a date and a brief description of the items.

### ⑤ Explain that the purpose of data organization is to enable the creation of a report that will tell a coherent story that emerged from the case files. Multiple cases can be summarized into a narrative or one case can be deeply examined. Both methods are acceptable and are used in human rights research.

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- ⑥ Distribute the case files randomly among the group members. Have those holding the files briefly look through them and describe what they see. Write down the initial impressions on a large piece of paper in front of the group.
- ⑦ Then, explain that it is not enough to look at the information; you must also analyze the information into patterns before writing a report. For example, if you are investigating arrests of human rights workers, those arrested may have been from the same organization.
- ⑧ Then, break the group in half and distribute the case files equally between the 2 groups. Ask the small groups to examine the files and analyze them by developing categories and patterns as they see them.
- ⑨ Next, ask the groups to report back on their analyses. Then explain that once patterns are examined and found meaningful, then a report can be written describing these patterns.
- ⑩ Ask the group whether a story can be told from the analysis that reflects the case files accurately. Then ask the group to brainstorm key points that would create a coherent narrative. Write the ideas down in an outline format that organizes the general topics from the details. General topics are written as headings, whereas specific evidence or details would be bullet points under the headings.
- ⑪ Ask for volunteers to present an oral narrative that may serve as testimony about the case files they have analyzed during the day. Or, you may break the larger group into small groups to write brief narratives describing the analysis of the case files. You may choose the oral or written method based on the interests of the group.
- ⑫ Summary of information and discussion – This session was designed to enable the participants to organize, analyze, and create a narratives based on evidence. A human rights report is only as strong as the methods used to collect and analyze the information. Also, there are many insights that can be drawn from analysis, which means that having multiple people involved can improve the work.
- ⑬ Evaluation – The facilitator can examine the learning process in how the participants grow as they engage in a mock data analysis and narrative report.

# CHAPTER 6

## REFERENCES

1. Asia Catalyst. Prove It: Documenting Human Rights Abuses. [http://asiacatalyst.org/prove\\_it](http://asiacatalyst.org/prove_it). Accessed December 6, 2012.
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3. Global Forum on MSM & HIV (MSMGF). Access to HIV Prevention and Treatment for Men Who Have Sex with Men: Findings from the 2012 Global Men's Health and Rights Study (GMHR). [http://www.msmsgf.org/files/msmsgf/documents/GMHR\\_2012.pdf](http://www.msmsgf.org/files/msmsgf/documents/GMHR_2012.pdf). Accessed December 6, 2012.
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