



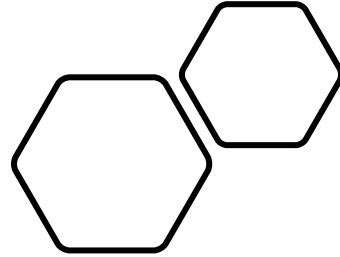
Protecting Human Rights in Times of Protest and Uprising

Documenting and Reporting
to the United Nations



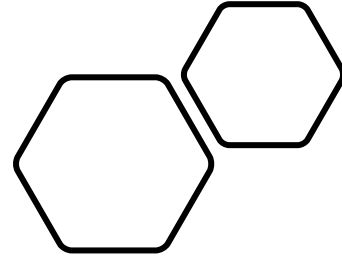


Trainers



- Amy Bergquist, Senior Staff Attorney, International Justice Program
- Madeline Lohman, Senior Researcher

Key Resources

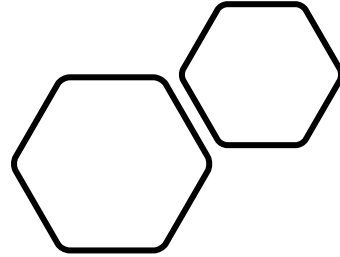


Human Rights Tools for a Changing World: A Step-by-Step Guide to Human Rights Fact-Finding, Documentation, and Advocacy

Discover Human Rights: A Human Rights Approach to Social Justice Work

<https://www.theadvocatesforhumanrights.org/manuals>

Agenda



- Identifying government actions as human rights violations
- Documenting and reporting human rights violations to UN
- Leveraging reports in advocacy strategies



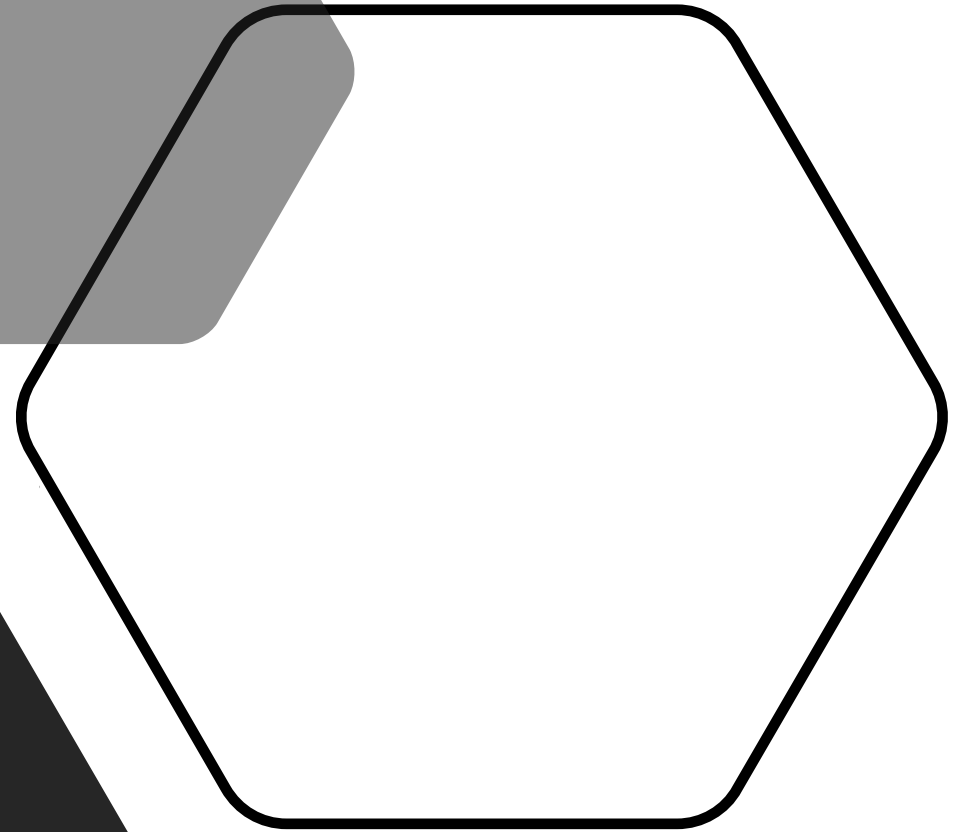
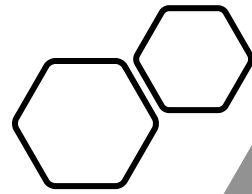
Photo by Life Matters from Pexels





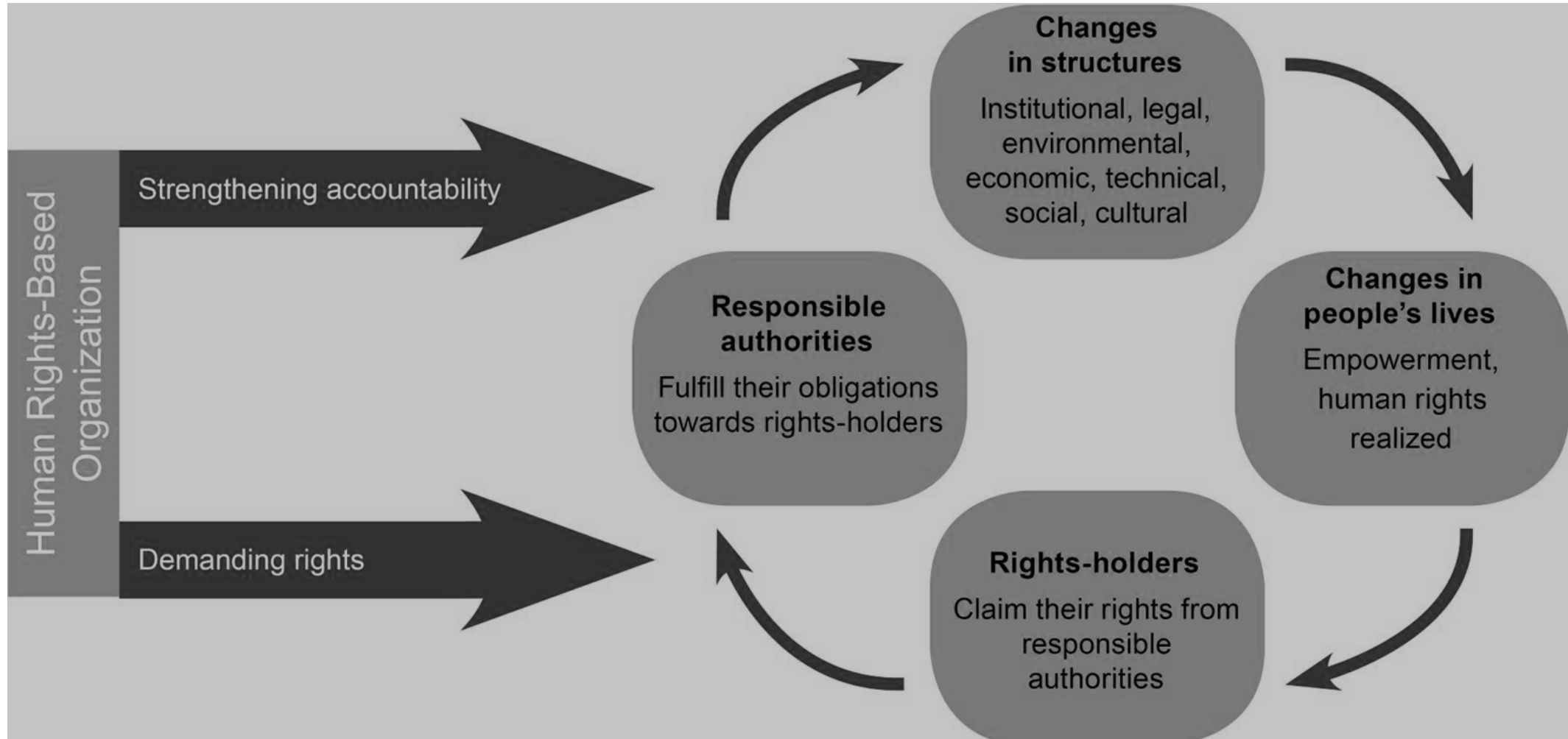


Human Rights Goals



- Dignity
- Freedom
- Equality
- Justice
- Peace

Human Rights Approach

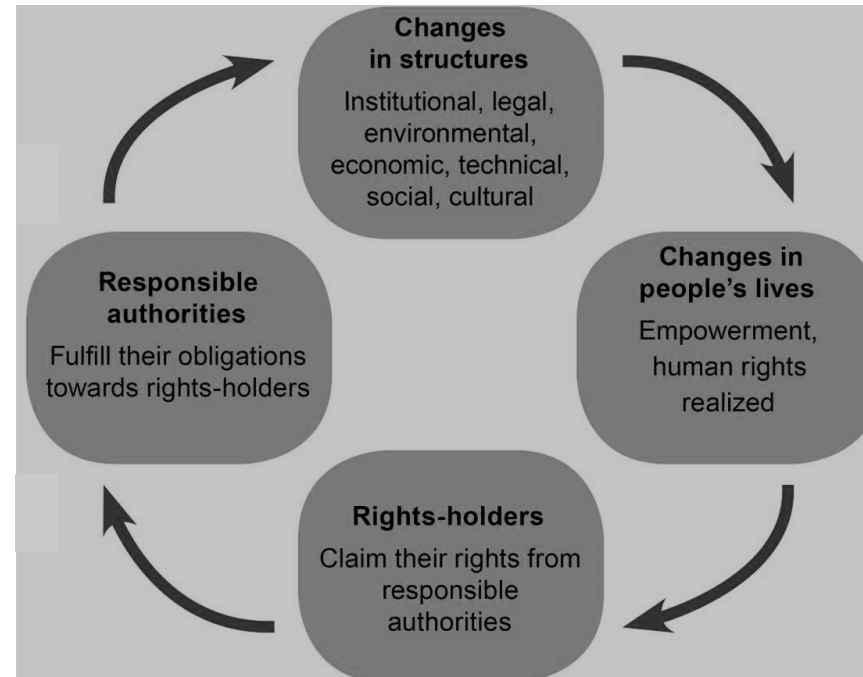
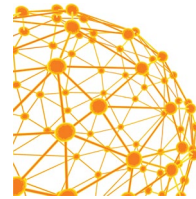


Human Rights Strategies



Address **root causes**

Work with **responsible authorities**



Protect **marginalized groups**



Empower **rights-holders**

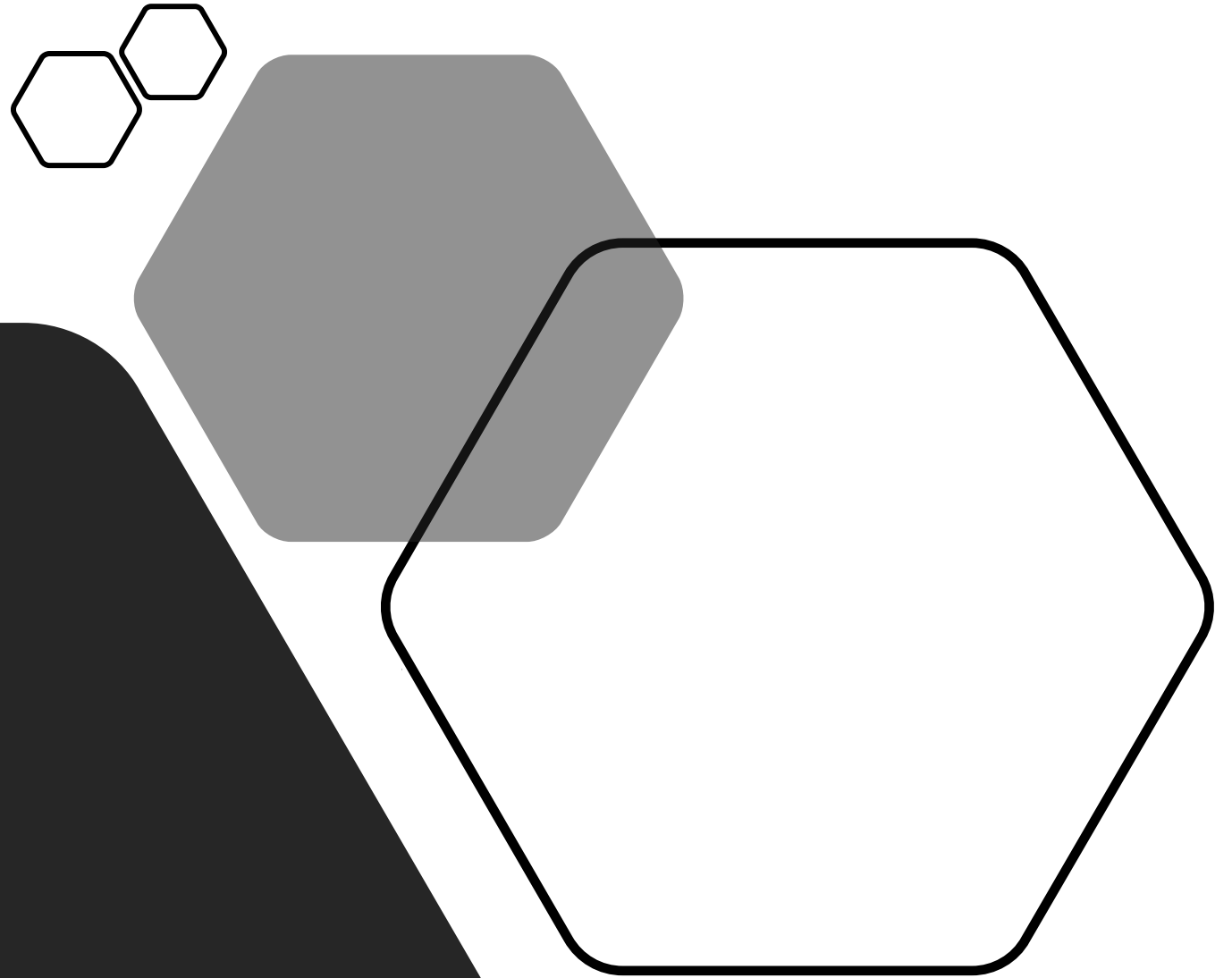


What's happening on the ground?

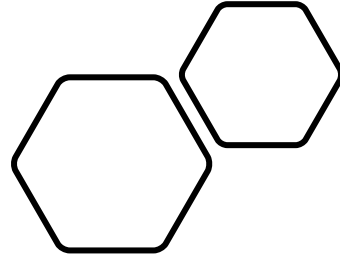
- Proactive Arrests
- Rubber Bullets
- Unidentified Agents

International Standards Protect Protestors

- U.S. response is not unique – common repressive tactics used worldwide
- Bringing U.S. struggle to global stage helps all protestors
- Affirms importance of human rights globally



What rights
are being
violated?



Right to life and security of the person





Freedom of opinion and expression
Peaceful assembly and association



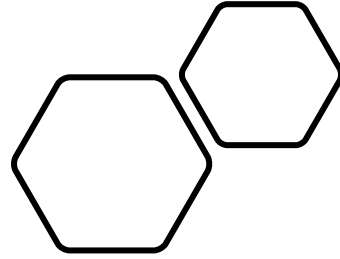
Arbitrary arrests and detentions
Enforced disappearances
Extrajudicial killings

Photo by [Rosemary Ketchum](#) from [Pexels](#)

Non-discrimination

I CAN'T
BREATHE

Documenting Human Rights Violations



What facts are important to document

Names of victims

Demographic information

Activity or affiliation that triggered violation

Officials

Uniform/insignia

Identification

Setting

Time

Date

Place

Violation-specific

Held in an unmarked vehicle

Sitting on sidewalk when arrested

Injured by sub-lethal weapon



Documenting the incident

Video

Audio

Witnesses

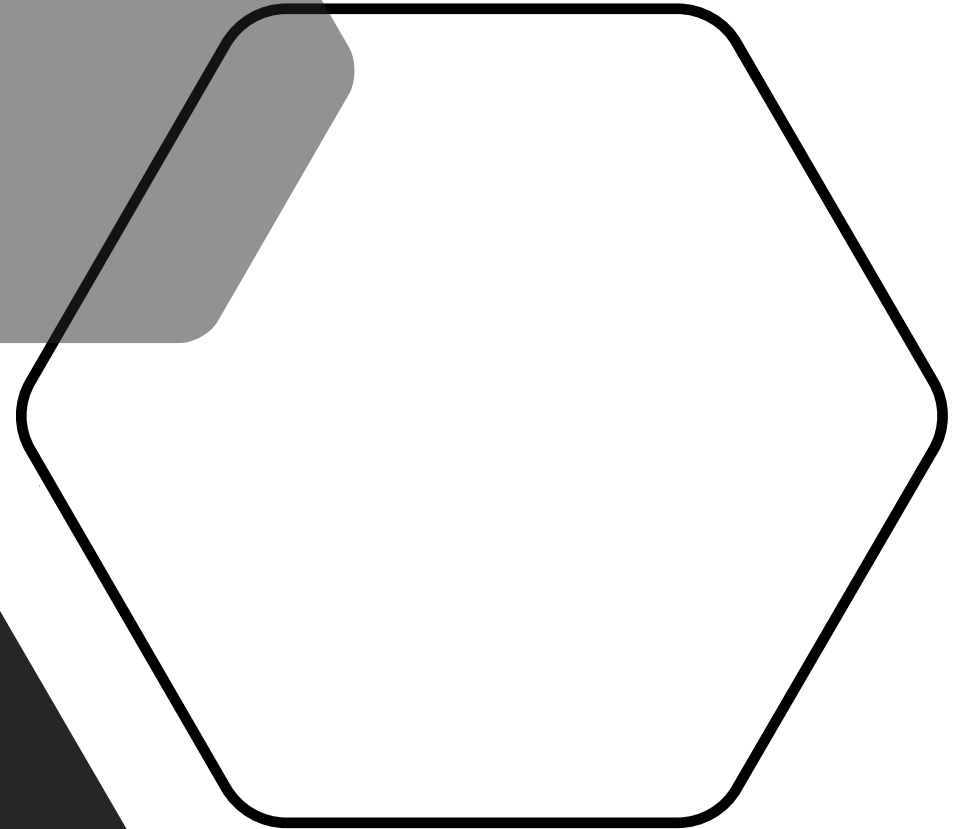
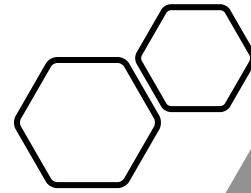
Photo

MD report

Tickets, charges,
conditional
releases



What are “special procedures”?



Independent experts at the United Nations who act on complaints of alleged human rights violations by sending communications to governments

Working Groups

Arbitrary
Detention

Enforced or
Involuntary
Disappearances

People of
African Descent

Special Rapporteurs (Individual Experts)

Extrajudicial
executions

Freedom of opinion
and expression

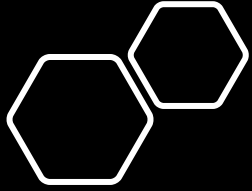
Freedom of
peaceful assembly
and of association

Human rights
defenders

Minority issues

Racism and racial
discrimination

Torture and other
cruel, inhuman or
degrading
treatment



What are
“communications”?

- Letters that Special Procedures send to Governments and others (e.g., businesses)
 - Summarizing allegations of human rights violations
 - Requesting information
- Possible topics:
 - past human rights violations
 - on-going or imminent human rights violations
 - bills, laws, or policies



What is the purpose of “communications”?



VISIBILITY



REMEDIES

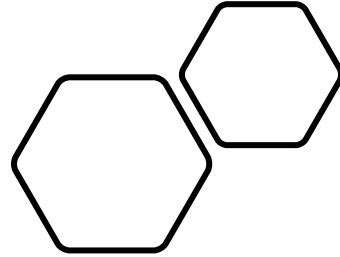


PUBLIC AWARENESS

Process



What are the criteria for submissions?



- factual description of alleged violations of human rights
- based on credible and detailed information
- no abusive language
- not exclusively based on media reports
- not "manifestly unfounded or politically motivated"
- submitted by individual, group, civil-society organization, inter-governmental entity or national human rights body

Start ✓

Submission
type

Victims

Submitter

Disclosure

Case info

Perpetrators

Submit

To what issues/themes/areas is your submission related?

Please select 1 to 5 issue(s) of concern to which your submission is related to in the list, then reply to the consent question at the bottom of the screen. Once you have confirmed consent you can continue to the next step. *

- African Descent
- albinism
- arbitrary Detention
- business
- cultural rights
- development
- disability
- disappearances
- education
- environment

Help and information

Submission summary

Reference: d4f5ry46

Type: Human rights violation

You may change the language of the submission at any time, just click on the appropriate language button:
English | [Français](#) | [Español](#)

Help and Information

The selection of an issue of concern is **mandatory**. You may select only one or up to five issues of concern.

Then reply to the consent part at the bottom of the page.

Start ✓

Submission
type ✓

Victims

Submitter

Disclosure

Victim's information - victim is a person

Personal information

First name: *

Family name: *

Sex: *

Male Female Other

Does the self-identified name/gender/identity differ from the information above?

Yes No

Date of birth:

- Date of birth approximate?
 Victim is a child (under 18 years of age)?

Nationality:

 ▼

Other information concerning the victim

Ethnic, religious, social or other background:

Occupation:

Other status:

Bisexual

Ethnic minority

Gay

Indigenous

Internally displaced person

Intersex

Lesbian

Migrant

National minority

Older person

People of African descent

Person with disability

Refugee / asylum seeker

Religious minority

Stateless

Transgender

Other

Affiliation or activity:

Contact information of the victim

Address:

0 / 2000 characters max

Email:

Telephone:

Affiliation or activity:

Choose affiliation or activity



Choose affiliation or activity

Affiliation in an organization or association

Cultural activity

Humanitarian, solidarity, human rights-related activity

Media-related activity


Other

Participation in a peaceful assembly

Political or union affiliation



0 / 2000 characters max

- 
- Screened and sent to the relevant Special Procedures
 - Staff may request additional information
 - Not all submissions become communications
 - Communications to governments are confidential for 60 days
 - Check the database: <https://spcommreports.ohchr.org/>
 - Transmitted communications are published in one of the **three reports compiling the communications to the Human Rights Council each year.**

What happens
to a
“submission”?



General Assembly

Distr.: General
24 June 2020

English only

Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda items 3, 4, 7, 9 and 10

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human rights situations that require the Council's attention

Human rights situation in Palestine and other occupied Arab territories

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Technical assistance and capacity building

Communications report of Special Procedures*

**Communications sent, 1 December 2019 to 29 February 2020;
Replies received, 1 February to 30 April 2020**

Joint report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group of Experts on people of African descent; the Independent Expert on the enjoyment of human rights of persons with albinism; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Working

<i>Name of countries</i>	<i>Number of communications sent during this period</i>	<i>Number of communications that received a reply during this period *</i>	<i>Number of substantive replies received during the period**</i>	<i>Number of acknowledgement replies received during this period</i>
Saudi Arabia	4	3	3	0
South Sudan	1	0	0	0
Spain	1	1	1	0
Sri Lanka	1	0	0	0
Thailand	1	0	0	0
Tunisia	1	1	1	0
Turkey	4	4	4	0
Ukraine	1	0	0	0
United Arab Emirates	1	0	0	0
United Republic of Tanzania	1	0	0	0
United States of America	4	1	1	0
Uzbekistan	2	1	1	0
Venezuela (Bolivarian Republic of)	2	1	1	0
Viet Nam	2	1	1	0
Yemen	1	0	0	0

Date, Country, Type and ref. no. of communication	Mandates	Summary	Replies received
24 Feb 2020 United States of America JAL USA 3/2020	<ul style="list-style-type: none"> • torture • arbitrary Detention • disability • health • privacy 	Information received concerning the alleged excessive use, by authorities at the Connecticut Department of Correction, of in-cell restraints combined with indefinite and punitive use of prolonged isolation or solitary confinement and denial of appropriate mental health treatment, which reportedly has severe physical and psychological impact on at least 15 persons (see Annex 1 for the list of names) currently or formerly incarcerated at Northern Correctional Institution and other Connecticut correctional facilities. Alleged victims: 15 More details...	
30 Jan 2020 United States of America AL USA 1/2020	<ul style="list-style-type: none"> • executions 	Information received concerning the death of Mr. Christopher Allen, a dual national of the United States of America and the United Kingdom, freelance journalist, who was killed in South Sudan while on duty. Alleged victims: 1 More details...	03 Mar 2020
20 Dec 2019 United States of America AL USA 26/2019	<ul style="list-style-type: none"> • housing 	Information received concerning persons living in homelessness in the United States. Alleged victims: 1500000 More details...	
09 Dec 2019 United States of America AL USA 25/2019	<ul style="list-style-type: none"> • executions 	Information received concerning allegations that the killing of 11 civilians on 11 August 2019 in Kulalgo Village, Zurmat district, Paktia Province, Afghanistan, by National Directorate of Security Special Forces, locally known as Shaheen forces, and allegedly belonging to Unit 01, occurred with the assistance of, or under the direct command of American officials. Alleged victims: 17 More details...	

Communications report to session 44 of the Human Rights Council, communications sent from 01 Dec 2019 to 29 Feb 2020 and their replies received until 30 Apr 2020. Some names of individuals or other information have been rendered

Date, Country and ref. no. of communication	Summary		Replies received																												
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Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the right to privacy

REFERENCE:
AL USA 3/2020

24 February 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 34/19, 42/22, 35/6, 42/16 and 37/2.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged excessive use, by authorities at the Connecticut Department of Correction, of in-cell restraints combined with indefinite and punitive use of prolonged isolation or solitary confinement and denial of appropriate mental health treatment, which reportedly has severe physical and psychological impact on at least 15 persons (see Annex 1 for the list of names) currently or formerly incarcerated at Northern Correctional Institution and other Connecticut correctional facilities.**

According to the information received:

The Connecticut Department of Correction (the DOC) routinely resorts to practices of prolonged isolation and in-cell restraints for the purpose of punishing and/or controlling inmates. The individuals named in this letter (see Annex 1) reportedly have been subjected to unwarranted long term social and sensory deprivation at Northern Correctional Institution ("Northern"), and many of these individuals have been denied appropriate medical and psychosocial support such that their mental health and well-being has deteriorated to the point where they have engaged in desperate and self-destructive acts.

Northern Correctional Institution

Northern, operational since 1995, is Connecticut's sole "supermax" prison. Six

7. Please explain what measures are being implemented to ensure the provision of reasonable accommodation to inmates with psychosocial disabilities.
8. Please provide information on steps taken by your Excellency's Government to define a maximum term beyond which solitary confinement would be considered prolonged and therefore banned.
9. Please provide information on the steps taken by your Excellency's Government to implement the recommendations and guiding principles for all correctional systems in the January 2016 "U.S. Department of Justice Report and Recommendations Concerning the Use of Restrictive Housing."

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

SUBJECT: Death of Journalist Christopher Allen in South Sudan

The continued fight against extrajudicial, summary, and arbitrary executions is an issue of utmost importance to the United States. We therefore thank you for your January 30, 2020, correspondence regarding the death on August 26, 2017, of U.S. freelance journalist Christopher Allen in South Sudan.

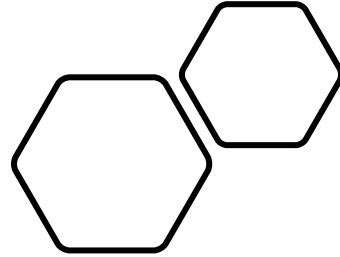
The United States has a longstanding commitment to promoting the safety of journalists. Journalists are often the first to report from the front lines of conflict zones, to uncover corruption, and to highlight missteps by governments. This work places many journalists in danger, and it is important for governments and citizens worldwide to speak out for their protection and for their vital role in open societies.

We have forwarded your communication, as requested, to the Federal Bureau of Investigation. The United States remains fully engaged on this case and, since Mr. Allen's death in August 2017, has clearly and repeatedly stated to the government of South Sudan its expectation for a full and credible investigation into the facts and circumstances surrounding his death. During his visit to Juba in January 2020, Assistant Secretary for African Affairs Tibor Nagy pressed President Kiir directly for an update on South Sudan's promised inquiry into the death of Christopher Allen.

On behalf of the United States, we thank you for your tireless efforts in addressing your mandate. We take this opportunity to renew our support for your mandate and the assurances of our highest consideration.



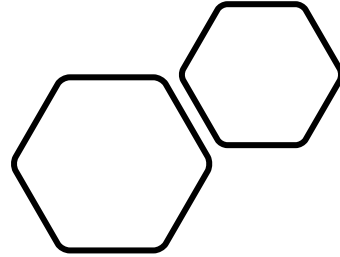
Consent and Confidentiality



- Alleged victims WILL be named in communications
 - Allows government to investigate and respond to specific allegations
- Very limited exceptions if concerns with security of the alleged victims



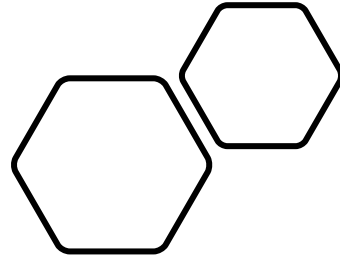
Consent and Confidentiality



- Reports to the Human Rights Council include case summaries, including names of alleged victims
- Exceptions:
 - minors
 - alleged victims of sexual violence
 - clear security concerns



Consent and Confidentiality



- Special procedures REQUIRE victim consent
- Submission must state whether victim (or family or representative) consents to:
 - Disclosure of name to the government
 - Publication of name in the report to the Human Rights Council
- Without consent to disclose the victim's name to the government, the Special Procedures typically will not take any action.

Consent

You must check the box below to indicate you have the consent of the alleged victim to make a submission to Special Procedures. *

- I am/we are the alleged victim(s), and I/we give my/our consent
- I am/we are the representative(s) of the alleged victim(s), and I/we have her/his/their consent
- I am/we are member(s) of the family/ies of the alleged victim(s), and I/we have her/his/their consent
- The nature of the allegation is such that consent cannot be obtained, e.g. the victim(s) is/are dead or has/have been subject to an enforced disappearance

Back

Next

Consent

Before giving consent, please note that:

- The identity of alleged victims will be included in communications with Governments and others, such as intergovernmental organisations, businesses, military or security companies. If the alleged victims or their representatives make it clear in the submission that concerns relating to the security of the alleged victims exist, the experts may exceptionally decide to withhold the victims' names from the communication
- The names of alleged victims usually appear in the public Communications reports of the Special Procedures - except alleged victims under 18 years of age or alleged victims of sexual violence, whose names are NOT published. If the alleged victims or their representatives make it clear in the submission that concerns relating to the security of the alleged victims exist, the names of the alleged victims will NOT be published.



How much time does the process take?



Urgent cases = staff may take initial action within 24 hours



One month or more for the Special Procedures to prepare the communication



60 days after the communication, it becomes public



Current US administration:
37% response rate, average time 89 days

- Online form:
<https://spsubmission.ohchr.org/en>
- 24 hours to complete after you open a case



How to file a submission

What's the point?

- Every incident captured builds bigger picture
- Creates historical record
- Forces US response (or non-response)
- Raises awareness of violations and of rights



Photo by [Kelly Lacy](#) from [Pexels](#)