

FACT-FINDING & HUMAN RIGHTS MONITORING

COURSE OVERVIEW

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COURSE OVERVIEW

COURSE OBJECTIVES

The overall purpose of this course is to empower participants with the capacity to document, monitor and act on the results regarding human rights and civil liberty violations in Barbados to better protect the rights of groups which have traditionally faced violations of their rights and have been limited in the fulfillment of their capacities.

This course entitled Monitoring and Documenting Human Rights Violations in Barbados is designed with the following goals:

- 1) to enable participants to identify relevant sources of law which provide the legal framework for civil and human rights violations including local laws - the Constitution, the Employment Rights Act, and international legal frameworks which Barbados has ratified including the Inter-American Convention on Human Rights, the Convention on the Rights of the Child, the Convention to end all forms of Discrimination against Women amongst others.
- 2) to enable participants to understand the ethical principles which underline the fact-finding and monitoring process particularly when addressing vulnerable communities
- 3) to provide participants with a practical approach to the documentation of human rights and civil rights violations through interactive exercises; building and consolidating competences over the duration of the workshop.
- 4) to provide information on techniques for human rights monitoring and to encourage the development of relevant skills for individuals working with vulnerable communities.
- 5) to enable the effective reporting of the results of human rights monitoring and fact-finding and the potential uses of reporting and monitoring in advocacy and policy engagement.

AREAS OF FOCUS:

1. INVESTIGATING

- 1.1. FOR WHAT PURPOSE?
- 1.2. WHAT ARE THE ETHICAL PRINCIPLES INVOLVED?
- 1.3. HOW IS IT DONE? HOW CAN IT BE DONE?

2. MONITORING

- 2.1. TYPES OF MONITORING
 - 2.1.1. SITUATION MONITORING
 - 2.1.2. CASE MONITORING
- 2.2. STANDARDS
- 2.3. MONITORING BODIES
- 2.4. SOURCES OF INFORMATION

3. ACCOUNTABILITY: RESULTS AND REMEDIES

- 3.1. DOCUMENTATION
- 3.2. REMEDIES
 - 3.2.1. DOMESTIC REMEDIES
 - 3.2.2. INTERNATIONAL REMEDIES
- 3.3. ADVOCACY

SUBSTANTIVE AREAS OF LAW:

In order to amplify the effectiveness of the course, the course will provide participants with an overview of the applicable laws and standards in the following areas of law and the appropriate routes for redress:

- 1) Employment Law - Discrimination in Employment and the remedies under the Employment Rights Act and the Tribunal; Sexual Harassment and the Law
- 2) Discrimination in the provision of housing
- 3) Discrimination in the provision of services
 - 1) by Private Entities
 - 2) Consumer Protection Regulations
 - 3) Medical Services
- 4) Interaction with the Police and Criminal Justice System
 - 1) What are the rights of individuals when interaction with the police
 - 2) Making a Police Report when Crimes are Committed
 - 3) Challenging Police Action through the Police Complaints Authorities

SCHEDULE OF THE COURSE

DAY 1 - APRIL 18TH, 2017

The objective of Day 1 of the Course is to provide the foundation for participants to understand the nature of human rights and obligations which the State and private entities are required by law to provide for vulnerable communities. On day 1, students will be introduced to the basics of investigating including familiarity with key terms, ethical principles and best practices for investigations..

ACTIVITY	DESCRIPTION	TIME
Session 1: Course Overview Introduction of Participants	Westmin James Group Engagement	9:00 a.m.-10:30 a.m.
Ice-Breaker	Privilege Walk Group Discussion	
Break	_____	10:30a.m. - 10:45 a.m.
Session 2: Fact Finding	What are Human Rights? Human Rights Squares Local Remedies- What can be done?	10:45a.m. - 12:30 p.m.
Lunch	_____	12:30p.m. -1:30p.m.
Session 3	In Search of... Investigation of Human Rights Violations Case Study: State Violence	1:30 p.m. - 3:00 p.m.

DAY 2- APRIL 19TH, 2017

On Day 2, participants will be developing core competencies in the monitoring of human rights violations.

ACTIVITY	DONEC QUIS NUNC	AENEAN IACULIS ARCU
Session 4: Mastering the Interview	Lecture -WJ Immersive Learning Experience	9:00 a.m-10:45 a.m.
Break	_____	10:45a.m. - 11:00 a.m.
Session 5: Situation Monitoring	Employment Rights	11:00 a.m. 12:30 p.m.
Lunch	_____	12:30p.m. -1:30p.m.
Session 3	Further Monitoring and Follow Up	1:30 p.m. - 3:00 p.m.

DAY 3- APRIL 20TH, 2017

The objective of Day 3 of the Course is to enable participants to analyze data and report it effectively and appropriately. Day 3 of the course brings all of the elements of fact-finding and monitoring together, with a view to addressing the reporting, dissemination and uses of the information gathered and recorded.

ACTIVITY	DONEC QUIS NUNC	AENEAN IACULIS ARCU
Session 7 : Data Analysis and Immersion	Making Sense of It All	9:00 a.m-10:30 a.m.
Break	_____	10:30a.m. - 10:45 a.m.
Session 8: International Reporting Procedures	Documenting and International Remedies	10:45a.m. - 12:30 p.m.
Lunch	_____	12:30p.m. -1:30p.m.
Session 9: Advocacy Strategies	Future Action	1:30 p.m. - 3:00 p.m.

COURSE OUTLINE

SESSION 1- INTRODUCTION

EXERCISE 1: TWO TRUTHS AND A LIE

Teaching Component: Contact Building

How to Build and Retain Contacts [Institutional and within vulnerable]

In this section, of the course, the foundation of relationships will be explored.

SESSION 2 WHAT ARE HUMAN RIGHTS? VOCABULARIES AND TOOLS FOR STRUGGLES

In this session, participants will be guided in understanding the nature of human rights. Participants will be engaged with regards to:

- the nature of human rights
- the sources of human rights
- the value of human rights

Activity: Human Rights Squares

LECTURE: STATE OBLIGATIONS AND HUMAN RIGHTS VIOLATIONS

SESSION 3: FACT-FINDING/INVESTIGATION? IN SEARCH OF...

In this session participants will be guided to achieve the following objectives:

- 1) develop an understanding of the monitoring process
- 2) develop an understanding of the investigating process as a subset of monitoring including the development of a Monitoring Protocol
- 3) develop an understanding of the ethical principles involved in investigation of human rights including how to address conflicting principles

LECTURE: ETHICAL PRINCIPLES [30 MINS], INTERVIEWING BASIC [20 MINUTES]
WHAT DO YOU DO? INTERACTIVE EXERCISE

Ethical framework for the course. Ethical Framework for MRD. Confidentiality, Informed Consent

Required Readings: Torture Manual pp 54-64 , <https://www.essex.ac.uk/hrc/documents/practice/torture-reporting-handbook-second-edition.pdf>

SESSION 4- IN SEARCH OF... THE INTERVIEW!

LECTURE: RIGHTS WHEN DEALING WITH THE POLICE [20 MINUTES]

In this session, participants will be guided in the basic tenets of good interviewing skills. The process of the interview from contextual background research, the identification of witnesses, dealing with witnesses with trauma inter alia will be addressed. Participants will utilize this skills with respect to addressing violations by agents of the State such as police. Participants will be guided with respect to the constitutional rights of citizens when engaging with the police and applicable steps for redress. How do we bring a Constitutional action against the police for example?

ANALYSIS EXERCISE: JEREMY [50 MINUTES]

SESSION 5 - SITUATION MONITORING

In this session, participants will be guided in understanding the law in relation to employment including appropriate remedies based on the common law and the Employment Rights. Participants will be engaged with regards to:

- the legal obligations of the employer
- Wrongful and unfair dismissal
- Harassment in the Workplace
- Remedies
- The limits of case monitoring: Situation Monitoring/Compiling Reports

LECTURE 30 minutes: Employment Rights in Barbados

Activity Small Group Exercise: Mock Interview to gather data for a Situation Analysis of Employment and Vulnerable Groups in Barbados. Progressive Realization and the case of Disabilities in Barbados. What are the international obligations? What are the Applicable Standards? Where are they located? Has the state been progressively realizing the right?

SESSION 6- FURTHER MONITORING AND FOLLOW-UP

- In this session participants will be guided in the law in relation to private individuals and access to housing. The laws regarding landlord and tenant will be the basis of this presentation.
- In this session participants will be guided in additional tools which can be used to monitor both private and public bodies including the media.

ADDITIONAL MONITORING TOOLS: RECOMMENDED READING: http://www.theadvocatesforhumanrights.org/uploads/ch_4_2.pdf

SESSION 7 - MAKING SENSE OF IT ALL

In this session, participants will be guided in the process surrounding data analysis and given a brief introduction to the process of Report writing. How do we make data make sense? How do we present data?

In this session participants will be guided in the Process for Analysis of Data.

Exercise: Participants will be given Raw Data to Analyze regarding the Provision of Medical and other Essential Services and guided through the process of analyzing the legal obligations and matching the data against these standards with a view to detecting patterns and trends , addressing conflicting findings and Drawing Conclusions.

Required Reading Chapter 5 of the Advocates Human Rights Manual Documentation: Writing the Report [page 65-82]

SESSION 8-DOCUMENTING AND INTERNATIONAL REMEDIES

In this session, participants will examine the international forums which can be utilized in advocacy and for redress to address violations of human rights as applicable to Barbados . Participants will be guided in an examination of the procedures of Reporting Bodies such as United Nations Human Rights Committee and the Inter-American Commission.

Required Reading: Page 24 - 36 Human Rights Monitoring - a Field Mission Manual by Faye Jacobson

Participants will examine the Jamaica Shadow Report [2016] to consolidate the approaches to monitoring and fact-finding and the requirements of report writing. Participants through this exercise will develop and strengthen their competences in report-writing. This session will be in the format of a 30 minute interactive presentation followed by the group exercise examining the Report.

A. GROUPS OF 5:

B. ASSESS THE CIVIL SOCIETY REPORT TO THE HUMAN RIGHTS COMMITTEE.

- WHAT WERE THE DOCUMENTS STRENGTHS?
- IDENTIFY THE TYPES OF EVIDENCE UTILIZED.
- WHICH TYPES OF VIOLATIONS DID THE SHADOW REPORT IDENTIFY?
- WHAT WERE SOME OF THE BEST PRACTICES NOTED?

SESSION 9 -

In this session, participants will think about future action. What do you do with the information you have collected, monitored and analyzed. Participants will be guided with regards to use of the data collected for advocacy. Participants will be guided in the process of defining their advocacy goals and an advocacy strategy using data collected. The Types of Advocacy which are best suited for the various forms of data collected and presented will be the focus of this final session.

MATERIALS:

Annette Faye Johnson - Human Rights Monitoring - a Field Mission Manual

Human Rights Monitors Guide - A Tool for Monitoring, Documenting and Reporting Human Rights Violations

Guidelines on International Human Rights Fact-Finding Visits and Reports by Non-Governmental Organizations (The Lund-London Guidelines]

A Practitioner's Guide to Human Rights Monitoring, Documentation and Advocacy

The Torture Reporting Handbook

Human Rights Monitoring and Documentation Series